

# CATHOLIC MEDICAL ASSOCIATION

Upholding the Principles of the Catholic Faith in the Science and Practice of Medicine

# PRESIDENT'S MESSAGE

Jan R. Hemstad, M.D.



It is humbling to join the company of the 55 Catholic physicians who have embraced the privilege and responsibility of representing the Catholic Medical Association as its president for what is now the 80th year since its original foundation. I stand in gratitude to those

who have come before me for their fidelity to an authentic Catholic application of faith and reason to the science and practice of medicine. I would like to especially acknowledge Immediate Past President Dr. Leonard Rybak for guiding the CMA through 2010, and the incredible group of Catholic men and women of faith who have led the CMA during the last decade of my association with this vitally important organization. I ask for your prayers during my presidency and for the leadership of the CMA as we endeavor to uphold the principles of the Catholic faith in advancing the profession of medicine.

I hardly recovered my balance after wrapping up the final details of last October's conference before I found myself tossed into the battle over health care reform. Even after the repeal of ObamaCare, there are four critically important amendments under consideration in the House of Representatives that are essential for protection of life and conscience rights. And HHS just announced a Final Rule on Regulation for the Enforcement of Federal Health Care Provider Conscience, gutting the existing Conscience Protection Rule and leaving the door open to coercion of health-care professionals (see page 7 for more information). CMA leadership has had an active voice on these issues through news releases, published articles, and letters to key legislators. Most notably, Fred Upton, chairman of the House Energy and Commerce Committee, referenced our letter in his opening statement on H.R. 358—the Protect Life Act. We will keep abreast of and respond to all these issues.

Closer to home, the board of directors has begun work on a number of key initiatives. Most dear to the heart of the CMA is advancing the new Student Section as an integral and active part of the national association. A Student Advisory Committee has been organized, chaired by Dr. Jack Lane and composed of both board and non-board members. The committee will provide advice and support to Student Section President Natalie Rodden and other student leaders, to help them chart a course of growth and development.

We are beginning to build on the marketing research of Right Brain People to increase membership and to provide valued benefits to our current members (see page 4 for more information). To increase membership, having guilds provide consistent core activities at the local level will be essential. Consequently, the board of directors has expanded the mid-year meeting, to be held June 9–11, to devote more time to workshops and training specific to the leadership needs of our regional directors and guild presidents.

Dr. John Brehany introduced the topic of a Program for Physician Formation in the December 2010 newsletter. CMA member Dr. Don Bouchard advanced the vision of this project last year, and I am pleased to inform you that the development, advisory, and timeline structures for the program are moving forward. Finally, at its January meeting, the board approved the development of an online CMA physician-referral project. We are evaluating the technology necessary to bring this project to fruition. Stay engaged and remain in the know regarding these and the many other activities of the CMA by checking for news on the CMA website and by reading the monthly email updates.

I am anticipating a challenging year for the CMA as we engage the complex politics of health care, but hope to see this balanced by a flourishing membership and continued growth in our guilds. With all we are facing as Catholic physicians, never have the words of St. Peter rung more true: "Always be prepared to make a defense" (1 Pt 3:15). This statement assumes that our beliefs and convictions are defensible on rational grounds and that we are willing to defend what we profess. The laws of God, like the laws of nature, do not depend upon how we feel about them. They are unchangeable, yet we can be assured from both faith and reason that God has willed them to be knowable. Let us hold fast and persevere.

In the Most Sacred and Immaculate Hearts.

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# CMA in the News ...

#### Guild and Member News

CMA physicians Yeung and O'Connell were noted in *The Garner* for their presentation on "Catholic Bioethics & Women's Fertility: Current Issues & Technology" at the 9th Annual Ignited By Truth Catholic Conference in Raleigh, North Carolina. Dr. Damon Cudihy will tape an episode on EWTN's "Sunday Night Live with Fr. Benedict Groeschel," on March 29; the show will be aired at a later date. CMA Student Section Vice-President Brian Burke was quoted in a *National Catholic Register* story on conscience coercion in medical schools. Thomas Pitre, M.D., was named to the board of directors of the National Catholic Bioethics Center. Ashley Fernandes, M.D., Ph.D., had an article, "Suffering in the Context of Euthanasia and Assisted Suicide: Transcending Job through Wojtyla's Anthropology," published in *Christian Bioethics* in December 2010.

