

Children's Healthcare Is a Legal Duty, Inc.

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Legislative Alert Healthcare Reform

It has been a very busy summer for CHILD Inc. On June 14th we learned that the Christian Science church had that day gotten a rider attached to the bill appropriating funds for the U. S. Department of Health and Human Services (HHS). The rider prohibited HHS from regulating state policies on "non-medical health care" of children. It prevented the federal government from requiring medical care of children, either through parental duty or court order.

In our view, it put the federal government in the position of endorsing "non-medical health care" as treatment for all diseases of children. At the least, it stopped HHS from making even the modest improvements in religious exemption laws that HHS has called for in recent years.

We are embarrassed to report that an Iowa Congressman, Neal Smith, added the rider to the bill in his capacity as chair of the Labor, Health and Human Services, and Education Subcommittee.

Later, Smith's staff said the rider was pushed by Congressman John Porter, R-Illinois, who was reportedly a good friend of former Senator Charles Percy, R-Illinois, a Christian Scientist.

Porter's staff, in turn, said that Congressman Lamar Smith, R-Texas, had asked them to promote the rider. Smith's wife, Jane, was accredited by the Christian Science church as a "practitioner" or spiritual healer.

In 1991, Jane Smith died at age 43 of bilateral pulmonary emboli, meaning blood clots in the lungs. Mrs. Smith died at Tenacre, a Christian Science nursing home in Princeton, New Jersey, after two weeks of care there. The condition would have been

medically treatable with anti-coagulants, but that was not allowed at Tenacre.

After thousands of hours of work by child advocates and scores of letters to Congress by CHILD members, we believe that the House rider will be deleted from the HHS appropriations bill by the conference committee.

Most likely, the Senate version will be accepted instead. It imposes a temporary moratorium on HHS policy on religious exemptions and calls for the authorizing committees of Congress to deal with the issue when the Child Abuse Prevention and Treatment Act (CAPTA) is reauthorized next year.

Our attention is now focused on the Christian Science church's attempt to get its methods reimbursed in the national health care plans. Rep. Dick Gephardt, D-St. Louis, has acceded to the church and has provided reimbursements for both the prayer-treatments of Christian Science practitioners and care by the unlicensed, untrained church nurses in his national health care bill.

Such reimbursements are estimated to cost \$15 million a year. But no public money should be spent for religious practices by unlicensed providers.

Furthermore, these reimbursements will increase the endangerment of Christian Science children. The church will promote them as evidence that Christian Science heals diseases of children, and the parents will not see the risks of withholding medical care.

ABC's *Prime Time* plans to cover the Christian Science reimbursements Gephardt has added. The program may air on Thursday, August 18.

We urge all friends of CHILD to contact their Congressman immediately and protest reimbursements for Christian Science care and treatment.

The following pages are handouts distributed to Congress by the church and CHILD's response.

The First Church of Christ, Scientist in Boston Massachusetts

Washington, D.C. Office
Committee on Publication

HEALTH CARE REFORM and THE CHRISTIAN SCIENCE CHURCH

PROPOSAL

Christian Science care and treatment must be included in any guaranteed national benefit package. Services provided include treatment by a Christian Science practitioner and care provided by a Christian Science nurse at home or in a Christian Science nursing facility.

RATIONALE

1. Christian Science care and treatment is simple and low cost.

The CBO estimate to include Christian Science care and treatment (based on the House Ways and Means Committee health care bill) is \$15 million annually.

2. Christian Science care and treatment is NOT an added benefit.

People use the services of Christian Science practitioners and Christian Science nurses in lieu of seeking medical care. For this reason, Christian Science care and treatment actually SAVES the government money (compare the cost of a doctor's office visit and medicine to that of a Christian Science practitioner who charges on the average \$20 per daily treatment, per office visit, or per home visit).

3. Christian Science care and treatment is a deductible IRS expense and is covered through many private and employer-provided insurance plans, e.g., Travelers and Prudential.

If Christian Science care and treatment are omitted from a guaranteed national benefit package, the country is thereby denied the kind of coverage many now enjoy and Congress' goal of universal coverage is not achieved.

4. Christian Science is a proven means for caring for one's health through prayer.

These services are not based on a conventional medical model and therefore are completely separate from the other health care services included in the national benefit package.

