



May 18, 2020

Centralized Case Management Operations
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Room 509F HHH Bldg.
Washington, D.C. 20201

Attn: Conscience and Religious Freedom Division

**Re: Complaint for Discrimination in Violation of 42 U.S.C. § 300a-7(c)(1)
("Church Amendment")**

Contact attorney for complainant:

Francis J. Manion, Esq.
Geoffrey R. Surtees, Esq.
American Center for Law and Justice

[REDACTED]

Complaint filed on behalf of:

Karen Lightfoot-Betts

[REDACTED]

*Person/Agency/Organization
committing discrimination:*

[REDACTED]

Date and nature of discriminatory acts:

In 1998 Karen Lightfoot-Betts worked as an RN at [REDACTED]
[REDACTED] In late February - early March of
1998, she was deceived into participating in the surgical abortion of an
approximately six-months gestational age unborn child.

★

[REDACTED]

Lightfoot-Betts, an individual with strong and lifelong religious beliefs against abortion, was part of the Operating Room nursing staff as the Clinical Resource Nurse of GYN at [REDACTED] at the time.

On the date in question, she was assigned to perform as a scrub nurse, a procedure that was deliberately scheduled incorrectly as a D&C for a missed spontaneous abortion: a miscarriage. [REDACTED] was the GYN Surgeon performing the procedure. She had brought a special tray of her own instruments to be used during the case. This, in and of itself, did not raise any alarms for Complainant as this is a frequent occurrence in the OR; special instrumentation brought in by the surgeon or a vendor for various procedures to be performed. As the procedure progressed, however, it became apparent that it was, in fact, a late-term surgical induced abortion.

Lightfoot-Betts witnessed the surgical removal of an infant about twelve (12) inches long which was placed in a metal basin. To her horror, Lightfoot-Betts watched the helpless baby roll around in the basin and look at her.

Immediately following the completion of the abortion, Lightfoot-Betts went to her supervisor, [REDACTED]. She reported her horror at having been deliberately deceived into participating in an abortion and informed her supervisor that, based on her religion, she "could not do that," i.e., participate in abortion procedures in the future. Her supervisor, [REDACTED] replied, "You have to do that. You are in charge of the GYN Service here. You have no other choice." Lightfoot-Betts asked if anyone else who did not hold her religious beliefs could do the job in the future. She was told flat out and bluntly "No!" by [REDACTED]. When Lightfoot-Betts replied, "I guess I need to find another job, then," [REDACTED] replied, "Well then, I guess you do!"

Lightfoot-Betts immediately began to look for another job. Several weeks later she succeeded in finding work in a Catholic hospital system where no abortions were performed and resigned from [REDACTED]. She has continued to work at this Catholic hospital system in order to guarantee that this type of incident will never happen to her again.

At the time of the incident, Lightfoot-Betts was not aware of surgical induced abortions being a procedure offered at her hospital. Previous to the merger of [REDACTED] absolutely no abortions were permitted due to the strong pro-life stance of the [REDACTED] administration at that time. This is to say that at no time prior to the date of the incident had Lightfoot-Betts ever been informed by management that abortions would be offered on the [REDACTED] once the [REDACTED] merger was complete. Although she was in charge of the GYN Service

at the [REDACTED] at no time prior to the date of the incident had Lightfoot-Betts ever been informed of that by management.

In addition, at no time prior to the incident was Lightfoot-Betts ever notified of her right, under federal or state law, to opt-out of participating in abortions based on her religious objections. In fact, after the incident, she was expressly told that her participation was mandatory and she was ordered to participate in abortion procedures whether she or not she had religious objections.

Although the incident occurred in 1998, Lightfoot-Betts is haunted almost daily by this experience to this day. She has a detailed recollection of the procedure itself, the people involved, and the people she spoke with about her experience following the incident. She describes herself as continuing to have “nightmare, visions, and generalized PTSD” from this event.

The response Lightfoot-Betts’s supervisor — “you have to do that, you have no choice” — indicates that [REDACTED] either had a grossly inadequate policy for protecting conscience rights at the time, or no policy at all. It seems clear that, even had Lightfoot-Betts *not* been deceived about the nature of the procedure, any request to opt-out would have been futile.

The violation of the Church Amendment here — as well as other state and federal conscience laws — could not be clearer. Since Lightfoot-Betts left the employ of [REDACTED] shortly after the incident, she cannot be certain about whether or not the hospital has ever changed its policies to bring them into compliance with the law. We urge HHS Office of Civil Rights to immediately initiate an investigation of this incident as well as [REDACTED] conscience policies — or lack of such policies — and take remedial action.

Karen Lightfoot-Betts only recently became aware of the protections afforded by the Church Amendment. Had she been aware of such protections in 1998, she would not have been forced to endure the horror of participation in this procedure. She is ready and willing to assist OCR in investigating and remedying this situation.

Respectfully submitted,



Francis J. Manion
Senior Counsel
American Center for Law & Justice