### CMA National in the News

In a first for the CMA, President Jan Hemstad's letter to Congress was quoted in the opening statement of House Energy and Commerce Committee Chairman Fred Upton (R.-Mich.) in a hearing on H.R. 358, the Protect Life Act. John Brehany appeared on EWTN's *The World Over* with Raymond Arroyo on Jan. 20, and published an op-ed in the February 27 issue of the *National Catholic Register* on ObamaCare. In addition, the CMA's executive director was quoted extensively in *Our Sunday Visitor, National Catholic Register*, and *Catholic News Agency* on several topics—the Phoenix abortion case, relations between bishops and Catholic hospitals, ObamaCare, and the HHS conscience rule rescission.



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# **EXECUTIVE DIRECTOR'S REPORT**

John F. Brehany, Ph.D., S. T.L.



In the first two months of the new year, the CMA has made substantial progress in building on our resources and relationships. Let me explain.

# THE STORY BEHIND THE STORIES IN THE MEDIA

Quotes from the CMA have been featured in multiple media outlets on a variety of issues over the first two months of the year (see the stories on page 2 for more details). But some media appearances have been of particular note. Here is the story of how these came about. Following the successful vote of the House of Representatives to repeal ObamaCare, the CMA responded with a substantial press release on January 19, documenting the flaws in the new law and outlining why the repeal vote could be viewed as a potentially necessary step toward authentic health-care reform, and not a mere partisan political stunt as painted by many in the mainstream media. The press release caught the attention of EWTN, and I was invited to appear on The World Over with Raymond Arroyo on January 20. Both of these events drew the attention of the National Catholic Register, and the CMA received an invitation to submit an article to explain these issues to the national Catholic community. I was able to get an op-ed piece to the Register, which they published online on February 10, and in the February 27 print edition. In the op-ed, I tried to make the case that the problem with ObamaCare is not merely the fact that abortion funding was smuggled in at the last minute thanks to the betrayal of people who had held themselves out as pro-life. Rather, the law contains such substantial economic, organizational, and social flaws in the legislation that Catholics are justified in mounting prudential and principled opposition.

#### **OLD FRIENDS ARE GOLDEN**

While my last report in December 2010 made note of some new friends and allies, we have continued to improve our working relationship with old friends at the United States Conference of Catholic Bishops (USCCB) and the National Catholic Bioethics Center (NCBC). The CMA serves as an advisory member on two committees of the USCCB, a Health Care Task Force and the Pro-Life Activities Committee, and has made valuable contributions to both. But we also benefit from having informal meetings and discussions. During a recent lunch meeting, I was

notified of impending votes, by both the House Subcommittee and Committee on Energy and Commerce, on the Protect Life Act — an important measure that could, in the short term, ameliorate some of the most significant problems on abortion funding and conscience rights in ObamaCare. I also was made aware that a Catholic trade association with a large footprint in the health-care industry had sent a last-minute letter to the Subcommittee, which actually called for limiting the extent of the conscience protections in the Protect Life Act — that is, restricting the law so that conscience protections were not available in situations governed by the Emergency Medical Treatment and Active Labor Act (EMTA-LA). This made no sense, especially given the ACLU's campaign to force Catholic hospitals to provide "emergency abortions," and we did not hesitate. CMA President Jan Hemstad, M.D., immediately wrote letters to the heads of the House Subcommittee and full Committee, outlining the need for robust protection of conscience rights. The CMA's letter was welcome and, by several accounts, quite influential. One measure of the quality of this effort is that the Chairman of the House Committee, Fred Upton (R. Mich.), quoted the CMA's letter in his opening statement prior to a final vote. We will continue to be of service to the USCCB and Congress whenever a need exists.

Another old friend, the NCBC, generously invited me to attend the workshop they sponsor for bishops every two years in Dallas in mid-February. This impressive gathering, funded by the Knights of Columbus, allows bishops from North and Central and South America to discuss challenging medical and ethical topics with experts and with one another. Having read the proceedings of past workshops over the years, I knew it was a privilege to attend this workshop. I hope that the CMA can do its part to serve the NCBC and the bishops in this important endeavor.

#### A LITTLE LEARNING

While in Dallas, I was able to visit a beautiful exhibition of liturgical texts from the Sistine Chapel offered by the Meadows Museum at Southern Methodist University. Dating from the 1300s–1700s, these exquisitely decorated, handwritten books are not only works of art, but a concrete expression of the honor the Church has paid to the liturgy and to God. It was also fascinating to learn about the Spanish cardinal who smuggled the books out of Italy to protect them from Napoleon. The exhibit runs until April 23, 2011. Stop by if you get a chance.

