



AMERICAN ATHEISTS

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March 17, 2023

The Honorable Rep. Lindsey Daugherty
Chair, House Health & Insurance Committee
Colorado General Assembly, HCR 0112
200 E Colfax Avenue
Denver, Colorado 80203

Re: SUPPORT HB 1218, testimony from American Atheists in support of the Patients' Right to Know Act

Dear Chairperson Daugherty and Members of the House Health & Insurance Committee:

American Atheists, on behalf of its more than 1,300 constituents in Colorado, writes in support of HB 1218, the Patients' Right to Know Act. We thank you for holding a hearing on this important bill, which will provide critical information to patients seeking care in Colorado. We urge you to swiftly pass this measure.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the "wall of separation" between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation's communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. As advocates for the health, safety, and well-being of all Americans, American Atheists objects to efforts to subordinate medical care to the religious beliefs of providers and institutions.

Federal and state law allows hospitals and health care facilities to deny various types of care based on nonmedical factors such as the beliefs of hospital executives. Because hospitals often fail to publicly disclose nonmedical restrictions on services, patients too-often lack vital information necessary to make critical decisions about their health and where to receive care. The Patients' Right to Know Act would address this lack of information by requiring hospitals and health care facilities to inform patients and the Department of Public Health & Environment (CDPHE) about nonmedical restrictions on care. The informed consent process is a well-recognized and critically important factor in health care, but there cannot be informed consent if key information about treatment options is withheld from patients. As a result of this legislation, patients across Colorado would be empowered to better make decisions about where to seek health care because they would have access to information about which hospitals deny care and what services they refuse to provide.

For example, a hospital may deny emergency contraception to a survivor of rape, timely abortion care for a pregnant woman whose life is at risk,¹ compassionate end-of-life care to a suffering patient, sterilization procedures for patients seeking them, or gender affirming care for trans patients. There is no requirement that health facilities warn patients that they will be denied care, and too often, patients may not even be informed of all of their medical options. This lack of information can result in patients wasting time and money, being prevented from receiving needed care, facing discrimination, and even suffering increased risk in emergency situations.

Several factors make denial of care an increasingly significant problem in Colorado. Because nearby states have banned or severely limited access to abortion services after the *Dobbs* decision,² the number of patients crossing state lines to access reproductive care in Colorado has increased dramatically.³ Similarly, an increased number of people are seeking gender affirming care across state lines as more states considering banning health care services for trans people. Patients visiting Colorado for medical services need to know where they can access necessary care and where the care they seek may be denied. This bill will help provide that information.

Compared to most states, Colorado has a very high degree of consolidation by religious hospitals, many of which deny frequently sought types of care. For example, at least 36% of all hospitals in the state (19 of 53) are religious hospitals, and at least 38% of all staffed beds are in religious hospitals.⁴ Colorado is second in the nation with at least 42% of all births taking place at religious hospitals that restrict reproductive care. Individuals seeking reproductive care in Colorado are at significant greater risk for denial of care than in most other states.

Further, due to health systems frequently changing ownership or undergoing mergers, many patients are surprised to learn that the hospital at which they have always sought care has new policies denying them the care they need. With the Patients' Right to Know Act in place, patients could learn which types of care are available and which are no longer offered, both at the point of service as part of informed consent and also through a public list maintained by CDPHE. No patient should learn in the midst of an emergency that the hospital they have visited for years has new policies that would impact the care they need.

In addition, because Colorado has a large percentage of rural areas with low population density, denial of care is both more likely and more harmful for patients seeking care. Research shows that individuals are more likely to be denied reproductive care in more rural

¹ A nationally representative survey found that 11% of participants had someone on their plan who was denied reproductive care. Hebert LE, Wingo EE, Hasselbacher L, Schueler KE, Freedman LR, Stulberg DB. (2020). Reproductive healthcare denials among a privately insured population. *Preventive Medicine Reports*. 2021;23:101450.

² *Dobbs v. Jackson Women's Health Organization*, 597 US __ (2022).

