

## MEMORANDUM

DATE: September 18, 2008

FROM: Jonathan Imbody  
Vice President for Government Relations  
Christian Medical Association - Washington Bureau  
21798 Jarvis Sq. • Ashburn, VA 20147

TO: Secretary Mike Leavitt

RE: Provider Conscience Regulation

I write in strong support of the regulation and in specific reference to the request for *"information with regard to general knowledge or lack thereof of the protections established by these nondiscrimination provisions, including any facts, surveys, audits, reports, or any other evidence of knowledge or lack of knowledge on these matters in the general public..."*

To answer this question, the polling company, inc. on September 11-14, 2008 conducted a nationwide survey, commissioned by the Christian Medical Association. Full results of this survey are included in this memorandum, below.

This scientific, objective poll found that only 38 percent of Americans realize that physicians may not legally be coerced into violating standards of medical ethics and their own conscientiously held moral convictions by requiring them to perform abortions or refer patients for abortions.

This widespread ignorance of civil rights protections helps explain why over 40 percent of our members report being pressured to violate their moral and ethical convictions in healthcare. It also underscores the urgent need for the HHS regulation and to educate the public and medical community concerning civil rights in healthcare.

Protecting the civil rights of healthcare professionals allows their adherence to time-tested ethical standards that protect patients, including the Hippocratic Oath. It's ironic and alarming that many today would actually disregard civil rights and forbid physicians from following the Hippocratic Oath and other ethical standards that respect early human life.

If physicians lose the freedom to follow conscience and ethical standards, patients lose the protections of those standards. Patients also will ultimately lose access to those physicians, who will be forced to choose other careers rather than violate ethical standards.

*Thank you* very much for your consideration of these views and the poll data, which follows.

**the polling company TM, inc./WomanTrend**  
*for*  
**Christian Medical Association**

To: Jonathan Imbody, Vice President for Government Relations

From: Kellyanne Conway, President and CEO

Date: September 16, 2008

Re: Analysis of Findings: *Nationwide Survey of American Adults*

### Introduction and Methodology

**the polling company TM, inc** is pleased to present to **Christian Medical Association (CMA)** the results of a recent nationwide telephone survey of 1,000 adults (aged 18+).

The survey was fielded September 11-14, 2008 at a Computer Assisted Telephone Interviewing (CATI) phone facility using live callers. The sample was drawn utilizing a Random Digit Dial (RDD), where phone numbers were generated by a computer to ensure that every household in the nation with a landline telephone had an equal chance to be surveyed.

Sampling controls were used to ensure that a proportional and representative number of adults were interviewed from such demographic groups as age, gender, race and ethnicity, and geographic region<sup>1</sup> according to the latest figures available from the United States Census.

One close-ended question that probed Americans' knowledge about federal law and the obligations of doctors when patients request abortions was added to a national omnibus survey. The addition of this question was prompted by a request from the U.S. Department of Health and Human Services for information regarding the public's knowledge (or lack thereof) about this topic. The final question wording was approved by an authorized representative of CMA prior to fielding.

The margin of error is calculated at +/- 3.1% at the 95% confidence level, meaning that in 19 out of 20 cases, the results obtained would differ by no more than three point one percentage points in either direction if other groups of 1,000 adults were surveyed using the same random sampling plan. Margins of error for subgroups are higher.

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<sup>1</sup> Northeast includes CT, ME, MA, NH, RI, VT, NJ, NY, PA; North Central includes IL, IN, MI, OH, WI, IA, KS, MN, MO, NE, ND, SD; South includes DC, DE, FL, GA, MD, NC, SC, VA, WV, AL, KY, MS, TN, AR, LA, OK, TX; West includes AZ, CO, ID, MT, NV, NM, UT, WY, AK, CA, HI, OR, WA.

## Most Americans Don't Know the Law Regarding Doctors and Abortion.

*"I am now going to ask you a question about healthcare and the law.*

*"If a patient in the United States wants a doctor to perform an abortion or to refer her to another doctor who will perform an abortion, which of the following BEST describes what the doctor is required to do by federal law?"*

[Read entire list before recording one answer]

4%	"The doctor must perform the abortion."
38%	"The doctor does not have to perform the abortion, but must refer the patient to another doctor who will."
38%	"The doctor does not have to perform the abortion, nor does he or she have to refer the patient to another doctor who will."
5%	"It depends" (volunteered).
11%	Don't know (volunteered).
4%	Refused (volunteered).

