



DEPARTMENT OF HEALTH & HUMAN SERVICES

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OFFICE OF THE SECRETARY

Office for Civil Rights, Region II
Jacobe Javits Federal Building
26 Federal Plaza, Suite 3312
New York, NY 10278

JUN -7 2010

Matthew S. Bowman, Esq.
Alliance Defense Fund
801 G Street, N.W.
Washington, D.C. 20001

Our reference number: 10-109676

Dear Mr. Bowman:

Thank you for your complaint received on March 8, 2010, by the U.S. Department of Health and Human Services (HHS), Office for Civil Rights (OCR), which was filed on behalf of Catherina Lorena Cenzon-DeCarlo (the affected party) against The Mount Sinai Hospital (the Hospital). Your complaint alleged that, on May 24, 2009, the Hospital forced the affected party to assist in the performance of an abortion procedure despite her express religious objections. The complaint also alleged that the Hospital discriminated against her by: (i) reducing the amount of her on-call shifts for August 2009; and (ii) asking her to sign a statement of her willingness to participate in abortion procedures in emergencies as a condition to being assigned more on-call shifts for September 2009, than she was assigned for August 2009.

OCR is responsible for enforcing a variety of Federal civil rights laws that prohibit discrimination and for enforcing a Federal regulation that protects the privacy of medical records. Specifically, OCR has jurisdiction over programs and entities that receive Federal financial assistance from HHS in cases involving discrimination based on race, color, national origin, age, disability and, under certain circumstances, sex and religion. OCR also has been designated to receive complaints of discrimination and coercion that violate the Church Amendment, 42 U.S.C. § 300a-7, and its implementing regulation, 45 C.F.R. Part 88.

OCR has determined that your complaint is complete and we have accepted it for investigation. OCR will coordinate the handling of your complaint with the staff of the HHS program(s) from which the Hospital receives HHS funding. We will investigate your complaint pursuant to our authority under 42 U.S.C. § 300a-7, its implementing regulation, 45 C.F.R. Part 88, and other Federal statutory and regulatory authorities that prohibit discrimination.

Please contact our office if you or the affected party experiences any adverse action by the Hospital as a result of your filing this complaint, providing information to OCR or otherwise participating in this investigation.

Page 2- Matthew S. Bowman, Esq.

The Freedom of Information Act may require that we release this letter and other information about this case upon request by the public. In the event OCR receives such a request, we will make every effort to protect information contained herein that identifies individuals or that, if released, would constitute an unwarranted invasion of privacy.

If you have questions, please write us or contact Frank J. Musumici, Supervisor, at (212) 264-3313. When contacting this office, please remember to include the reference number that we have given your file. That number is located in the upper left-hand corner of this letter.

Sincerely,



Michael Carter
Regional Manager
Office for Civil Rights
Region II