

MEMORANDUM

DATE: September 19, 2008

FROM: Jonathan Imbody
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TO: Secretary Mike Leavitt

RE: Provider Conscience Regulation – *methods of communication*

I write in strong support of the regulation and in specific reference to the request for comment on

"...what constitutes the most effective methods of educating recipients of Department funds, their employees, and participants of the protections against discrimination found in the Church Amendments, PHS Act § 245, and the Weldon Amendment. What is the best method for communicating to the public the protections afforded by these statutes, and any regulation implementing them?"

Methods of communicating legal protections and requirements

1. Physically posting notices in buildings is probably a necessary but a less than effective communication method due to (a) competition with many other similar-looking notices and (b) the fact that many individuals expect federal notices to be arcane and will not likely read them.
 - a. Instead of replicating the typical format that telegraphs "boring technical information" to the reader, notices should enhance their readability with the use of pictures and engaging headlines such as those found in advertisements.
 - b. Clear criteria should be communicated along with the notices specifying to the institutions how and where they are to be posted, including the requirement that they be prominent, not obscured, and checked regularly and replaced as needed.
2. Notices on websites and in handbooks are a bit more likely to be read, although arguably busy individuals will not plod through handbooks and similar information vehicles.
 - a. The HHS web site could feature on its home page a graphic with a link to a distinct HHS web section that provides summary and in-depth information on conscience rights.
 - b. To increase readership, web notices should imitate the format found in web advertisements.
 - c. Information in handbooks should be set apart graphically to increase visibility.
3. Including notices in applications for training, residency, and educational programs is a great approach and crucial, since individuals in training are typically in the information-

gathering mode, and more importantly, because the beginning of medical careers is where education concerning conscience protections must begin.

- a. Besides requiring written notices in applications, official handbooks and student manuals should also contain the notices.
 - b. Consider also requiring that institutions verbally relay a summary statement prepared by HHS during orientation sessions. Alternately, separate notices could be required to be distributed during orientation sessions.
 - c. Educational institutions can also be encouraged to include this information in appropriate classes and other venues.
4. A series of 30-second radio public service announcements would help educate the public without incurring advertising costs.
 5. Medical specialty groups could be contacted and urged to alert their constituents with information prepared by HHS, including links to the HHS web site.
 6. All of these information strategies can be enhanced by:
 - a. Keeping the message simple. Headlines, slogans and introductory sentences should convey the basic principles, while more detailed or legal information can be included following these simple points. Example: "Healthcare Professionals Have First Amendment Rights, Too."
 - b. Employing the unexpected. A headline such as, "How to Lose Your Federal Funding," for example, is sure to gain attention.
 - c. Providing concrete examples, similar to the hypothetical examples used to explain IRS guidelines, that illustrate legal protections and boundaries.
 - d. Using stories that illustrate conscience protection principles. Ample stories are available from those submitted on the Secretary's blog and elsewhere.
 7. Hiring a consulting firm with expertise in public relations and communications would be worthwhile, similar to the approach used by HHS in expanding public awareness regarding trafficking in persons.

Thank you very much for your consideration of these suggestions, and for your efforts to implement civil rights protections for healthcare professionals.