

January 7, 2020

The Honorable Alex M. Azar II
Secretary
U.S. Department of Health and Human Services
200 Independence Ave SW
Washington, DC 20201

Dear Secretary Azar:

We are deeply grateful to you and your staff for your tireless efforts and unwavering commitment to protect human life at all its stages. It is out of this shared commitment to life and human dignity that we and our organizations write to you now on a matter of the utmost importance.

As you know, several U.S. jurisdictions have passed legislation giving doctors immunity from civil and criminal liability for assisting the suicide of persons diagnosed with terminal disabilities. Tragically, in these jurisdictions and for this class of persons, and for them alone, suicides are now facilitated by physicians, usually with no psychological assessment or other medical treatment, typically with no consultation with family and loved ones, and in every case without the interventions and protections provided as a matter of course to all other suicidal persons.

Though currently limited to a handful of states, the movement to assist the suicide of persons with terminal disabilities mirrors a growing prejudice against such persons that has affected medical practices nationally. Animating and underlying this prejudice is the deeply-offensive notion that persons with disabilities have lives less worth living than non-disabled persons, that disabled persons are, in a phrase, “better off dead.”

This alarming and growing prejudice has affected medical practices nationally in at least two specific areas.

First, persons with disabilities are increasingly refused the life-sustaining treatment and other medical care provided to similarly-situated non-disabled persons.

Second, as illustrated by the Department’s Office for Civil Rights’ intervention in at least one recent case, organ transplant providers have been discriminating against persons with disabilities by barring them from organ transplant lists despite the post-operative care and support system and other conditions that render them favorable candidates for such transplants.

Public policies that withhold from disabled persons the interventions and protections afforded to all other persons with suicidal impulses, or that refuse life-sustaining or other medical care to persons with disabilities, or that exclude them from organ donation lists, all because of a disability, violate section 1557 of the Affordable Care Act and Section 504 of the Rehabilitation Act, provisions that forbid discrimination on the basis of disability in health care and federally funded programs, respectively.

Section 1557 expressly confers upon HHS the authority to issue regulations to enforce its non-discrimination provisions. It is critical, in our view, that HHS now exercise that authority by issuing regulations to address and forbid disparities in the provision of suicide prevention care and services, life-sustaining care, and organ transplants.

We understand from friends and allies that they and others in the disability rights community have also requested HHS's intervention and regulation on these issues. In solidarity with them, **we strongly support this action and join them in urging HHS to make such regulations a top priority.**

We stand against discriminatory policies in the American health care system. We categorically reject their discriminatory and deadly premise, which is, at its root, that life with a disability is not worth living.

Discriminatory practices in the three areas described above threaten the civil rights and the very lives of persons with disabilities. We firmly support them and trust you will too by using the authority Congress vested in the Department to uphold their dignity and to protect their lives.

If it would be helpful, we would be happy to meet personally with you and others in the Department to discuss these matters further.

Sincerely,

Archbishop Joseph F. Naumann
Archbishop of Kansas City, KS
Chairman, Committee on Pro-Life Activities
United States Conference of Catholic Bishops

Marjorie Dannenfelser
President
Susan B. Anthony List

Carol Tobias
President
National Right to Life Committee

Tim Chapman
Executive Director
Heritage Action for America

Russell Moore
President
Southern Baptist Ethics & Religious Liberty
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Catherine Glenn Foster
President & CEO
Americans United for Life

Tom McClusky
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Joseph Meaney, PhD
President
National Catholic Bioethics Center

CC:

President Donald J. Trump

Mr. Roger Severino, JD
Director, HHS Office for Civil Rights (OCR)

Ms. Seema Verma, MPH
Administrator, Centers for Medicare and Medicaid Services (CMS)