



# Scholl Institute of Bioethics

# Bioethics Review

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The Scholl Institute of Bioethics is a nonprofit, Judeo-Christian organization that addresses bioethical issues including euthanasia, physician-assisted-suicide, the withholding or withdrawing of food and water from non-dying patients, brain death, organ transplantation, genetic engineering, and the rights of disabled or mentally ill persons.

## Will Conscience Protection For Those In The Medical Profession Survive?

by Germaine Wensley RN, BS and Andra Saglimbene, JD

What will the medical profession look like if conscience rights are not protected?

The foundations of modern western medicine are derived from the classical Greek tradition (800 B.C. – 200 A.D.)<sup>1</sup> When Greek medicine transitioned from mystical toward observation and logical reasoning the Greek's saw a need for professional ethical standards and developed the Hippocratic Oath.<sup>2</sup> Over the centuries, the exact wording has varied but it was understood that the purpose of the medical field was to provide treatments *in the pursuit of health* or the "well-working of the organism as a whole."<sup>3</sup> Today, that understanding no longer exists. As a result, the desires of a patient, improvement of personal virtue or public order, and the alteration of human nature are controlling medical procedures - not the pursuit of health<sup>4</sup>.

Today, there is a strong push by groups, such as abortion lobbyist, bioethicist establishments, and pharmaceutical companies for doctors and nurses who continue to practice with a professional ethical standard, grounded in the pursuit of health, to leave the medical profession. These same groups have led the charge to eliminate or significantly modify the Hippocratic oath in most medical schools.

Ethical doctors do not want to be forced to perform medical procedures that violate their conscience. In response to this desire, former President Trump's administration formed a new Conscience and Religious Freedom Division within the Department of Health and Human Services. The Office of Civil Rights (OCR) Director, Roger Severins stated, "For too

long, governments big and small have treated conscience claims with hostility instead of protection, but change is coming and it begins here and now." A new conscience protection rule was published on May 21, 2019 and Roger Severins said

it "ensures that healthcare entities and professionals won't be bullied out of the health care field because they decline to participate in actions that violate their conscience, including the taking of human life."<sup>5</sup>

Shortly after the rule became effective, the hostility towards conscience rights was confirmed by the fact that there were three suits filed against the government over the rule. The plaintiffs included 19 states, the District of Columbia, three local governments, Planned Parenthood's national federation and Northern New England affiliate, and National Family Planning and Reproductive Health Association and Public Health Solutions, Inc. New

***Hostility towards  
conscience rights  
confirmed***

York Federal Judge Paul A. Engelmayer issued a decision blocking the rule. The Trump administration continued to appeal that ruling, but will the new administration?

In Colorado last year, conscience rights were assaulted in a different manner. After Colorado's legislature could not or would not pass a physician-assisted suicide law in 2014 and 2015, the next year a referendum was introduced and passed by voters. It stated "a health care facility may prohibit a physician employed or under contract with the facility from prescribing medication to an individual who intends to use the medication *on the facility's premise*."<sup>6</sup> As a result, a doctor who worked at a Catholic health care facility, and was subject to their ethical directives, sued the medical facility because she was prohibited from writing a lethal overdose prescription for her patient in that facility with advanced cancer.<sup>7</sup> It seems even institutions trying to protect individual conscience rights are also now under attack.

A person's conscience is not a person's personal preference, but rather a responsibility to act in a manner consistent with the truth God has revealed to a person.<sup>8</sup> St. John Henry Newman defined conscience as the original voice of God in an individual.<sup>9</sup> A medical professional's ethical standards, grounded in the pursuit of health, are not their personal preferences, but their duty as revealed by God, to provide treatments that contribute to the well being of the human body and soul.

Now more than ever, because these blatant attacks on freedom of conscience are heating up, the medical profession has a critical need for conscience protection.

Will the new administration, legislators and courts, however, recognize this need? If forced to violate their religious or moral beliefs, many in the medical field will choose to leave their profession; others may choose not to enter it at all knowing it may be impossible to practice according to their conscience.

Consider the harm done to society if moral and ethical individuals are driven out of the medical field. Let us pray for the new administration, legislators and courts to above all heed the words of St. Paul and

"... not conform to the pattern of this world, but be transformed by the renewing of your mind. Then you will be able to test and approve what God's will is—his good, pleasing and perfect will."<sup>10</sup>

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#### NOTES

1. [www.nlm.nih.gov/hmd/greek/greek\\_about.html](http://www.nlm.nih.gov/hmd/greek/greek_about.html)
2. Id.
3. *True Purpose of Medicine: Advice for Medical Students*, by Margaret S. Chisolm, MD quoting Leon Kass, August 28, 2019
4. Id.
5. <https://www.npr.org/sections/health-shots/2019/11/06/776765601/judge-scraps-conscience-rule-protecting-doctors-who-deny-care-for-religious-reas>
6. *Are we Witnessing the Coming Extinction of Conscience Rights?* Nancy Valko RN, December 13, 2019
7. Id.
8. <https://media.ascensionpress.com/video/do-i-have-a-good-conscience/>
9. Id.
10. Rom. 12:2 NIV5

For more information go to: [www.schollbioethics.org](http://www.schollbioethics.org)