# MILTARY REGION TRANSITION

Welcome Lt. Col. William P. Mueller, M.D.

The CMA Military Region has received new leadership. After more than ten years of work leading the region, Richard Watson, M.D., was ready to pass the baton to a new generation of leaders. The CMA is very grateful to Dr. Watson for his dedicated efforts over the years.



The new Military Region Director is Lt. Col. William P. Mueller, M.D. Bill graduated from the United States Air Force Academy in 1987 where he received a B.S. in Astronautical Engineering. He then earned his M.D. from the Uniformed Services University of Health Sciences in 1998. Bill's convic-

tion that "the family is the basic cell of society" led him to become a board-certified family physician. Inspired by Pope John Paul II's saying that, "As the family goes, so goes the nation, and so goes the world in which we live," Dr. Mueller hopes that the CMA's Military Region will motivate Catholic military physicians to protect and defend the United States by the faithful practice of Catholic medicine.

Bill has developed a strategic vision for the development of the Military Region. For more on this, and to learn how CMA military members can enjoy dual affiliation with the Military Region and their local guild, go to the CMA website and click the link by the Military Region under the subtab "Regional Directors."

Find out more at the CMA website: www.cathmed.org

# STRATEGIC MEMBERSHIP SURVEY

hile the last several years have shown steady growth in members and guilds, the CMA's board has been trying to discern how the organization can more effectively recruit and retain members and generate support for new projects. After careful consideration, the board decided to use a professional research firm to poll a representative sample of CMA members. And, because the board wanted to understand not only what members like about the CMA but also why some people allow their membership to lapse and others (local guild members) fail to join the national CMA, the board commissioned a study of these people as well.

The CMA utilized the services of Right Brain People after careful consideration of the options available. Right Brain People pioneered an in-depth interviewing methodology in 1972 known as Right Brain Research. Right Brain Research goes beyond mere data collection to focus on and interpret the emotional reactions that respondents have to an issue or organization. Right Brain People employs a staff of professionals working under close professional supervision in a centralized telephone interviewing facility. In August 2010, Right Brain People asked close-ended and open-ended questions on a wide range of topics of 30 current and 30 potential members. The topics addressed

members' experiences with the CMA, assessment of the CMA's mission and mission fulfillment efforts, opinions about the value of current benefits and about potential future benefits, and judgments about the kinds of projects they are most likely to support.

A wealth of data was presented at the annual board meeting in Seattle by Right Brain People. Here are some of the highlights: 1) members believe that one of the key results of the CMA fulfilling its mission is to strengthen and renew the Church; 2) members most prize the CMA's public policy advocacy, either alone or acting in concert with key partners such as the USCCB; 3) local members would like to see more opportunities for interaction and support in guilds; 4) one of the most desired membership benefits is a publicly searchable database of Catholic physicians; 5) members are most likely to donate to programs that support medical students and, in particular, a program of spiritual, educational, and leadership formation for these students.

In light of the data presented, the consensus is that the research effort was necessary and valuable. The CMA will be applying the lessons of this research in the next phase of its strategic plan. For more information, contact Executive Director John Brehany at brehany@cathmed.org.

## FROM THE EPISCOPAL ADVISOR

Most Rev. Robert F. Vasa, J.C.L., D.D.



My Dear Catholic Physicians and Health-Care Workers:

In announcing this year's World Day of the Sick, Pope Benedict quoted from his encyclical *Spe Salvi*, writing: "the true measure of humanity is essentially determined in relationship to suffering and to

the sufferer. This holds true both for the individual and for society. A society unable to accept its suffering members and incapable of helping to share their suffering and to bear it inwardly through 'com-passion' is a cruel and inhuman society" (n. 38).

The World Day of the Sick and the Holy Father's message have particular importance for us in the CMA. Those who are directly involved in the provision of appropriate, compassionate care need to be receptive to the Holy Father's words. The World Day of the Sick coincides with the Feast of Our Lady of Lourdes, and so it is appropriate for us to look to Mary for her maternal advice.

In the Gospel of John, on the occasion of the wedding feast of Cana, we hear of the only time in the Gospels when Mary issues a command. She goes to the stewards of hospitality and simply instructs them: "Do whatever He tells you!" We may imagine that this admonition was easily received by the stewards and that obeying involved no great challenge or dilemma for them. Yet obedience to her command could have been neither easy nor automatic.

