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REPORT



The Newsletter of the
Wisconsin Catholic Conference

Bishops Write Joint Letter on Insurance Mandate

Wisconsin's bishops have called a provision in the recently-enacted state budget mandating that health insurance policies cover contraceptive services as "blatantly insensitive" to the moral values of Catholics.

The bishops commented on the provision in a letter to Catholics released on August 19th. "This mandate will compel Catholic dioceses, parishes, and other agencies that buy health insurance to pay for a medical service that Catholic teaching holds to be gravely immoral."

The bishops noted that the mandate "violates not just our religious values, but also our constitutional rights."

"Nowhere does the Constitution say that the right of conscience is protected except in matters related to human reproduction."

Most states that have adopted this type of mandate have included an exception for religious institutions or for certain employers. However, the provision in the Wisconsin budget did not include such an exception.

The mandate takes effect early in

2010 or upon expiration of any existing agreement after the effective date. It affects the Archdiocese of Milwaukee and the Green Bay and Madison dioceses, whose current employee health insurance policies must be altered by insurance providers in order to comply with the new law. The mandate does not apply to self-funded health insurance plans, such as those owned and operated by the La Crosse and Superior dioceses.

In their letter, the bishops wrote they would continue to provide health insurance to employees as they consider their options for contesting the policy.

WCC Executive Director John Huebscher noted that dioceses in other states with similar laws have opted to self fund their health insurance plans, but he emphasized that no diocese affected by the new law has made any decisions at this time.

"There is time to review and analyze all the options carefully and the diocesan leadership is doing just that," he said.

A copy of the bishops' letter may be found at the WCC website, www.wisconsinatholic.org.

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Director's Corner

John Huebscher, Executive Director

As the current national debate over health care reform continues, it is clear that we Catholics can make a distinct contribution to the debate.

First, we offer the unique perspective of: 1) a moral tradition with long experience reflecting on human relationships and obligations; 2) a provider of health care services through our many healing ministries; and 3) a purchaser of health insurance for the thousands of people employed by Catholic agencies and parishes.

Second, we offer carefully considered priorities for health care, formed in light of our experience. These priorities are as follows:

1. Health care reform must protect the life and dignity of all, especially those who are poor and vulnerable. Genuine health care reform that protects human life and advances universal coverage is a moral imperative and urgent national priority. Coverage should be truly universal, assuring decent health care from conception to natural death.
2. We must oppose any efforts to expand abortion funding, mandate abortion coverage, or endanger the conscience rights of health care providers and religious institutions.
3. We support effective measures to safeguard the health of immigrants, their children, and all of society by expanding eligibility for public programs, such as Medicaid, to all low-income families and vulnerable people, and by offering adequate subsidies for cost-sharing of insurance premiums and out-of-pocket expenses.

As Congress returns to work in September, the voice of Catholics across the country is urgently needed. Please write or call your Congressional representatives and ask them to adopt these three priorities so that the health and life of all becomes a reality.

For more information on health care reform and the Catholic perspective, visit www.usccb.org/healthcare.

Court Affirms Religious Freedom

In July, the Wisconsin Supreme Court ruled that both the U.S. and Wisconsin Constitutions protect employment decisions by religious groups from judicial review if a position is "ministerial."

In its decision, *Coulee Catholic Schools v. LIRC*, the Court held that the right to religious freedom is not only for individuals, but for institutions as well. It also ruled that this institutional freedom includes the right to determine who does or does not hold a ministerial position. Further, since this freedom is grounded in the U.S. Constitution, it insulates church decisions related to hiring and firing of its ministers from laws that ban discrimination.

Previous rulings in this area used a "primary duties" test that examined how much time the employee spends on ministerial duties. The Court altered its analysis under this opinion, holding that a better standard to adopt is what it called a "functional approach." This approach does not consider the amount of time spent on certain duties, but rather "whether a position is important to the spiritual and pastoral mission of the church." The focus of such a test, the Court reasoned, is on the function of the employee, not just on tasks themselves.

A functional analysis, the Court wrote, "gets to the real heart of the ministerial exemption, which is preventing the state from intruding into the mission of religious organizations or houses of worship."

The Court made clear that its ruling does not suggest that any interference with a church is totally prohibited. "General laws related to buildings, taxes, social security and the like are generally acceptable." Nor is the church immune from enforcement of employment discrimination laws for employees not linked to the religious mission of the church.

The opinion is helpful to churches and religious organizations in that it provides further clarification of the protection afforded to religious institutions in making certain hiring and firing decisions. However, the decision also makes clear that this is not a blanket exception, and the outcome of future litigation will depend on the facts of the case.

Medical Society Says No to Assisted Suicide

On August 14th, the Ethics Committee of the Wisconsin Medical Society decided against forwarding a resolution in favor of helping patients end their lives, which was brought before the Committee under a formal request for consideration.