³ Toomer, L. (Nov. 2, 2022). "Abortions in Colorado increase 33% following Dobbs decision." *Colorado Newslines*. Retrieved from <https://coloradonewslines.com/2022/11/02/abortions-colorado-increase-dobbs-decision/>.

⁴ Solomon, T., et al. (2020). *Bigger and Bigger: The Growth of Catholic Health Systems*. Community Catalyst. Retrieved from <https://www.communitycatalyst.org/resources/publications/document/2020-Cath-Hosp-Report-2020-31.pdf>.

areas compared to urban areas⁵ and that rural patients are more likely to expect a full range of contraceptive treatments to be available at religious hospitals (70.9% vs. 46.7% for urban patients), even when they are not.⁶ In some municipalities in Colorado, for example in Durango, Grand Junction, and Lafayette, the sole community hospitals are religious hospitals that refuse to provide certain types of care.⁷

These refusals of care have real consequences for those denied, particularly if they already face barriers to care or discrimination.

- In an assessment of 34 states, one study found that delivering at a Catholic hospital was much more common among Black and Hispanic women than among white women. Black women are especially vulnerable to denial of reproductive health care because they are significantly more likely to die from pregnancy-related causes and more likely to seek frequently restricted services such as abortion or tubal ligation.⁸
- Nearly one in five LGBTQ people, including 31% of trans people, report that it would be very difficult or impossible to get the health care they need at another hospital if they were turned away.⁹

Notably, denial of care is not restricted to any one type of hospital or health facility. Research has also shown that reproductive and LGBTQ care are frequently denied by both religious and secular institutions in Southern states.¹⁰

Pregnant patients should feel comfortable that the hospital they select will provide the lifesaving care they need in the event of a complication. Patients seeking end-of-life care should know which systems will limit the care they are able to obtain. And LGBTQ patients should know where they can receive the care they need without judgment or discrimination. No one should have to spend time and money seeking health care only to be unexpectedly turned away by hospitals that prioritize the beliefs of executives over the health and safety of their patients. This

⁵ Kramer RD, Higgins JA, Burns ME, Freedman LR, Stulberg DB. (2021). Prevalence and experiences of Wisconsin women turned away from Catholic settings without receiving reproductive care. *Contraception*. 2021;104(4):377-382.

⁶ Kramer RD, Higgins JA, Burns ME, Stulberg DB, Freedman LR. (2021). Expectations about availability of contraception and abortion at a hypothetical Catholic hospital: Rural-urban disparities among Wisconsin women. *Contraception*. 2021;104(5):506-511.

⁷ Solomon, T., et al. (2020).

⁸ Shepherd, K., et al. (2018). *Bearing Faith: The Limits of Catholic Health Care for Women of Color*. Public Rights & Private Conscience Project and Public Health Solutions. Retrieved from <https://lawrightsreligion.law.columbia.edu/bearingfaith>.

⁹ Mirza, S. A., & Rooney, C. (2019, July 19). *Discrimination prevents LGBTQ people from accessing health care*. Center for American Progress. Retrieved from <https://www.americanprogress.org/article/discrimination-prevents-lgbtq-people-accessing-health-care/>.

¹⁰ Platt, L., et al. (2021). *The Southern Hospitals Report: Faith, Culture, and Abortion Bans in the U.S. South*. Columbia Law School Law, Rights, and Religion Project. Retrieved from <https://lawrightsreligion.law.columbia.edu/content/southern-hospitals-report>.

legislation would allow patients to learn about which facilities deny various types of care and to make better informed decisions about their health care.

Transparency alone does not solve the burden inflicted upon consumers by denial of care. This bill does not change federal law or remove existing denial of care provisions, and patients may face limited choices because of their insurance coverage, costs, or for other reasons. However, the Patients' Right to Know Act (HB 1218) is an important first step that will help protect patients and raise awareness about denial of care by Colorado hospitals.

We urge you to pass this important legislation to protect patients in Colorado. If you should have any questions regarding American Atheists' support for HB 1219, please contact me at agill@atheists.org.

Very truly yours,



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American Atheists