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Health worker 'conscience' bill clears Idaho Senate

Such employees would have to first tell employers if any services violated ethics.

After long and emotional debate, senators voted 21-13 on Friday to let pharmacists, nurses and others choose not to provide help for abortions, stem-cell therapy, emergency contraception or end-of-life care. The measure now goes to the House, where a similar bill aimed at giving pharmacists conscience protections passed 48-21 last year before stalling in the Senate health committee.

This year's measure, written by anti-abortion activists, bypassed that committee and went to the more sympathetic State Affairs Committee, where it passed 6-3.

Backers including Sen. Chuck Winder, R-Boise, said this wasn't a "right-wing scheme" brought by a "bunch of religious fanatics," but a heartfelt effort to give health care workers protection against having to do something that contradicts their moral or ethical beliefs. Doctors in Idaho already have similar protections.

The bill won't absolve nurses or pharmacists of their duty to provide the best care possible, said Sen. Russ Fulcher, R-Meridian.

"It was never the intent of the authors and sponsors of this bill to try to change in any way what licensed health care professionals disclose," Fulcher said. "That hasn't been touched. The only thing this does is it allows non physicians and other licensed health care professionals to have the same (rights) that physicians currently have."

Opponents argued the bill could have unintended consequences and invite litigation. Senate Minority Leader Kate Kelly, D-Boise, said a victim of incest or rape could wind up without adequate counseling or emergency-contraception drugs when she needs them most. "As a matter of freedom, she should be entitled to know all the options available to her," Kelly said. "Then, she should be able to make that choice."

Sen. Les Bock, D-Boise, feared the bill would complicate already difficult decisions about how people like his 95-year-old mother are allowed to die. Sen. Joyce Broadsword, R-Sagle, said the bill's tinkering with end-of-life issues turned her against it. "I probably could have supported this legislation had the authors not included the end-of-life portion," Broadsword said.

According to Senate Bill 1353, "Employers of health care professionals shall reasonably accommodate the conscience rights of their employees É upon advanced written notification by the employee."

Employers couldn't discriminate against health care professionals who decline to provide services that violate their consciences - "unless the employer can demonstrate that such accommodation poses an undue hardship." Professionals also cannot be held "civilly, criminally or administratively liable" for declining to provide health care services, "except for life-threatening situations."

In instances where a health care professional invokes a conscience right in a life-threatening situation where no other care is available, the professional would still have to provide services until an alternative caregiver is found.

The measure's authors, abortion opponents David Ripley and Christ Troupis, say that exception will ensure that people from Idaho's rural areas with limited access to pharmacies and hospitals won't be denied legal, constitutionally protected services.

"We require that in small communities they indeed provide that service," until that service can be provided by somebody who doesn't object, Winder said.

Even so, foes insisted rural Idaho stands to be most affected.

Sen. Shawn Keough, R-Sandpoint, blasted the inclusion of end-of-life care and stem-cell research in the same section of Idaho law that covers abortions and contraception. That broadens the legislation beyond the protections now afforded doctors, she said.

"It's poorly written, it mixes issues, it ignores rural areas and invites costly lawsuits at a time when we can ill afford them," Keough said.