

News

# UMDNJ, 12 nurses settle lawsuit claiming they were forced to assist with abortions

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By [Seth Augenstein | NJ Advance Media for NJ.com](#)



**Jennifer Brown/The Star-**

**Ledger** Twelve nurses sued the University of Medicine and Dentistry of New Jersey over being forced to assist in abortions. They settled in federal court today.

**NEWARK** — A dozen nurses who sued the University of Medicine and Dentistry of New Jersey for having to assist patients who get abortions reached a settlement with their employer in federal court yesterday.

The nurses will keep their jobs at the same-day surgery unit at University Hospital in Newark but won't have to assist in any abortion cases, including taking blood pressure readings or even writing down the patients' names. The only exception will be for medical emergencies, which will be determined by medical staff in the unit, the agreement stipulates.

Lawyers for the nurses called the settlement a victory.

"The hospital has agreed that pro-life nurses do not have to assist abortion cases," said Matt Bowman, an attorney with Alliance Defense Fund, an Arizona-based Christian nonprofit group.

UMDNJ attorneys said the settlement was the best way to continue treating patients.

"The hospital's very pleased it's resolved," said Edward B. Deutsch, a Morristown attorney representing the school.

"We accomplished the goal that we wanted to accomplish," said John Peirano, another UMDNJ lawyer. "I think it's a good resolution for both sides."

After the agreement was reached, two of the nurses said they were concerned about reprisals — especially because the school hired additional nurses earlier this month.

"I'm still scared for the situation — that they've hired four nurses and that we may be surplus," said Fe Esperanza-Racpan Vinoya.

"We want to keep the channels open (with the judge)," added Beryl Otieno Ngoje, another of the plaintiff nurses.

The nurses filed suit Oct. 31, saying UMDNJ's policy changes were forcing them to treat patients despite their religious objections.

UMDNJ said it was not forcing the nurses to directly participate in any abortions and argued they were protesting against having to do routine patient care before and after procedures — estimating that was some 15 percent of their overall job responsibilities. The school also estimated it would cost the hospital \$280,000 to replace the nurses with per diem care, court papers said.

While the suit was pending, UMDNJ hired the four nurses to give pre- and post-abortion care to patients.

The American Civil Liberties Union, which was not a party to the suit, said it was concerned about a growing number of similar cases around the country. The ACLU sees an effort to use religion to discriminate in a health care context.

"No one should ever have to worry about facing discrimination when they check into the hospital," said Brigitte Amiri, an attorney with the ACLU's Reproductive Freedom Project. "No woman should have to fear that medical staff will place ideology over duty or deny her care."

U.S. District Judge Jose Linares in Newark said he would continue to monitor the situation to make sure the spirit of the agreement — reached after several hours of negotiation — would be followed.

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"Agreements like this, in cases like this, are not easy, because of the emotions involved," Linares said.

*The Associated Press contributed to this report.*

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