



Legislative

Fact Sheet

SB 83 – Allows for Healthcare Services to be Denied on the Basis of ‘Beliefs’ Held by Insurance Companies & Employers as Well as Anyone Working in a Health Care Facility

Sponsored by: Senator Meredith

Bill Summary

SB 83 creates a new section of KRS Chapter 344 – Kentucky Civil Rights Act so that:

A medical practitioner, healthcare institution or healthcare payer shall have the right not to participate in or pay for any examination, testing, diagnosis, referral, dispensing/administering drugs or devices, therapy/counseling, research including services provided by allied health professionals, paraprofessionals, or care or necessary services provided by any employee of a health care institution which violates his her or its conscience

Conscience: not only religious beliefs, but moral, ethical and philosophical beliefs, which are not defined and could feasibly encompass any belief an individual, a medical facility, an insurance company or an employer claims to hold – Too vague!

Who is considered a medical practitioner? Any person who may be or is asked to participate in a healthcare service – Too broad !

What healthcare institutions are covered? Any public or private hospital, clinic, medical center, professional association, ambulatory surgical center, private office, pharmacy nursing home, medical school, nursing school, medical training facility

The right to refuse to pay for services on the basis of “conscience” extends to employers along with insurance companies and Managed Care Organizations

Why is SB 83 Bad for Kentuckians

“Conscientious objection” in health care is a form of compromise whereby an incredibly broad group of health care practitioners, ancillary employees, facilities of many kinds, insurance companies and employers can refuse to take part in, pay for or provide coverage for safe, legal, and beneficial medical procedures to which they have any objection, which they can claim is a philosophical belief.

This broad spectrum of individuals and corporate entities should not be allowed to make moral judgments about patients. None of these should be allowed to offer partial medical services, partially discharge their obligations to care for their patients or refuse to pay for treatment. The primary goal of a health service is to protect the health of its recipients. The door to “belief-driven medicine” is a door to a Pandora’s box of idiosyncratic, bigoted, discriminatory medicine.

At the Very Minimum, SB 83 Should be Clarified and

s Limited in Scope

Conscience should be defined in more concrete and tangible terms.

Conscientious objection should be limited to true medical professionals, not all employees of a healthcare entity.

Insurance companies and MCOs should not be included.

Medical professionals should be required to file a detailed form and make it accessible to the public so that prospective patients know specifically what services will not be provided – must be provided to Medicaid recipients when they select a MCO and a provider.

For more information about this bill,
contact:

Mary Savage or Angela Yannelli at
the

Kentucky Coalition Against Domestic

Examples of What SB 83 Would Allow

A vegetarian cardiologist with deeply held ethical beliefs about the health, animal rights and environmental needs to eliminate meat form the human diet could refuse to prescribe cholesterol lowering medication if they believed by doing so patients would simply avoid changing their diet and continue to eat meat

A male or female nurse with deeply held religious beliefs that women should not be in the same room with a man who was not her husband or a family member could force those restrictions upon the medical practice or hospital where they are employed

A radiologist with a deeply held moral belief that survivors of intimate partner violence should not be 'enabled' to stay in an abusive relationship might refuse to take xrays of a possible broken jaw when they see in the patient chart they have been treated for injuries in the past and disclosed the violence in their life to medical staff

A receptionist at a therapist's office with a deeply held belief that same sex relationships are morally offensive and wrong could refuse to schedule appointments for a teenager who has identified as LGBTQ who seeks treatment for depression and being bullied at school

A Nurse Practitioner with a deeply held ethical belief that senior men should not be prescribed Viagra because of the research that shows the connection between such prescribing and the rise in rates of older, married, heterosexual women testing positive for STIs, including HIV, in the wake of their husbands taking Viagra would be allowed to refuse to prescribe it to men over fifty.

A pharmacy tech with a deeply held religious belief that pregnancy prophylaxis is wrong could refuse to fill and dispense a prescription for such to a teenage girl who has been raped by her father

An employer with a deeply held moral belief that overpopulation is a problem and that employees should not have more than one child could refuse to provide health insurance that covers any expense related to any more than one child

An MCO with a deeply held ethical belief that individuals who refuse offered treatments will subsequently experience worsening health conditions, and therefore are responsible for their own future medical problems, could refuse to cover the costs of such needs

A pediatrician working at a hospital with a deeply held belief that all children should be vaccinated could refuse to provide services to a hospitalized child whose parents do not believe children (or anyone) should be vaccinated

A pharmacist with a deeply held belief about the origins of HIV infection could refuse to fill a prescription for HIV medication, without even knowing how the person needing the medication contracted the virus.