5. Christian Science is a religion that provides reliable health care for those who practice it.

Health care reform clearly must meet the concerns of the majority, but it must also protect the choices of the minority -- especially when those choices touch on basic religious principles and practices.

7/24/94

The First Church of Christ, Scientist in Boston Massachusetts

HEALTH CARE REFORM and the CHRISTIAN SCIENCE CHURCH

Background

The Church of Christ, Scientist, is one of only a few major indigenous American religious denominations. Founded in 1879 by Mary Baker Eddy, the Church has its world headquarters in Boston, Massachusetts, and is represented by congregations in all 50 states and in more than 70 countries. The Church has long occupied a visible place in public life especially through the publication of its respected international newspaper, *The Christian Science Monitor*. Mary Baker Eddy's purpose in founding the Church was to "reinstat primitive Christianity and its lost element of healing."

Christian Science is a practical religion that provides adherents with a proven means of caring for one's health and well-being through prayer. In other words, our system of health care is based upon our religious beliefs and practices. For over a century, Christian Scientists have found reliance on spiritual treatment to be the most effective healing method for themselves and their families.

In light of the above, the Church has been evaluating whether the religious system of Christian Science care and treatment could fit within a government-mandated and government-funded system of health care based primarily on the medical model. Christian Science care is unique, and, given its religious basis, it is impossible to evaluate it fairly from a medical standpoint. As a consequence, although the Church has decided at this time to take part in the health care dialogue and to offer a proven means of spiritual healing, it reserves the right to change its course:

- should the legislation being crafted require procedures for monitoring and evaluation that we feel are invasive, or
- should the Church decide that inclusion in the national health care system intrudes into our religious practices.

Christian Science Care and Treatment

Our system of health care (the general components of which are outlined below) provides a means of healing that successfully meets the six major criteria for health care reform, defined by President Clinton and under consideration by the Congress: security, simplicity, savings, freedom of choice, quality, responsibility.

- Self-treatment and healing. Christian Science teaches individual responsibility and self-reliance on prayer, for health and healing. In that sense it is both preventative and curative and imposes no financial burden on society.

- Practitioner services. A practitioner is an individual experienced in the full-time ministry of healing through spiritual treatment. There are over 1,500 Christian Science practitioners* in the United States. The service of practitioners, when called upon, is the form of Christian Science health care used the most often, aside from self-treatment. Practitioner charges are quite modest when compared to physician payments.

- Nursing care. A Christian Science nurse provides practical, individual care on a basis consistent with the teachings of the religion. There are over 500 Christian Science nurses in the United States whose names are published in a list of nurses in *The Christian Science Journal*. Nurses care for practitioners' patients in their own homes or in nursing facilities for Christian Scientists.

Nursing facilities for Christian Scientists offer care within the facility and on a drop-in (outpatient) basis. Many facilities also provide nursing services in one's home. Nursing facilities accommodate individuals experiencing both physical and personal challenges. There are currently 24 nursing facilities for Christian Scientists in the United States providing nursing care.

- Other home care services. Christian Science home care services can include nursing care and home care services. Nurses aides would provide nursing services under the oversight of a Christian Science nurse. Home aides might provide nursing services under the oversight of a Christian Science nurse or non-nursing services generally under the oversight of a Home Aide Coordinator.

Current Coverage

Christian Science care and treatment are currently covered through a number of private insurance companies, such as Prudential and The Travelers Companies; employer-provided health insurance, including plans offered by ITT, Dupont, IBM, and Turner Broadcasting; federal insurance programs, including Medicare, Medicaid, and CHAMPUS; and a number of state and local government insurance programs. Also, Christian Science care services are considered deductible, as are medical expenses, by the IRS.

* "As used here, the term "Christian Science practitioner" refers to persons whose names are published in a list of practitioners in *The Christian Science Journal*, the official organ of The First Church of Christ, Scientist in Boston, Massachusetts."

The Christian Science Church as Employer

The Church headquarters in Boston employs both Christian Scientists and people who are not Church members. In order to ensure freedom of choice with respect to health insurance decisions, the Church offers two plans -- a medical plan and a Christian Science care and treatment plan -- to meet the needs of all its employees. In the event that the new health care legislation includes employer mandates, the Church would willingly provide health care coverage for all its employees, even though the cost of the new program will undoubtedly be greater than the Church's current health plans. However, it is only fair that the Church (and any other employer who employs Christian Scientists) be permitted to continue to offer its Christian Science workers a simple, low-cost Christian Science care and treatment plan *in lieu of* the federally-mandated program. Such coverage meets the President's six criteria for health care reform.

