



Josh Kaul
Wisconsin Attorney General

P.O. Box 7857
Madison, WI 53707-7857

NEWS FOR IMMEDIATE RELEASE

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**Attorney General Kaul Joins Coalition of 23 Cities And States Suing
Trump Administration To Stop Rule Allowing Discrimination in Providing
Health Care**

MADISON, Wis. – Attorney General Josh Kaul joined a coalition of 23 cities, states, and municipalities, today in filing a lawsuit in the U.S. District Court for the Southern District of New York challenging a Trump Administration rule that would allow individuals and institutions to refuse certain legal medical care to patients on religious or moral grounds.

“The federal government shouldn’t be making it more difficult for patients to get needed health-care services,” said Attorney General Kaul.

“No one should have to worry that they might go to the doctor and be denied the care they need,” said Gov. Evers. “Everyone should have access to quality, affordable healthcare, regardless of their circumstances or the personal beliefs of the person providing their care.”

Current law permits physicians and other health-care professionals who provide written notice of their objections to opt out of directly performing or participating in procedures such as abortion or sterilization.

The lawsuit alleges that the Final Rule, which will take effect in July 2019, would undermine the delivery of health care by giving a wide range of health care institutions and individuals a right to refuse care, based on the provider’s own personal views. The Rule drastically expands the number of providers eligible to make such refusals, ranging from ambulance drivers to emergency room doctors to receptionists to customer service representatives at insurance companies. The Rule makes this right absolute and categorical, and no matter what reasonable steps a

health provider or employer makes to accommodate the views of an objecting individual, if that individual rejects a proposed accommodation, a provider or employer is left with no recourse.

Under the Rule, a hospital could not inquire, prior to hiring a nurse, if (s)he objected to administering a measles vaccination—even if this was a core duty of the job in the middle of an outbreak of the disease. Or an emergency room doctor could refuse to assist a woman who arrived with a ruptured ectopic pregnancy, even if the woman’s life was in jeopardy.

The Rule would also allow businesses, including employers, to object to providing insurance coverage for procedures they consider objectionable, and allow individual health care personnel to object to informing patients about their medical options or referring them to providers of those options. The devastating consequences of the Rule would fall particularly hard on marginalized patients, including LGBTQ patients, who already confront discrimination in obtaining health care.

The lawsuit further alleges that the risk of noncompliance is the termination of billions of dollars in federal health care funding. If HHS determines, in its sole discretion, that states or cities have failed to comply with the Final Rule – through their own actions or the actions of thousands of sub-contractors relied upon to deliver health services – the federal government could terminate funding to those states and cities, to the price tag of hundreds of billions of dollars. States and cities rely upon those funds for countless programs to promote the public health of their residents, including Medicaid, the Children’s Health Insurance Program, HIV/AIDS and STD prevention and education, and substance abuse and mental health treatment.

The lawsuit argues that this drastic expansion of refusal rights, and the draconian threat of termination of federal funds, violates the federal Administrative Procedures Act and the Spending Clause and separation of powers principles in the U.S. Constitution.

A copy of the complaint can be found [here](#).

Joining New York Attorney General Letitia James and Wisconsin Attorney General Josh Kaul in filing the lawsuit are the City of New York, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, the City of Chicago, and Cook County, Illinois.