

ILLINOIS HOUSE OF REPRESENTATIVES

DISTRICT OFFICE:
929 S. MAIN STREET
SUITE 105A
LOMBARD, IL 60148
630-403-8135

SPRINGFIELD OFFICE:
214-N STRATTON BUILDING
SPRINGFIELD, IL 62706
217-782-8037

WWW.REPPETERBREEN.ORG



COMMITTEES
CONSUMER PROTECTION
ECONOMIC DEVELOPMENT & HOUSING
ENERGY
INSURANCE
JUDICIARY - CIVIL
LABOR & COMMERCE COMMITTEE
RESTORATIVE JUSTICE

PETER BREEN

STATE REPRESENTATIVE • 48TH DISTRICT

Dear Colleague,

Of the thousands of pieces of legislation you consider this session, you'll agree with some, disagree with others, and have a few where you're in the middle. But there are a handful of bills that will hit you hard, that even shake you to your core, because your particular experience or perspective tells you that these measures are dangerous.

SB 1564 is one of those bills. SB 1564 would force health care professionals and facilities in Illinois to participate in abortions, either by performing abortions or by referring or directing patients to abortion clinics.¹ SB 1564 would also make the conscience rights of health care workers contingent on the policy whims of the institutions they work for.²

SB 1564 would thus wipe away substantial protections from our Illinois Health Care Right of Conscience Act, which is primarily intended to prohibit government and private entities from forcing health care professionals and facilities to be involved with abortion. Our Act is a national model for health care legislation, last strengthened in 1997 by broad bipartisan majorities of the General Assembly.

The story behind SB 1564, as noted in the *Chicago Tribune*, is a compelling one: the protagonist is a woman who was pregnant and wanted to be sterilized in case she had a "c-section" instead of vaginal delivery.³ However, her doctor apparently did not direct her to a hospital that could execute her birth plan. Instead, she was delivered at a Catholic hospital, even though it is well known in the medical community that Catholic hospitals do not provide sterilizations. As a result, she was not sterilized per her wishes.

Patients in hospitals are essentially captive. Once you've been admitted to a hospital, you don't plan on leaving until you get better. For this captive patient, she trusted her doctor to respect her wishes, and he apparently did not. If the doctor was negligent or intentional in

¹ SB 1564, Sec. 6.1(2) & (3).

² SB 1564, Sec. 6.1 ("The protections of Sections 4 (protecting doctors and health care workers from liability), 5 (protecting doctors and health care workers from discrimination in hiring & licensing), 7 (protecting doctors and health care workers from discrimination by medical schools & employers), 8 (protecting all Illinoisans from denial of aid or benefits), 9, 10, and 11 of this Act only apply if conscience-based refusal occur in accordance with [the facility's] protocols.") & 6.2 (facility protocols trump all other individual protections of the Health Care Right of Conscience Act).

³ This is a common procedure, combining two surgeries into one for those women who wish to be sterilized after a particular number of pregnancies.

ignoring her birth plan, he should suffer the appropriate disciplinary consequences. The same goes for the hospital, if its staff knew about her plan before admitting her.

It would be one thing to put forward a bill to ensure that such a situation doesn't happen again. But SB 1564 is not that bill.⁴ Instead of dealing with the unique circumstance of patients in hospitals, SB 1564 isn't limited to the hospital setting—it requires “All health care facilities” in our state to adopt new protocols.⁵ This is a new mandate on every single doctor's office, every pharmacy, every community clinic, and even many church-run pregnancy resource centers across Illinois.

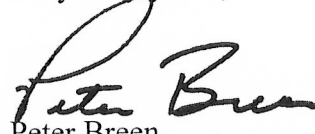
Last week, you also received a letter from Congressmen Lipinski (D-3rd), Roskam (R-6th), and Hultgren (R-14th) stating that SB 1564 would risk our state's federal health care funding, because it violates federal law, which protects individuals and organizations from being coerced into participating in abortions. Several legal organizations have issued opinions to the same effect, and certainly a flurry of lawsuits would result if SB 1564 is enacted into law.⁶

Whether you're pro-choice or pro-life on abortion, I hope you would agree the State of Illinois should not force people to participate in abortions. If you believe that the abortion decision should be between a woman and her doctor, then I hope you would agree the state has no business inserting itself into that conversation. If a woman wants a pro-life obstetrician who will not recommend or refer for abortion, I hope you would agree she should have that right.

The situations raised by the activists supporting SB 1564 at best call for a scalpel—a limited response—but SB 1564 instead takes a hatchet to our health care workers and our law.

There are numerous reasons to oppose SB 1564: whether because the bill would violate federal law and risk our funding, or because it would force people and organizations to participate in abortions, or because it imposes new mandates on every health care provider in Illinois. Whatever your reasons, I urge you in the strongest possible terms to oppose this measure.

Very truly yours,

A handwritten signature in black ink, appearing to read "Peter Breen". The signature is fluid and cursive, with the first name "Peter" and last name "Breen" clearly distinguishable.

Peter Breen

State Representative, 48th District

⁴ Another example has been put forward by the ACLU of a Catholic hospital that apparently did not transfer patient medical records to another hospital quickly enough. www.aclu-il.org/wp-content/uploads/2015/03/Mindys-testimony.pdf. This does not appear to be a case of a conscience objection delaying a transfer of medical records but, instead, possible incompetence by the hospital. Illinois law, 735 ILCS 5/8-2001, and federal laws, including HIPAA, already set the timing and procedure for medical records transfers.

⁵ SB 1564, Sec. 6.1.

⁶ SB 1564 may also cause additional litigation by reversing settled Illinois caselaw providing conscience protections for pharmacists. *Morr-Fitz v. Blagojevich*, 2012 IL App (4th) 110398.