



**Association of  
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April 8, 2009

Charles E. Johnson  
Acting Secretary  
Department of Health and Human Services  
Hubert H. Humphrey Building  
200 Independence Avenue, S.W.  
Washington, DC 20201

**RE: Rescission Proposal Comments, 74 Federal Register 10207**  
Submitted electronically to: <http://www.Regulations.gov>

Dear Acting Secretary Johnson:

The Association of American Medical Colleges is a not-for-profit association representing all 130 accredited U.S. and 17 accredited Canadian medical schools; nearly 400 major teaching hospitals and health systems, including 68 Department of Veterans Affairs medical centers; and nearly 90 academic and scientific societies. Through these institutions and organizations, the AAMC represents 125,000 faculty members, 75,000 medical students, and 106,000 resident physicians. We welcome the opportunity to comment on the proposed rule, *Rescission of the Regulation Entitled 'Ensuring That Department of Health and Human Services Funds Do Not Support Coercive or Discriminatory Policies or Practices in Violation of Federal Law.'*

In response to the 2008 proposed rule, the AAMC submitted a comment letter to HHS on September 23, 2008 (available at <http://www.aamc.org/advocacy/library/teachhosp/corres/2008/092308.pdf>). In it the AAMC urged the Department to withdraw the proposed regulation. For the reasons stated in that letter, and described briefly below, and because the final rule did not vary significantly from the proposed rule, **the Association supports the current proposal to rescind the rule.**

As we described in our 2008 letter, the education of medical students and residents involves teaching about practicing medicine in a multi-cultural and multi-ethnic world in which patients and their families hold a wide diversity of views on many complex ethical issues that affect health care decisions. The rigors of medical education, combined with requirements of the accrediting organizations, assures that physicians will understand and be sympathetic to the traditions, values, and beliefs of their patients. The letter also noted that those who choose the profession of medicine are taught repeatedly during their

medical school and residency training that, in the end, their duty to care for the patient must come first, before self.

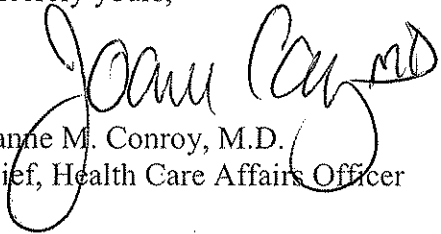
The AAMC concluded that the 2008 proposed rule would allow health care professional to engage in behavior that could harm patients (refusing to give a patient a referral) and thus would be an affront to the standards of medical professionalism that are the core of a physician's education and the practice of medicine.

The AAMC also found the 2008 regulation to be overly broad in scope and to be beyond the Department's statutory authority. Further, the rule failed to address how its requirements would interact with laws, such as Title VII of the Civil Rights Act of 1964, and the HIPAA privacy requirements. The AAMC's comment letter noted that the rule could conflict with many existing state laws that protect women's access to comprehensive reproductive health care and other services.

None of the issues identified as being problematic with the 2008 proposed rule were addressed when the final rule was published. No evidence has surfaced that suggests that the protections provided to health care workers by the "Church Amendments" are insufficient. Therefore, the Association supports the proposal to rescind the rule.

If you have any questions please contact Ivy Baer of my staff at 202-828-0499 or [ibaer@aamc.org](mailto:ibaer@aamc.org).

Sincerely yours,



Joanne M. Conroy, M.D.  
Chief, Health Care Affairs Officer