OPPOSE

SB 83

HEALTHCARE DISCRIMINATION LAW

SB 83 WOULD CREATE CHAOS IN HEALTHCARE

- **SB 83 would allow any worker in a healthcare setting to deny service or refuse to perform their job for any reason without repercussion. It also would allow insurance companies to refuse to pay for any service based on any grounds.**
- **79% of Kentuckians oppose SB 83, according to a Mason-Dixon Poll conducted Feb. 1-4, 2021.**
- **Three federal judges struck down a similar U.S. Department of Health and Human Services rule in three separate rulings in November 2019.**
- **The definition of "conscience" is so broad it allows for any type of belief to be used to deny healthcare service or refuse to do a job in a hospital or medical office:**
From SB 83: "Conscience' means the religious, moral, ethical, or philosophical beliefs or principles held by any medical practitioner, healthcare institution, or healthcare payer. Conscience with respect to institutional entities or corporate bodies, as opposed to individual persons, is determined by reference to that entity or body's governing documents, including but not limited to any published religious, moral, ethical, or philosophical guidelines or directives, mission statements, articles of incorporation, bylaws, policies, or regulations;"
- **The definition of "Medical Practitioner" is so broad it applies to any worker in a healthcare setting, from doctors, nurses, and pharmacists, to ambulance drivers, dietitians, receptionists, even janitorial staff:**
From SB 83: "This includes but is not limited to doctors, nurses, practitioners, physician's assistants, nurses, nurse's aides, allied health professionals, medical assistants, hospital employees, clinic employees, nursing home employees, pharmacists, pharmacy technicians and employees, medical school faculty and students, nursing home faculty and students, psychology and counseling faculty and students, medical researchers, laboratory technicians, counselors, social workers, or any other person who facilitates or participates in the provision of healthcare to any person"
- **Some examples of how SB 83 could be used:**
 - A receptionist could refuse to check in a patient who is receiving an HIV test.
 - A counselor could refuse to provide grief counseling to a same-sex couple where one spouse has been diagnosed with cancer because it would involve "same-sex marriage counseling."
 - A medical researcher could refuse to publish the results of a state funded study because the scientific evidence was in conflict with the researcher's beliefs.



KENTUCKY POLL REGIONS

LOUISVILLE METRO: Voters in Jefferson, Bullitt, Oldham, Trimble, Henry, Shelby, Spencer and Nelson counties.

LEXINGTON/BUEGRASS: Voters in Fayette, Woodford, Franklin, Anderson, Scott, Harrison, Bourbon, Nicholas, Clark, Madison, Montgomery, Garrard, Jessamine, Boyle, Mercer, Washington, Marion, Powell and Estill counties.

NORTHERN KENTUCKY: Voters in Boone, Kenton, Campbell, Gallatin, Carroll, Owen, Grant, Pendleton, Bracken and Robertson counties

EASTERN KENTUCKY: Voters in Jackson, Rockcastle, Lincoln, Casey, Taylor, Green, Metcalfe, Adair, Russell, Cumberland, Clinton, Wayne, McCreary, Whitley, Laurel, Pulaski, Monroe, Mason, Fleming, Bath, Menifee, Wolfe, Breathitt, Perry, Leslie, Harlan, Bell, Knox, Clay, Owsley, Lee, Letcher, Knott, Pike, Floyd, Martin, Johnson, Magoffin, Morgan, Rowan, Elliott, Lewis, Carter, Greenup, Boyd and Lawrence counties.

WESTERN KENTUCKY: Voters in Fulton, Hickman, Carlisle, Ballard, McCracken, Graves, Marshall, Calloway, Livingston, Lyon, Trigg, Crittenden, Caldwell, Christian, Hopkins, Webster, Union, Henderson, Daviess, McLean, Muhlenberg, Todd, Logan, Butler, Ohio, Hancock, Breckinridge, Meade, Hardin, Grayson, Edmonson, Warren, Simpson, Allen, Barren, Hart and LaRue counties.



MASON-DIXON POLLING & STRATEGY

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JACKSONVILLE, FL - 904-261-2444

HOW THE POLL WAS CONDUCTED

This poll was conducted by Mason-Dixon Polling & Strategy, Inc. of Jacksonville, Florida from February 1 through February 4, 2021. A total of 625 registered Kentucky voters were interviewed statewide by telephone

Those interviewed were randomly selected from a phone-matched Kentucky voter registration list that included both land-line and cell phone numbers. Quotas were assigned to reflect voter registration by county.

The margin for error, according to standards customarily used by statisticians, is no more than ± 4 percentage points. This means that there is a 95 percent probability that the "true" figure would fall within that range if all voters were surveyed. The margin for error is higher for any subgroup, such as a gender or party grouping.