Conclusion

Our country is at a crossroads in addressing one of the most basic human needs -- quality health care. During this debate, it is critical that Congress not ignore a proven spiritual system of health care, especially at a time when many Americans are exploring spiritual healing and other alternatives to conventional medicine. Moreover, all citizens, including Christian Scientists, deserve health care security on terms at least as favorable tomorrow as they enjoy today. For Christian Scientists, this health care concern has the added dimension addressed so forcefully in the recently passed Religious Freedom Restoration Act. As a consequence, it is hoped that the Congress, in striving to achieve the goal of universal access and coverage, will ensure the continuation of insurance coverage for the care and treatment that generations of Christian Scientists have found to be the most effective and reliable.

The following companies are among those which will provide benefits for Christian Science treatment and care in group health and accident insurance plans. Such benefits may cover treatment by a Christian Science practitioner, confinement in a Christian Science sanatorium, and/or care by a graduate Christian Science nurse, but must be spelled out in a rider or policy statement issued by the company. Underwriting rules vary with smaller group plans.

Aetna Life Insurance Company
 American Mutual Liability Insurance Company
 Banker's Independent Insurance Company
 Benefit Trust Life Insurance Company
 Blue Cross and Blue Shield of Massachusetts
 CIGNA Companies
 CNA Insurance Companies
 Chubb LifeAmerica Companies
 Confederation Life Insurance Company
 Connecticut Mutual Life Insurance Company
 EQUICOR
 Fireman's Fund Insurance Companies
 First Farwest Life Insurance Company
 General American Life Insurance Company
 Guarantee Trust Life Insurance Company
 Hartford Life Insurance Company
 Jefferson-Pilot Life Insurance Company
 John Hancock Mutual Life Insurance Company
 Massachusetts Mutual Life Insurance Company
 Mutual of New York (MONY)
 Mutual of Omaha Insurance Company
 The New England
 New York Life
 Occidental Life of California
 Pacific Mutual Life Insurance Company
 Phoenix Mutual Life Insurance Company
 Principal Mutual Life Insurance Company
 Provident Life and Accident Insurance Company
 The Prudential Insurance Company of America
 State Mutual Companies
 Sun Life Assurance Company of Canada
 The Travelers Insurance Companies
 Unites States Life Insurance Company

The following companies are among those which offer restricted benefits for Christian Science care and treatment in their group health and accident insurance plans when asked to do so by employers. Coverage is available for confinement in a Christian Science sanatorium, care by a graduate Christian Science nurse, and treatment by a Christian Science practitioner if rendered in the physical presence of the patient.

Great-West Life Assurance Company
 Lincoln National Life Insurance Company
 Metropolitan Life Insurance Company
 The Guardian Life Insurance Company of America

**DISCUSSION DRAFT
S. 1757 — Mitchell (Administration Bill)
Suggested Amendments**

Coverage for Christian Science Treatment and Care.

On page 34, between lines 8 and 9, insert the following:

(19) Other remedial treatment and care (described in section 1129).

On page 76, between lines 4 and 5, insert the following:

SEC. 1129. OTHER REMEDIAL TREATMENT AND CARE.

(a) IN GENERAL. — The other remedial treatment and care described in this section are the following:

(1) Treatment by Christian Science practitioners whose names are published in the list of practitioners in The Christian Science Journal, the official organ of The First Church of Christ, Scientist, in Boston, Massachusetts.

(2) Nursing care provided by Christian Science nurses whose names are published in the list of nurses in The Christian Science Journal, including care provided by nurses aides and home aides under the supervision or oversight of a Christian Science nurse so published.

(3) Room and board for individuals needing and receiving care from a Christian Science nurse in a duly-recognized nursing facility for Christian Scientists.

(4) Transportation primarily for and essential to the care described in a preceding paragraph, the need of which is determined by a Christian Science practitioner providing treatment or a Christian Science nurse providing care.

(b) SPECIAL RULES. —

(1) PRACTITIONER TREATMENT. — To be eligible for coverage and for reimbursement for the cost of treatment by a Christian Science

practitioner, the practitioner must determine that the individual has a health-related need that would justify treatment.