The rules of the Society require its committees to give consideration to any resolution offered by one of its members. However, the Committee chose not to forward the resolution onto the full House of Delegates.

The Committee's proceedings were closed and speakers

appeared by invitation only. The Committee had arranged to listen to statements both in favor and in opposition to the resolution, and also receive numerous written comments regarding the resolution.

WCC Executive Director John Huebscher wrote a letter urging the panel not to approve the resolution. Huebscher's letter affirmed that human life is a sacred gift and an inalienable right. The letter asserted that, if permitted, assisted suicide would weaken the bonds of human solidarity. The full text of the letter is available on the WCC's website.

WCC Supports Curbing Payday Loans

The Wisconsin Catholic Conference is supporting a new bill that would place strong restrictions on the payday loan industry.

Co-authored by Representative Gordon Hintz (D-Oshkosh) and Senator Dave Hansen (D-Green Bay), Assembly Bill 392, which has over 55 sponsors, would prohibit payday lenders from assessing finance charges that exceed 36 percent per year. Under the legislation, the Department of Financial Institutions (DFI) would be responsible for enforcing the new regulations. Those in violation would be subject to fines, imprisonment, or both, and borrowers could also bring suit against violators to recover damages.

While the DFI must license all payday lenders operating in the state, it currently does not have the authority to regulate the amount of the loans, the interest charged, or the number of times a loan can be "rolled over." As a result of this limited regulation, payday lending in Wisconsin has flourished in the past fifteen years. In 1995, the state licensed two payday lenders. Last year, it licensed 530.

Catholic Charities agencies in Wisconsin, which offer

family financial counseling services, witness firsthand how these loans impact needy families. They report seeing an alarming rise in the number of individuals seeking their services due to the unregulated nature of the payday loan industry.

Catholic Charities of the Diocese of La Crosse, for example, offers a Financial Counseling Program in office locations throughout western Wisconsin. The agency estimates that one in every three clients on its Debt Management Program (DMP) has a payday loan, and most clients carry more than one payday loan account. On average, they have three accounts and some have up to six or eight accounts with different payday lenders. The average payday lender charges a 485% annual percentage rate (APR), but there have also been cases where the APR is higher than 1000%.

"Catholic teaching calls on us to help the poor and not abandon them," explained WCC Executive Director John Huebscher. "Largely unregulated forms of predatory lending exploit the vulnerability of those who are often under fiscal and emotional stress. Bills like AB 392 can prevent such exploitation."

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Budget Contains Blend of Good and Not So Good Provisions

The state budget for 2009-11 was signed into law by Governor Doyle on June 30, 2009. In more ways than one, the budget reflects “the signs of the times”. First, it reflects Wisconsin’s dire fiscal situation by its timely passage, program cuts, and tax hikes. Second, the budget includes a number of “policy items” unrelated to spending.

The following are some provisions of interest to the WCC and Catholic organizations:

Foster Care and Kinship Care. The budget increased foster care payments by 2.5% for relatives and by 5% for non-relatives beginning on January 1, 2011.

W-2 Eligibility for Pregnant Women. The budget extended eligibility for benefit payments to women with no other children who are in the third trimester of pregnancy and not able to work because of a medically verified at-risk pregnancy.

Tax-Exempt Housing. The budget clarified the property tax exemption for housing projects in a manner that allows low-income housing programs to maintain their tax-exempt status.

Badgercare Plus Coverage of Childless Adults. The budget approved the expansion of the BadgerCare Plus program to include coverage of childless adults (with incomes under 200% of federal poverty level).

Milwaukee Parental Choice Program (MPCP). The budget added certain regulations to improve program accountability. Certain intrusive regulations were altered or removed due to the lobbying efforts of the

WCC and other MPCP supporters. The voucher payment was reduced by \$165 per pupil due to an overall cut in school aids to public school districts.

Included in the budget were the following items that the WCC opposed or requested amending:

Community Aids. The budget reduced the level of state funding for the Community Aids program by 1% and failed to offset the loss of about \$20 million in funds under the federal Title IV-E program.

Family Planning Waiver for Men. The budget expanded eligibility to men ages 15-44 for the Medical Assistance family planning waiver program.

Domestic Partnership Registry and Benefits. The budget allows same-sex couples to register as domestic partners. Those who register become eligible for certain legally recognized prerogatives or benefits that currently accrue to married couples (and, in some instances, other relatives).

Pharmacy Duty to Fill Contraceptive Prescriptions. The budget specified that all pharmacies have a duty to dispense contraceptives when presented with a valid prescription. There is no requirement that a pharmacy stock certain drugs, and no exemption was made for religiously-affiliated institutions.

Insurance Mandate to Cover Contraceptive Services. The budget mandated that most health insurance plans include coverage for contraceptive services. (See story on Page 1).