



CATHOLIC DIOCESE OF JACKSON

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September 29, 2011

Centers for Medicare & Medicaid Services
Department of Health and Human Services
Attn: CMS-9992-IFC2
P.O. Box 8010
Baltimore, MD 21244-8010

Submitted Electronically

Re: Interim Final Rules on Preventive Services; File Code CMS-9992-IFC2

Dear Sir or Madam:

I am Joseph N. Latino, Bishop for the Catholic Diocese of Jackson, Mississippi. On behalf of the Diocese, I respectfully submit the following comments on the interim final rule on preventive services proposed by Health and Human Services ("HHS"). 76 Fed. Reg. 46621 (Aug. 3, 2011).

General Comments

The Diocese is a "mission diocese" and dependent upon support from other dioceses and benevolent donors. We are home to over 48,000 Catholics in 99 parishes and missions. The Diocese covers 65 counties and almost 38,000 square miles making it the largest geographical diocese east of the Mississippi River. Less than 3 percent of the population within the Diocese is Catholic.

HHS is proposing that only religious employers meeting four criteria would be exempt from providing contraceptives and female sterilization through their health plans. Those requirements are that the organization "(1) has the inculcation of religious values as its purpose; (2) primarily employs persons who share its religious tenets; (3) primarily serves persons who share its religious tenets; and (4) is a nonprofit organization" under specific sections of the Internal Revenue Code. The Diocese finds that numbers 2 and 3 of this list are too narrowly drawn.

There is a very real risk that the Diocese could soon be forced to choose from three untenable options: ***offer contraception coverage, limit its ministries to serving Catholics only, or stop offering insurance to its employees altogether.***

The Diocese's insurance plan does not include services that run contrary to Church teaching. The Diocese could avoid the new federal regulation on contraception coverage as long as it makes no significant changes to its insurance plan, because the health reform law allows current plans to be "grandfathered in." The Diocese's intention is to remain grandfathered, but the Diocese reviews its health insurance coverage plan annually and sometimes makes changes -- as do most employers -- so there's a risk that the Diocese could become ensnared in the new federal mandate within a year or two.

The unfortunate result of the HHS mandate is that it would apply in virtually every instance where the Diocese serves as an employer, requiring the Diocese violate its own tenets by forcing Catholic entities to provide contraception and sterilization coverage.

Diocesan Programs & Services

The Diocese's social services ministries serve thousands of people each year – and for the most part they are not Catholics. From food pantries to adoption services to shelters for battered women, and more, the Diocese does not scrutinize clients' religious tenets before they help them. The Diocese also hires people of all religious faiths, and diocesan schools enroll non-Catholic students.

Parish outreach programs or services included emergency assistance, food pantries, transportation, Christmas and Thanksgiving baskets, second hand stores, after school programs, ESL classes, GED classes, tutoring programs, recreation programs, prison/ jail ministry, and other similar community bases programs. For the most part, and well over a majority of the people served by these ministries, are non-Catholics.

The educational institutions within the diocese serve and employ many non-Catholics. In fact, about half of the teachers, staff and administrators are non Catholics. Fifty-seven percent of the students at these institutions are non-Catholic. If forced to enroll only Catholics, over 2,500 children would not be educated in a Catholic school system.

Catholic Charities employs about 175 persons with about 90% of those being non-Catholic. In FY 2009-2010, it served 26,200 persons and 72% were not Catholic. If Catholic Charities had to meet the exemption requirements proposed by HHS, Catholic Charities would have to either close the following programs or offer them only to Catholics, which would be problematic because then it would disqualify the organization from receiving funding for the programs:

(1) **Domestic Violence Shelters** in Jackson and Natchez provide safe refuge for women and children victims of family violence. We make available emergency shelter, daycare and counseling. We also offer violence prevention education. Second Stage Housing and supportive services are available after survivors leave shelters. In FY 2009-10 we served 6,600 persons.

(2) **Rape Crisis Centers** in Jackson and Natchez assist victims of sexual assault with medical intervention and counseling. We make sexual violence preventions presentations before school, law enforcement and community groups. 5,608 individuals were served in FY 2009-10.

