

Talking Points

Religious Liberty and Refusals of Care

The National Council of Jewish Women's (NCJW) Message

Clauses in existing law and government regulation that allow health care entities and providers to refuse care based on their religious or “moral” beliefs are known as “refusals of care” or simply as “refusals.” Examples include a physician refusing to provide an abortion for a woman in an acute medical crisis or an insurance company overriding patient preferences for end-of-life care. Religious liberty is meant to be a shield protecting free exercise, but the federal government has manipulated this constitutional principle to advance its anti-woman, anti-abortion, anti-LGBTQ agenda and to deny vulnerable patients needed care. **NCJW strongly opposes laws and regulations granting entire institutions and individual providers the rights of conscience that should be left to patients, which are directly contrary to the Jewish values of pursuing justice for all, ensuring fair treatment for all, and safeguarding individual religious liberty.**

- **Allowing the personal beliefs of health care entities and providers to override patient care jeopardizes public health and lives.** For many patients, refusals of care do not merely represent an inconvenience, but can result in delay or outright denial of vital care. These refusals are particularly dangerous in situations where individuals have limited options, such as in emergencies, when needing specialized services, in rural areas, or in areas where religiously-affiliated hospitals are the primary or sole institution serving a community. As each of us is made in the image of the divine — *b'tselem Elohim* — every person's health is paramount and it is simply unacceptable to threaten patient health and lives by refusing care.
- **Refusals clauses and regulations compromise the religious liberty and ethical obligations of health care providers.** Employees of health care institutions do not necessarily share the same faith or “beliefs” as their employers. Allowing an employer to dictate the type of care providers can or cannot provide directly impedes their religious liberty and ignores the many providers with deeply held moral convictions that affirmatively motivate them to provide abortions, transition-related care, and end-of-life care. Refusals of care based on personal beliefs also interfere with providers' ability to deliver care according to professional standards and undermine open communication with patients.
- **Discrimination has no place in health care.** Based on the Jewish value of *kavod ha bri'ot* (respect and dignity for all human beings), NCJW believes that we have an obligation to care for our health and to ensure all others can do the same. The proper role of government is to guarantee fair treatment and to protect the freedom of conscience for all patients. By sanctioning discriminatory activity in health care, the government promotes inequality and obstructs patients' decision-making, compromising their moral autonomy and human rights.