(2) NURSING CARE. —

(A) IN GENERAL. - To be eligible for coverage and for reimbursement for the cost of nursing care, a committee on eligibility must determine that the individual needs the skills, judgment and/or oversight of a Christian Science nurse at some point during each 24-hour period for which the individual is requesting coverage of such care.

(B) COMMITTEE ON ELIGIBILITY. - For purposes of subparagraph (A), a committee on eligibility shall be composed of the senior operating manager of a nursing facility for Christian Scientists and two Christian Science nurses with management and/or supervisory responsibility over Christian Science nurses in such facility/organization.

(3) SPECIAL CONDITIONS.- For purposes of regulations implementing this section, the other remedial treatment and care described in subsection (a) above shall be defined as, limited to and shall include only such treatment and care as is ordinarily furnished by such providers, and regulations implementing this section shall not be inconsistent with the usage and custom of such providers.

(c) NURSING CARE DEFINED. —

For purposes of this subsection, the term "nursing care" means Christian Science nursing care, including nursing supplies and care-related equipment.

On page 91, between lines 4 and 5, insert the following new flush sentence:

This subsection shall not apply to an item or service described in section 1129.

**DISCUSSION DRAFT
Health Security Act of 1994**

**Suggested Amendments
Where state licensure defines a health care provider**

Coverage for Christian Science Treatment and Care.

In the case of health professional services provided by a Christian Science practitioner or a Christian Science nurse whose name is published in the list of practitioners or nurses in *The Christian Science Journal*, the official monthly organ of The First Church of Christ, Scientist, in Boston, Massachusetts, such publication shall be in lieu of any licensing, certification, or other legal authorization to provide health professional services by a State, including the application of any requirements relating to such licensing or certification.

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Why the federal government should not authorize payments for Christian Science "care" and "treatment"

The Christian Science church is asking U. S. Senators and Congressmen to provide reimbursements for Christian Science "care" and "treatment" in national health care plans. Congressman Richard Gephardt, D-St. Louis, has included them in his health care bill.

CHILD Inc. urges legislators to resist the pressures for such reimbursements.

- Christian Science providers are not state-licensed. The state has no way of certifying their credentials to take responsibility for patients and therefore should not be authorizing payments to them.
- No scientific studies indicate that Christian Science can heal organic disease. Studies published by the American Medical Association and the Center for Disease Control show significantly higher mortality rates among Christian Science adults.
- Christian Science providers require that all their "patients" endorse Christian Science theology. Government compensation for their services is an unconstitutional entanglement of church and state and promotion of one church over another.
- Government-authorized payments promote attitudes that endanger children. The Christian Science church uses third-party payments, recognitions, and exemptions for its agents as evidence that public officials believe Christian Science can heal all diseases as effectively as medical care. Parents are led to believe that Christian Science is not only a legal substitute for the medical care needed by a sick child, but also safe.

The Christian Science church designates certain members as "practitioners," who take "patients," give "treatments," and send bills for these treatments. The only formal training for the practitioners is a two-week course in religious instruction.

The treatments are an argumentative form of prayer, usually given without seeing the patients. The practitioners have no training in diagnosis, so they usually do not know what disease they are treating. They are in fact trained to believe that disease is unreal and seems to be real only as a delusion of the patient.

The church also designates certain people as "nurses" and maintains nursing homes or sanatoria. These nurses are not state-licensed and do not

work under the supervision of state-licensed personnel. They provide services only to patients receiving prayer treatments from Christian Science practitioners.

The nurses are not trained to recognize symptoms of contagious diseases. They cannot take a pulse or use a fever thermometer. They will not do even simple, non-medical procedures to relieve discomfort such as backrubs, enemas, or the application of heat or ice.

Their work includes reading and singing from church material and encouraging the patients to rely on the church's spiritual healers.

These nurses have sat at the bedsides of dying children for hours, observing severe pain and other extreme symptoms, but they do not recommend medical care. In 1986 toddler Robyn Twitchell died near Boston because his Christian Science parents did not get medical care when he was violently ill with a bowel obstruction. A Christian Science nurse force-fed him and directed his mother to feed him every half hour. The last day of his life he was vomiting his own feces.