(3) **Adoption, Maternity Care and Foster Care.** Adoption services are offered to those seeking to open their homes and hearts to children. Our services include domestic and international home studies, pre and post placement services for adoptive families, services to birth parents and counseling which is available throughout the life of the adopted child. Maternity care services are offered to women facing an unplanned pregnancy. Services include prenatal counseling, exploring parenting options, adoption planning and referrals. Infant foster care is provided on a short term basis for infants pending adoption or reunification with birth families. 274 persons were served last fiscal year.

(4) **Hope Haven Home-based** services for children with serious emotional disturbances (SEDs) specializes in counseling and service coordination. 118 persons were served including youth and their families.

(5) **Hope Haven Residential** services for children with SEDs provides mental health services for children in a residential therapeutic crisis center which involves a short term respite with individual, group and family therapy. Crisis Response and Outreach offers 24 hour telephone and mobile crisis response with on-site intervention for the family in crisis. 418 persons were served in FY 2009-10.

(6) **Unaccompanied Refugee Minors** program is a long term therapeutic foster care service for refugee children from war and disaster torn countries and persons seeking political asylum. 40 youth from around the world were served last year.

(7) **Solomon Counseling Services** provides comprehensive, professional and affordable counseling services for individuals, couples and families. The Center is a Department of Mental Health certified community out-patient counseling center for children and adults. The Center served 240 persons last year.

(8) **Immigration Services** specializes in family and employment-based immigration services including permanent residence, citizenship, work authorization, Violence against Women Act cases, and visa renewal. It also provides community education, advocacy and outreach for immigrant communities. 5,582 persons were served last year.

(9) **Born Free Primary Treatment** is a program for pregnant/parenting women suffering from chemical addictions.

(10) **New Beginnings Transitional** is a program for pregnant/parenting women recovering from chemical addictions. 121 persons were served in FY 2009-10

(11) **Therapeutic Foster Care** services for youth in DHS custody with SEDs offers intensive in-home services to help children with SEDs who are in the custody of the Department of Human Services. We help these children develop the skills needed to function in the home and community settings. 159 persons were served last year.

(12) **Trauma Recovery for Youth** strives to raise the standard of care and increase access to services for traumatized children, their families and the community. 1,064 persons were served last year.

(13) **Disaster Preparedness and Response** (with the exception of training parishes in disaster response) provides structure, education and leadership to parishes and organizations to promote effective response to those affected by disasters. 848 persons were served last year.

(14) **Day treatment** services for preschoolers with SEDs provides behavior management, self-esteem building and a therapeutic classroom setting for pre-school children in the Natchez area who are not able to function in a regular classroom setting. 44 children were served last year.

(15) **Natchez Regional Office** offers an array of services including the Guardian Shelter (numbers included above), Guardian Sexual Assault Clinic (numbers included above), Counseling, Emergency Assistance (help with rent, utilities), and Guardian Thrift Store (income supports the shelter). 1,200 persons served last year (in Counseling and Emergency Assistance).

(16) **Northeast Regional Office**, located in Vardaman, MS, strives to inform and provide rural families, especially immigrant families, with available resources and programs to help them develop into strong, healthy and contributing citizens. Assistance is in the form of information and referral, advocacy, family support, translation services and emergency assistance. 449 persons were served last year.

The proposed HHS guidelines threaten all of these programs. If the proposed Regulations are implemented, Catholic Charities may very well impose severe limitations on its services and cease to exist as we know it today. In most cases, Catholic Charities is the only agency providing these services in the community, and in some cases, the entire state. If Catholic Charities were forced to discontinue these

services because of the proposed HHS regulation, it would have a devastating impact on the quality of life for people of all faiths in our state, especially the poor and most vulnerable.

Conclusion

The proposed HHS mandate is an attack on Catholic beliefs and on the religious liberty of Catholics to adhere to their beliefs. Thousands of people without regard to the religious beliefs were served last year by Diocesan educational and social programs. If the proposed regulations are adopted as written, in order to meet the exemption standards, most of these programs would either be terminated or severely restricted to serve and employ only practicing Catholics. On behalf of the Diocese, we would ask the HHS to rescind the proposed "Preventive Services Mandate" because it is an unprecedented federal interference in the religious liberty and freedom of conscience of the Catholic community and the Diocese.

Respectfully Submitted,

A handwritten signature in black ink that reads "+ Joseph N. Latino". The signature is written in a cursive style with a small cross at the beginning.

Joseph N. Latino
Bishop of Jackson