



September 11, 2017

Via E-Mail and U.S. Mail: OCRCComplaint@hhs.gov

Centralized Case Management Operations
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Room 509F HHH Bldg.
Washington, DC 20201

Re: Complaint of Discrimination in Violation of Federal Statutes

Dear Sir or Madam:

Alliance Defending Freedom represents Tina Gingrich, MD and Tina M.F. Gingrich, M.D., P.C. d/b/a Maryville Women's Center, who have been subjected to unlawful discrimination by the Illinois Department of Financial & Professional Regulation, a state agency subject to the Church Amendments (42 U.S.C. § 300a-7), the Public Health Service (PHS) Act (§ 245 (42 U.S.C. § 238n)), and/or the Weldon Amendment (Continuing Appropriations Resolution, Pub. L. No. 113-164, Sec. 101(a) (Sept. 19, 2015)) by virtue of its status as a recipient of federal funding.

Dr. Gingrich is an Illinois Ob/Gyn who practices medicine in conformance with her religious convictions that all human life should be respected in all stages of life, included life within the womb. These convictions prohibit her from performing, assisting in, referring for, or participating in any way with abortion or abortion-causing drugs. She does so at her private Ob/Gyn practice, Maryville Women's Center, and also as medical director for a pro-life pregnancy center. The rights of Dr. Gingrich, Maryville Women's Center, and the said pro-life pregnancy center to offer medical assistance to women in need without compromising their religious convictions relating to abortion or abortion-causing drugs are protected by the First Amendment to the United States Constitution, the Constitution of the State of Illinois and the Illinois Healthcare Right of Conscience Act, 745 ILCS 70/1 *et seq*, in addition to the federal conscience clauses named above.

Pursuant to Illinois Senate Bill 1564, signed into law by Governor Bruce Rauner July 29, 2016, "healthcare entities" such as Maryville Women's Center and others similarly situated are required to "adopt written access to care and information protocols that are designed to ensure that conscience-based objections will be addressed in a timely manner to facilitate patient health care services." SB 1564, § 6.1. The safeguards of the state's Healthcare Right of Conscience Act, 745 ILCS 70/1, only apply if conscience-

based refusals are asserted in accordance with these protocols. *Id.* The mandated protocols must, at a minimum, require health care facilities, physicians and health care personnel to inform a patient of “legal treatment options” in a timely manner, § 6.1(1), and if such treatment is contrary to their conscientious beliefs, arrange for others in the entity to provide the service or refer or transfer the patient to other health care providers whom they know will do so. § 6.1(3).

Because SB 1564 violates their right to practice medicine according to their conscience and religious beliefs, Dr. Gingrich, Maryville Women’s Center and others brought suit in the United States District Court for the Northern District of Illinois. The attached Complaint, *The National Institute of Family and Life Advocates, et al., v. Rauner*, Case No. 3:16-cv-50310, filed Sep. 29, 2016 (attached as Exhibit A), contains the factual and legal descriptions of this violation of our clients’ rights. On July 19, 2017, the court enjoined the application of SB 1564 to Dr. Gingrich, Maryville Women’s Center and the other plaintiffs in the lawsuit, holding the plaintiffs had “demonstrated a better than negligible chance of showing that a law compelling the health care provider with conscience-based objections to abortion to serve as the source of information about the legal treatment option of abortion and to serve as a directory of health care providers performing abortions is not narrowly tailored to achieve a substantial government interest.” *See* attached Order Granting in Part Motion for Preliminary Injunction at 9 (attached as Exhibit B).

Please promptly inform us of the actions your office plans to take regarding this violation. Thank you for your attention to this matter.

Sincerely yours,

/s/ Elissa Graves
Elissa Graves, Esq.

cc: Kevin Theriot, Esq., Senior Counsel, Alliance Defending Freedom
Clients