When read three possible descriptions regarding the legal obligations of a doctor when a patient requests an abortion, the clear majority of Americans surveyed revealed they did not have a firm grasp on the law.

As the results box demonstrates, just 38% of those surveyed selected the description that is actually in line with current federal law: that a doctor has the right to refuse to provide both the procedure and the referral.

By comparison, 42% of these adults believed the doctor did have some obligation under federal law: either to perform the abortion (a paltry 4%) or at least refer the patient to someone who would (38%). Another 11% admitted they weren't sure and 5% allowed for situational variances, saying "it depends."

An examination of the crosstabular data revealed the following:

- **The lack of knowledge of federal law on this topic was widespread as no more than 47% of any demographic subgroup selected the correct description of the doctor's obligations.** Those more likely than most to know the doctors was not required to perform an abortion or provide a referral included 45-64 year olds, residents of the North Central region, and those earning between \$25,000 and \$50,000 per year.
  - Young adults (those aged 18-24) stood out as especially likely to believe the doctor was legally required to perform an abortion (10% vs. 4% overall).
  - Groups more likely than most to believe a physician in this situation was legally bound to give a referral to an abortion provider included 18-24 year olds, residents of the North East, and Hispanics.
  - Americans more apt than average to admit they simply did not know included 25- 34 year olds, seniors (65+), and those earning less than \$25,000 per year.
  - There was no appreciable difference between the answers of men and women, nor was there a statistically significant pattern based on education.

## In Conclusion...

*These data make clear that most Americans aren't sure what the rights and obligations of doctors are regarding abortion. While very few believe doctors are compelled by federal law to perform the procedure, a substantial number think they are required to provide a referral. To fully comprehend their rights and options as patients, it is important for Americans to understand the laws governing the practice of medicine by doctors.*

*Overall, it seems apparent that additional information is required to ensure both doctors and patients know both their rights and their obligations.*

## TOPLINE DATA

### Nationwide Telephone Survey of 1,000 Adults

Field Dates: September 11-14,

2008 Margin of Error: +/- 4.4%

1. I am now going to ask you a question about healthcare and the law. If a patient in the United States wants a doctor to perform an abortion or to refer her to another doctor who will perform an abortion, which of the following BEST describes what the doctor is required to do by federal law?

[Read entire list before recording one answer]

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## DEMOGRAPHICS

2. What is your age?

13% 18-24

17% 25-34

19% 35-44

19% 45-54

14% 55-64

16% 65+

2% REFUSED (VOLUNTEERED)

3. Are you Spanish, Hispanic, or Latino?
  - 13% YES
  - 86% NO
  - 1% REFUSED (VOLUNTEERED)
  
4. Which of the following describe your race? You can select as many as apply.
  - 75% WHITE/CAUCASIAN
  - 11% BLACK/AFRICAN-AMERICAN
  - 2% ASIAN/ASIAN-AMERICAN
  - 12% SOME OTHER RACE
  - 2% REFUSED (VOLUNTEERED)
  
5. What is your household's total income before taxes?
  - 14% UNDER \$25,000
  - 9% \$25,000- \$34,999
  - 17% \$35,000- \$49,999
  - 17% \$50,000- \$74,999
  - 26% \$75,000 OR MORE
  - 17% DON'T KNOW/REFUSED (VOLUNTEERED)
  
6. Are there any children under the age of 18 living in your household?
  - 40% YES
  - 59% NO
  - 1% REFUSED (VOLUNTEERED)
  
7. What was the last grade in school you completed?
  - 7% LESS THAN HIGH SCHOOL
  - 32% HIGH SCHOOL GRADUATE
  - 28% SOME COLLEGE/ ASSOCIATES DEGREE
  - 19% COLLEGE GRADUATE
  - 13% POST GRADUATE
  - 1% REFUSED (VOLUNTEERED)
  
7. Gender
  - 48% MALE
  - 52% FEMALE
  
8. Region<sup>1</sup>
  - 19% NORTHEAST
  - 22% NORTH CENTRAL
  - 37% SOUTH
  - 23% WEST