The church provides no training for the nurses nor does it require training from a secular institution. If a registered nurse or licensed practical nurse wanted to become a Christian Science nurse, s/he would have to drop his or her medical licensure and convert to the Christian Science faith.

Will the church save the taxpayers money?

The Christian Science church argues that Christian Science is used in lieu of medical care and therefore reimbursements for Christian Science methods will save the taxpayers money.

Mary Baker Eddy, the church founder, directs the practitioners to "make their charges for treatment equal to those of reputable physicians in their respective localities" (Miscellany 237). The charges for their prayer treatments can, therefore, be considerable. Many have reported practitioner charges of \$50 to \$100 a day for a prayer.

Because Christian Science rejects immunizations and other preventive measures, it frequently raises medical costs significantly. Deaths of Christian Science children to vaccine-preventable diseases cost state health departments many thousands of dollars. In 1994, Christian Science children in St. Louis set off the nation's largest measles outbreak since 1992. It spread into the public schools and cost St. Louis County more than \$100,000.

By the time Christian Scientists give up on their religion and dash to the emergency room of a hospital, their condition frequently costs much more to treat than if they had gone to a doctor at the onset of the illness.

The church handout to Congress says that Christian Science is always in lieu of medical care. That is not true. While the church doctrine generally states that patients cannot have both medical care and Christian Science at the same time, Mary Baker Eddy provides some exceptions when it is all right to have both, such as obstetrical care, setting of broken bones, eyeglasses, and dental work. Thus, the taxpayer will have to pay both for an obstetrician to care for a Christian Scientist and a practitioner to pray for her.

In 1984, Christian Scientist Ira Stephenson was taken to a medical hospital after an accident in Michigan. A Christian Science practitioner prayed for him while he was in the hospital receiving medical treatment. The practitioner billed \$1775. for her prayers. The Stephensons demanded that State Farm Insurance pay both the medical bills and the practitioners' bills. After the Stephensons went to court, State Farm agreed to pay the \$1775. Documents filed with the

court indicate that the prayer treatments were given during the twenty days of Stephenson's hospitalization. If so, the practitioner was charging more than \$88. a day for a prayer ten years ago.

Current reimbursements

The Christian Science church has been very active in obtaining recognition from the private insurance industry and the government. Many major insurance companies will reimburse for Christian Science prayer treatments and nursing care.

In our view, such policies do not indicate that the federal government should require insurance pools to reimburse for such services. The government should not be requiring payments for anybody's prayers.

Also, Medicare and Medicaid reimburse for care in Christian Science sanatoria accredited by the Christian Science church. In 1992 Medicare paid \$7.4 million for such care.

CHILD sees such reimbursements as an unconstitutional entanglement of church and state. We believe that public money should be given only to state-licensed providers and institutions.

The Health Care Financing Administration (HCFA) has to make several exceptions to provide payments to Christian Science sanatoria. Since there is no medical diagnosis for the patients in these sanatoria, HCFA cannot classify the care they receive by diagnostic-related groups (DRGs). HCFA exempts the Christian Science sanatoria from minimum staffing requirements and the requirement that institutions receiving Medicare/Medicaid funds provide at least one hour of skilled nursing care in a 24-hour period.

HCFA has developed such exemptions because it cannot set standards for the unlicensed providers in Christian Science sanatoria. As one HCFA official said, "Congress told us to give them the money and look the other way."

Finally, the Internal Revenue Service allows Christian Science care and treatment to be deducted from income tax as a medical care expense. This policy seems bizarre to us, but such charges might be deducted as charitable donations if they were not classified as medical care expenses.

Health care without responsibility

Of the above reimbursements and recognitions, only the Medicare/Medicaid policy was mandated by Congress. CHILD believes it to be unconstitutional. We urge the Congress to reconsider it. When Congress authorized these reimbursements in 1965, the Christian Science church at least provided a three-year training program for their nurses. However inadequate and eccentric, some training was provided. But now the church has canceled all of its training programs, probably because a bereaved father has won a multi-million dollar judgment against the church after one of its healers and nurses let his diabetic son die.

In a nutshell, the church wants money for providing "health care," but does not want any of the responsibilities that go with health care.

We urge Congress to discontinue Medicare/Medicaid payments to Christian Science sanatoria and not to mandate any other type of payment for services rendered by agents of the Christian Science church.

Written by Rita Swan, President of CHILD Inc., 15 August 1994