

United States Senate

WASHINGTON, DC 20510-4802

February 9, 2012

The Honorable Kathleen Sebelius
U.S. Department of Health & Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201-0001

Kathleen,
Dear Secretary ~~Sebelius,~~

I am a strong and longtime supporter of expanding access to preventive health care for women, and I believe federal rules regarding health insurance coverage offer an important opportunity to advance that objective, including with respect to contraceptive services. Yet, I also believe strongly that we must develop these rules in a way that honors our constitutional protection of religious freedom and the conscience clause for health care providers.

Your recent announcement requiring private health plans to cover proven preventive services – like mammograms, colonoscopies, blood pressure checks, and contraception – can and must be implemented in a way that both advances health care access and safeguards religious freedom.

In that regard, I want to request urgent and serious consideration of West Virginia law and practice as a model for federal rules.

West Virginia passed a state law to expand access to contraception in 2005. The West Virginia law achieves health care access and religious freedom by mandating coverage of contraceptive services from employers, allowing an exemption for religious institutions, and requiring that the health insurance company for exempted employers use alternative means to serve women's health needs.

Specifically, under West Virginia state law, the health insurer for every religious employer that invokes the exemption must:

1. provide written notice to prospective enrollees prior to enrollment in the plan, including a list of the contraceptive health-care services the employer does not cover for religious reasons; and
2. make available for purchase at the prevailing group rate a health insurance rider that provides prescription contraceptive drugs and devices.

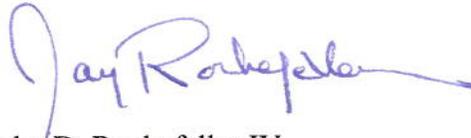
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Madam Secretary, West Virginia's state law regarding contraceptive coverage has been in place and working effectively for over six years. It is a readily-available solution for balancing important goals and essential freedoms. I urge you to look to it as a model for your final rule and implementation.

Sincerely,

A handwritten signature in blue ink, reading "John D. Rockefeller IV". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John D. Rockefeller IV