



# Testimony on Health Care Freedom of Conscience Act

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The state of Maryland has a long history of protecting the religious freedom of its citizens. On April 2, 1649, the General Assembly voted into law *An Act Concerning Religion*, putting Maryland at the forefront of protecting rights of conscience in America. Although Maryland’s founders could have never imagined the controversial issues that would arise, they were certain that the freedom to live in accordance with the dictates of one’s own deeply-held beliefs was essential to guaranteeing the freedom of all people, not just religious ones.<sup>1</sup> Today, as evidenced by the plethora of lawsuits brought against those acting in accordance with their conscience, there is a need for further legislation reaffirming the protections desired by Maryland’s founders.

Family Research Council supports the Health Care Freedom of Conscience Act (HB 1364). This bill protects the right of health care professionals to practice medicine in accordance with their consciences, allowing them to provide care that is, in their medical opinion, best for the patient. The bill addresses shortages in the health care field, supports diversity in the health care system, and reduces the amount of stress on health care professionals who are already working a taxing job.

Conscience is a conviction based on moral or religious principles that guide a person’s life. It is at the core of what it means to be a human—the ability to tell right from wrong. Having the power to act in

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<sup>1</sup> “Two Acts of Toleration: 1649 and 1826,” Maryland State Archives, accessed March 9, 2022, <https://msa.maryland.gov/msa/speccol/sc2200/sc2221/000025/html/intro.html>.

accordance with one's conscience allows a person to live a life of integrity—choosing to do what is good and avoid what is evil. Protecting true freedom requires that a person be allowed to live in accordance with their conscience. To limit religious freedom is to inflict a form of servitude—forcing a person to act in accordance with what society deems good over and above what their own conscience dictates. Freedom of conscience allows health care professionals to provide what they deem to be the best care for the patient. Since the time of the Hippocratic Oath, medicine has been concerned with doing what is right and avoiding what is wrong.<sup>2</sup> Today, however, there is not always a consensus among medical professionals as to what is right and wrong. In these instances, it is in the best interest of health care professionals to allow personal discretion about providing services or administering treatments that conflict with their deeply-held beliefs.

Without freedom of conscience, the patient or the hospital administration takes on the sole role of health care overlord, and the health care professional simply becomes subservient to their wishes. The patient prescribes the treatment; the health care professional merely carries it out. The result is often suffering for the patients. The “widespread dismissal of conscience socializes physicians to be muted participants in atrocities and suboptimal care rather than advocates of health and humanity.”<sup>3</sup> Health care professionals are meant to be healers. This sacred role cannot be maintained if health care professionals are not granted the protections necessary to act in accordance with what they believe is best for their patients.

Failure to protect religious freedom also drives health care professionals out of the profession or out of the state. Here in Maryland, abortion laws are out of step with most of the Western world and comparable to those in North Korea and China—allowing an unborn child to be killed up until the moment of birth. Without freedom of conscience protections, health care professionals who do not

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<sup>2</sup> Pellegrino ED. Toward a reconstruction of medical morality. *Am J Bioeth.* 2006 Mar-Apr;6(2):65-71. doi: 10.1080/15265160500508601. PMID: 16500860.

<sup>3</sup> Theriot, Kevin and Connelly, Ken. Free to Do No Harm: Conscience Protections for Healthcare Professionals. *Arizona State Law Journal.* 2017. [https://arizonastatelawjournal.org/wp-content/uploads/2017/07/Theriot\\_Final-Update.pdf?bcs-agent-scanner=01d42e8c-ed1e-db4f-bff8-26349370a8cb](https://arizonastatelawjournal.org/wp-content/uploads/2017/07/Theriot_Final-Update.pdf?bcs-agent-scanner=01d42e8c-ed1e-db4f-bff8-26349370a8cb).

wish to have any part in killing an unborn child will leave the state or the profession. Driving health care professionals out of the profession will limit access for patients.

The COVID-19 pandemic renewed respect for health care professionals and the sacrifices they make. It has also highlighted how essential health care professionals are to our communities thriving. Without religious freedom protections, doctors will be forced to choose between living in accordance with their deeply-held beliefs and living in Maryland. Many will choose to leave the state. Young men and women who have deeply-held beliefs will see the inability to be a person of integrity as a health care professional. As a result, many will choose other professions.

The Health Care Freedom of Conscience Act provides philosophical diversity in the health care workforce. Patients should have the opportunity to choose a doctor who practices medicine in accordance with the beliefs of the patient. Although not everyone believes that abortion is the killing of an unborn child, mothers who do should be able to choose a health care professional who does not perform abortions to deliver their new baby. The Health Care Freedom of Conscience Act enables this opportunity.

There are health care workforce shortages in the state of Maryland. Passing HB 1364 will help ensure that no health care worker chooses another state and no student chooses another profession because of the inability for health care workers to live consistently with their beliefs.

Finally, the COVID-19 pandemic has also brought to light the tremendous strain health care professionals are under and the heroism of their work. The Freedom of Conscience Act assures health care professionals that their work is not taken for granted—that they will not be placed under the additional pressure of acting in a way that violates their deeply-held beliefs.

Since its founding, the state of Maryland has protected the freedom to live a life of integrity—one in accordance with a person's deeply-held beliefs. The Health Care Freedom of Conscience Act provides protections for health care workers to practice medicine in accordance with their conscience. In doing so, it ensures medical professionals are providing the treatment they believe is best. It provides diversity

in the medical field, combats the health care worker shortage, and alleviates unnecessary stress on health care workers. I urge you to pass this legislation.