The stewards were ready for anything, and then the word from Jesus came: "Fill these large stone jars with water." Foolish, ridiculous, even stupid. Their reputations and their livelihood were at stake. What would it have taken for those stewards, who knew well how the world worked, to abandon their own reasonableness and actually fill those six large jars with water and await the further word of Jesus? It took enormous trust in Mary's words, "Do whatever He tells you," to take a leap of faith and act on the word of Jesus. Without their faith, no miracle would happen.

Then Jesus said: "Now take some of that water and give it to the head of hospitality and tell him this is for the guests." Now, this is really going too far. The guests might be inebriated and the head waiter may have tipped a few himself, but trying to convince him that this water would be as good as wine would have seemed suicidal. But recalling Mary's confident words, they took courage and did that which required faith. They drew out some water and took it to their boss. Imagine the courage it took to hand him that flagon.

There really were three miracles at Cana. Faith enough to fill jars with water is one. Faith enough to take that water to a head steward is the second. The third is that which we recall as the Miracle of the Wedding Feast of Cana—the miracle of water turned into wine. Yet, all three are necessary. And all three are related to an action of Mary. She told her Son, "They have no more wine"; and she told the stewards, "Do whatever He tells you."

As physicians who embrace the Catholic faith, you know that you cannot minimize or neglect reason or science in your pursuit of good for your patients. However, as believers in Jesus, you must realize that reason and science must always be subject to faith. As you face difficult situations and circumstances, you too need to hear the words of our all-compassionate Mother, "Do whatever He tells you." In those instances where faith and reason seem to be in conflict, then, provided you truly know your faith, you will become convinced that it is reason and not faith which is in error. In our subjectivist, relativistic age, which often masquerades as an age of pure reason, it is tempting to put much more faith in science and reason than in God. Yet, both are acts of faith, and both are directed toward a perceived "god." For many in our society, that god is science or government or technology. For us, there is a greater God and a greater good.

Our God is an eminently personal God. Jesus is not an abstract rule or law or moral code. He is a Person who still abides with us and with whom we are still called to have a personal relationship. We hear the words of Jesus in church, but we might forget that the Incarnate Jesus still speaks though the Church. Mary reminds us that her Son is still real and still personally involved in our lives and in the life of the world. Mary reminds us that her Son is still worth listening to and obeying, even through the Church. For this reason her words reverberate throughout the centuries as an even more ardent plea, "Do whatever He tells you!" Her words and presence to the stewards gave them *courage* to obey her command and to obey Jesus. May her presence in our lives likewise be an ever-present impetus for us to be courageous in following her command and obeying the voice of her Son in the world today.

## CMA MARCHES AND WALKS FOR LIFE!

Pro-Life witness in Washington, D.C., and San Francisco, CA

he CMA continued its recent tradition of attending the annual March for Life, with members from Maryland, Pennsylvania, Michigan, and Kentucky attending the 38th annual March for Life in Washington, D.C., and marching with the CMA banner on Monday, January 24. Many more members were scattered throughout the crowd marching with their parishes and families.

In addition, for the first time, the CMA had an organizational presence at the Walk for Life in San Francisco, California. Modesto Guild members, including CMA Treasurer Paul Braaton, M.D., walked with a CMA banner, on Saturday, January 20. We encourage more CMA members and guilds to turn out for these and/or local events, and demonstrate the witness of the CMA for life.





# CMA MEMBER PRODUCES DOCUMENTARY

A powerful new video and an invaluable CMA member resource

Ithough she is new to the CMA, Dr. Robin Pierucci is already making an impact on the topic of reproductive technologies (RT). A convert to the Faith and a neonatologist with a master's degree in bioethics from the Medical College of Wisconsin, Dr. Pierucci recently produced a video titled "Echoes of Our Choice," which throws light on the devastating consequences of the RT industry. As a neonatologist, Dr. Pierucci has seen first-hand the devastation that results too frequently from uses of RT. The documentary also features CMA member Dr. Thomas Hilgers of the Pope Paul VI Institute. The video is available for purchase from www.ignatiusproductions.org, with proceeds devoted to funding for a Catholic medical center.

In addition to the documentary, Dr. Pierucci has developed a Power-Point presentation. Members can access the presentation, and see clips from the documentary, by going to the Members-Only page (log in to your account) and clicking the tab for Video.



