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Tuesday, January 25, 2022

The Honorable Ann Pugh, Chair
House Human Services Committee
Vermont House of Representatives
apugh@leg.state.vt.us

Dear Chair Pugh,

The University of Vermont Medical Center's mission is to improve the health of the more than one million people of Vermont and the North Country of New York by integrating patient care, education, and research in a caring environment. UVM Medical Center plays a critical role in the health care delivery system of the region, as the only Level 1 Trauma Center and only tertiary care hospital in the state of Vermont, and the closest such facility to much of northern New York. UVM Medical Center is one of a very limited number of providers that offers full-spectrum reproductive health and family planning services to patients across Vermont and northern New York.

UVM Medical Center has approximately 8,000 employees, and they hold a broad range of religious beliefs, including with respect to abortion and other reproductive health policies. We take the interests of both our patients and employees very seriously and strive to eliminate, as much as practicable, the (very rare) instances in which employees' religious beliefs come into conflict with patient care needs. UVM Medical Center's policies and procedures in this area have always complied with Title VII and other federal and state laws, which require employers to reasonably accommodate their employees' religious beliefs, unless that accommodation would impose an undue hardship on the employer's ability to carry out its mission.¹

Applying that standard, Congress and the courts have carefully balanced employees' legitimate interests in avoiding participation in procedures to which they personally object with hospitals' ability to provide a full spectrum of timely, safe, legal, and medically appropriate care options to patients—and with patients' rights to access such care. Health care providers, including the

¹ See 42 U.S.C. § 2000e(j); Trans World Airlines, Inc. v. Hardison, 432 U.S. 63, 84 (1977).

hospital, have long relied on that Title VII-based consensus in crafting appropriately-balanced policies, procedures, and staffing models.

Despite UVM Medical Center's longstanding adherence to that well-established legal standard, the United States Department of Justice sued the organization in the waning days of the Trump administration, accusing the Hospital of violating a novel and absolutist interpretation of a rarely-used federal law called the "Church Amendments."² The Trump administration's lawsuit was premised on the notion that employees' refusal rights are absolute and therefore do not need to be balanced against the needs of patients. In the Trump administration's view, there is no degree of resulting hardship to health care employers or patients that is even relevant to the inquiry.

Since then, multiple federal courts from across the country have rejected the Trump administration's legal theory, and the Department of Justice has voluntarily dismissed its lawsuit against UVM Medical Center. We are pleased that our position and practices have been vindicated by those decisions. Of course, UVM Medical Center will continue to work to eliminate those instances in which employees' and patients' rights come into conflict. And in those exceedingly rare instances in which they do, we will always strike a legal and appropriate balance of those legitimate interests.

Sincerely,



Eric Miller
Senior Vice President and General Counsel
The University of Vermont Health Network

Cc: Jason W. Williams, Network Director, Government and Community Relations

² Codified at 42 U.S.C. § 300a-7.