



Written by [Dave Bohon](#) on December 27, 2010

Catholic Hospitals Fight to Stay Pro-life

The November 2009 case involved a young woman who was 11 weeks pregnant when she developed what doctors identified as life-threatening pulmonary hypertension, prompting them to abort her baby.

After learning of the actions by medical staff some six months later, Bishop Thomas Olmsted of the Roman Catholic Diocese of Phoenix took a number of steps in an effort to preclude future breaches of Catholic directives meant to protect the life of both mother and child, including arranging for the excommunication of a nun involved in the controversial decision, as well as directing the hospital to take steps that would ensure its staff is complying with church policy concerning abortion.



On December 21, after months of negotiations with the hospital officials, Bishop Olmsted made the decision to remove the hospital's Catholic status, explaining in a statement that his communication with hospital executives had "eroded my confidence about their commitment to the Church's ethical and religious directives for healthcare. They have not addressed in an adequate manner the scandal caused by the abortion."

In a letter to Donald Berwick, administrator of the federal Centers for Medicare and Medicaid Services (CMS), ACLU attorneys applauded the hospital "for doing what is right by standing up for women's health and complying with federal law," but argued that the confrontation with the Catholic diocese of Phoenix "never should have happened in the first place, because no hospital — religious or otherwise — should be prohibited from saving women's lives and from following federal law."

According to the [Washington Post](#), the latest letter from the ACLU followed up a complaint in July from the group "asking for a federal investigation of similar problems at Catholic hospitals across the country, including refusals to provide emergency contraception to rape victims or perform abortions on women having miscarriages."

In the latest letter the ACLU attorneys complained that Bishop Olmsted's "heavy-handed actions send a chilling message to Catholic hospitals throughout the country, as well as their employees: If hospitals comply with federal law and provide emergency abortion care there will be consequences." The attorneys went on to declare that the "dioceses cannot be permitted to dictate who lives and who dies in Catholic-owned hospitals."

While the 670-bed St. Joseph's Hospital, which was established in 1895 by the Sisters of Mercy, does not receive funding from the diocese of Phoenix, the ruling by the Bishop means that it will be forced to remove the Blessed Sacrament and will no longer be permitted to celebrate Mass in the hospital's chapel.



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Ellen Griffith, a spokesman for CMS, said that the ACLU's original complaint, made in July, was still pending and CMS officials had yet to review the latest letter, which asks federal officials to force Catholic hospitals to perform "emergency reproductive health care" under terms of the federal Emergency Medical Treatment and Active Labor Act (EMTALA) and Conditions of Participation of Medicare and Medicaid.

In announcing his ruling, Bishop Olmsted explained that in addition to the latest abortion, other violations of Church teaching had taken place at hospitals and clinics, which, like St. Joseph's in Phoenix, are operated by Catholic Healthcare West (CHW). Those violations, said the Bishop, included dispensing contraceptives, sterilizations, and performing abortions "due to the mental or physical health of the mother or when the pregnancy is the result of rape or incest."

Recalled the Bishop, "For seven years now, I have tried to work with CHW and St. Joseph's, and I have hoped and prayed that this day would not come, that this decree would not be needed; however, the faithful of the Diocese have a right to know whether institutions of this importance are indeed Catholic in identity and practice."

In clarifying the decision by doctors to perform the abortion that led to the Bishop's ruling, Linda Hunt, president of St. Joseph's Hospital and Clinic, explained, "Consistent with our values of dignity and justice, if we are presented with a situation in which a pregnancy threatens a woman's life, our first priority is to save both patients. If that is not possible, we will always save the life we can save, and that is what we did in this case.... Morally, ethically, and legally we simply cannot stand by and let someone die whose life we might be able to save."

In his [official statement](#), however, Bishop Olmsted explained, "In this case, the baby was healthy and there were no problems with the pregnancy; rather, the mother had a disease that needed to be treated. But instead of treating the disease, St. Joseph's medical staff and ethics committee decided that the healthy, 11-week-old baby should be directly killed. This is contrary to the teaching of the Church (Cf. *Evangelium Vitae*, #62)."

An editorial in the [New York Times](#) called the decision by the heads of St. Joseph's and CHW to continue to allow abortions at their facilities "commendable," saying that it "upholds important legal and moral principles," as well as emphasizing "the need to ensure that religiously affiliated hospitals comply with their legal duty to provide emergency reproductive care."

The editorial derided the United States Conference of Catholic Bishops for supporting Bishop Olmsted's ruling, saying that while no one is suggesting Catholic hospitals should be forced to perform non-emergency abortions, "the need to accommodate religious doctrine does not give health providers serving the general public license to jeopardize women's lives."

By contrast, Dr. Leonard Rybak of the Catholic Medical Association called Bishop's Olmsted's ruling a "significant step by a bishop to exercise his legitimate role as teacher and defender of the faith." Emphasizing the crucial role a local bishop has of ensuring the "integrity of Catholic ministries in his diocese," Rybak noted that Catholic healthcare providers "are entering a period of unprecedented challenges driven by technological developments, an aggressively secular culture, and upheaval in health care law and financing. It is critically important for Catholic providers to present a clear, consistent, and compelling witness in the face of these challenges. This will only be possible if Catholic health care providers are unified and in union with Christ and his Church."

Tom Brejcha, president and chief counsel for the Thomas More Society, warned that the ACLU's latest



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actions herald “nothing less than a new onslaught of attacks against the Church’s core teachings that human life is sacred from conception to natural death, that procured or directly intended destruction of a viable fetus by abortion is never morally permissible, and that those who participate or materially aid in such acts per se put themselves out of communion with the Church.”

Brejcha told the Catholic News Agency that the ACLU’s argument “that abortions are sometimes necessary to ‘save a life’ and its contention that reproductive health care may require the killing of unborn human beings should provoke an enlightened, invigorated and sustained response from Catholics and others who believe that every human life is endowed with an inviolable right to life.”

Photo of St. Joseph’s Hospital: AP Images



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