Find out more at the CMA website: www.cathmed.org

# PUBLIC POLICY UPDATE

#### CONSCIENCE PROTECTIONS RESCINDED

On February 18, 2011, HHS substantially rescinded the Conscience Protection Rule enacted by the Bush administration in its closing days. Initially, there seemed to be some good news in HHS's announcement. The department did not rescind the entire 2009 Rule, as they had promised earlier, and made some statements affirming the fundamental rights which exist under current federal law. The department acknowledged the need for education, including for those who wanted to rescind the 2009 Rule. And HHS left in place the basic enforcement mechanism in the original Rule, i.e., through the Office of Civil Rights.

However, there is a great deal to worry about in the HHS rescission. First, while HHS gave lip service to the need for enforcement and education, it gutted the very tools that were necessary for preventing discrimination and for victims to seek redress. The 2009 Conscience Protection Rule provided clear definitions and expectations, not to mention a proactive requirement that institutions certify in advance their compliance with federal law. These measures were necessary to apply disparate federal legislation passed over decades, and all were deleted by HHS. Now, there are no clear standards either to guide HHS decision making, to provide confidence to victims, or to deter potential lawbreakers.

Moreover, HHS went out of its way to make comments suggesting that further attacks on conscience rights are looming. HHS sympathetically referenced concerns of proponents of rescission—concerns about a potential for equating contraception and abortion, concerns that protecting conscience would deny patients informed consent, concerns that conscience protections might limit access to entire classes of people (HHS Final Rule, pp. 24–28). These sympathetic comments could indicate that HHS may later insist that conscientious beliefs regarding contraceptive services do not enjoy protection; that physicians must provide referrals for services to which they object; and that physicians provide any service to a "disadvantaged class of people" (e.g., gay advocates) that are provided to another set of people (married, heterosexuals).

In sum, HHS has succeeded in undermining even the small progress made in protecting conscience rights, without raising a public outcry. We will have to monitor HHS's actions and statements very carefully to see what happens next.

#### **OBAMACARE UPDATE**

Here is a quick summary of the status of challenges to ObamaCare with some thoughts at the end about next steps.

**STATES** There are several levels of action aimed at ObamaCare. A total of 28 states have filed court challenges—Oklahoma and

Virginia have filed their own lawsuits, and 26 states have joined a Florida lawsuit—challenging the constitutionality of ObamaCare. Four federal judges have ruled on these lawsuits, with two finding ObamaCare unconstitutional and two finding it constitutional. Federal appeals courts must hear challenges to these rulings before the Supreme Court will take the case.

In addition to lawsuits, four states have voted to exempt their citizens from the law's individual mandate (Virginia, Arizona, Missouri, and Oklahoma). And at least one dozen states have introduced bills to nullify ObamaCare in its entirety for state citizens, including Texas, Montana, New Hampshire, South Dakota, North Dakota, Wyoming, Oregon, Indiana, Maine, Nebraska, Oklahoma, and Idaho.

CONGRESS Action regarding ObamaCare has taken place in the House of Representatives, for the most part. On January 19, 2011, the House voted to repeal ObamaCare and passed a resolution instructing four committees to write alternative legislation. The House is also planning to repeal specific provisions of ObamaCare (e.g., the individual mandate), hold oversight hearings to expose the flaws in the law, and block funding and regulations necessary for carrying out its provisions.

In addition, four important amendments to ObamaCare and other laws have been introduced in the House: H.R. 358, the Protect Life Act (applies longstanding federal policies on abortion funding, and conscience rights regarding abortion, to ObamaCare); H.R. 3, the No Taxpayer Funding for Abortion Act (permanently codifies the Hyde amendment on abortion funding, and the Hyde/Weldon amendment on conscience rights); H.R. 361, the Abortion Non-Discrimination Act (prevents governmental discrimination against ob/gyn residency programs that do not provide abortion training); and the Respect for Rights of Conscience Act (to be filed soon, provides comprehensive conscience rights protection for insurance issuers, providers, and purchasers).

**THOUGHTS** Regarding all of these developments, it is important to keep in mind that *nothing is final yet*. House bills and amendments have yet to be passed in the Senate, much less signed into law. Regarding the lawsuits, it is not clear whether Supreme Court review will be expedited, or whether disputes will drag on into 2013. While political compromise appears unlikely, there may be pressure to make some deals on some issues.

We must continue to work and pray, not only to fix what is wrong or broken, but also to find viable alternatives. Please send us your ideas.



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