Freedom of Conscience in Healthcare

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**ABSTRACT:** A healthcare professional’s freedom to practice according with his or her conscience has long been a respected and enduring privilege. Recent challenges to this principle have prompted this professional review. Health professionals, parents or patients, should not be required to provide, or participate in, any medical service that violates their conscience or causes moral distress. This includes the right to refuse to refer to a different health professional for the purpose of procuring such service. Compelling health professionals to subordinate their moral conscience (convictions often founded in religious doctrines) to the dictates of any authority such that they comply with fluctuating social norms and patient demands threatens the integrity of medical professionals and also endangers the lives of patients.

There is an increasingly concerted effort by special interest groups, including physician guilds such as the American College of Obstetricians and Gynecologists, the American Academy of Pediatrics, the American Psychological Association and others, to compel physicians and other health professionals to provide and/or refer for medical and/or counseling services that many deem unethical. Examples of such services include, but are not limited to, abortion, artificial birth control, emergency contraception, sterilization, artificial insemination, assisted reproduction, physician-assisted suicide, euthanasia, and compliance with sexual orientation and gender identity mandates. Some prominent authors have even stated that health professionals who are morally distressed by these or similar issues should leave healthcare.¹

The American College of Pediatricians (ACPeds) views these actions as coercive attempts to enforce a secular code of ethics on all physicians and patients. This code is grossly at odds with the long-standing Judeo-Christian belief system still held by many Americans, and its imposition violates the free exercise of religion guarantee found in the First Amendment of the U.S. Constitution. Therefore, these coercive efforts must be opposed.

Freedom of conscience is not only a fundamental right of all Americans, it is also essential for providing optimal healthcare to all. For example, there is a significant shortage of physicians in America. Experts predict that the current shortage of physicians will worsen and fail to meet the needs of patients. Threats of legal action, and additional pressures to compel physicians and other health professionals to participate in procedures they deem morally unacceptable, will make an already dangerous shortage even worse. Competent young men and women, who are desperately needed to meet the projected shortfall, will be effectively barred from entering these vital professions as a matter of conscience.

Physician burnout is another potential consequence of disrespect for conscience in medical practice. In their article regarding the importance of ethical diversity, Dr. Stephen Genius and Dr. Chris Lipp suggest that the associated moral distress of affected health care professionals may accelerate physician burnout and cause many to feel they must pursue non-clinical roles.² If the government forces healthcare professionals

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¹ American College of Pediatricians
² www.ACPeds.org
to choose between conscience and career, America will lose current physicians and other health professionals who are already in short supply.

Medical Boards and other regulatory agencies have the duty and the authority to ensure that physicians maintain both technical competency and the ability to practice in accordance with scientifically-defined standards of care. It is appropriate to censure a physician who deviates from an accepted standard of care when that standard of care provides benefit to the patient disproportionate to its burden to the patient or others, and when the standard of care has been scientifically determined to be superior to alternative treatments. For example, a physician has no right to refuse antibiotics to a patient suffering with a bacterial infection based on a personal belief that antibiotics are ineffective. A medical board would rightly censure such a physician since this practice would violate standards of care established by the scientific method.

Government and medical boards overstep their authority when they mandate professionals participate in morally contested acts. For example, while science may answer the question of how to end the life of a child in the womb, and how to best perform a double mastectomy on a gender-confused girl with healthy breasts, it can never answer the question of whether it is morally acceptable to do so. Whether or not a health professional should elect to refer for or participate in any procedure is a philosophical and theological question, not a scientific one.

The American College of Pediatricians concurs that government "must not subordinate the integrity of physicians' character and their unwavering commitment to do what is good to the demands of patients and governing bodies." For, once this is allowed, it will result in "a paradoxical state in which doctors will be exhorted to 'Do no harm' but simultaneously compelled to do what they believe is harmful—as long as a patient requests it or an authority demands it." ²

Clearly and pragmatically, the impetus by some, if successful, to suppress freedom of conscience will have devastating effects on both physician supply and physician burnout. Moreover, freedom of conscience, like the Constitution of the United States, is grounded in natural law and religion. The freedom to practice medicine in accordance with a well-formed conscience is one lasting principle that dissuades our culture from embracing the atrocities of autocratic societies, both past and present.

References

Primary Author: Gerry Boccarosa, M.D.
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The American College of Pediatricians is a national medical association of licensed physicians and healthcare professionals who specialize in the care of infants, children, and adolescents. The mission of the College is to enable all children to reach their optimal physical and emotional health and well-being.” More information is available at www.BestForChildren.org