



The American College of
Obstetricians and Gynecologists
WOMEN'S HEALTH CARE PHYSICIANS

September 22, 2022

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Ave, NW
Washington, DC 20500

The Honorable Kamala D. Harris
Vice President of the United States
The White House
1600 Pennsylvania Ave, NW
Washington, DC 20500

Re: Grave concerns about the negative impact of a nationwide abortion ban on patients and physicians

Dear President Biden and Vice President Harris:

On behalf of the American College of Obstetricians and Gynecologists (ACOG), representing more than 60,000 physicians and partners dedicated to advancing the health of all individuals receiving obstetric and gynecologic care we appreciate the administration's recent actions to leverage the full authority of the executive branch in defense of access to reproductive health care for all who need it. We write today with urgency requesting that your administration continue to explore all possible options and exercise maximum discretion in addressing the growing crisis in accessing essential reproductive health care following the United States Supreme Court's decision in the *Dobbs v. Jackson Women's Health Organization* case (*Dobbs*). In addition, our organizations are alarmed by the extreme federal legislation recently introduced to establish a nationwide ban on abortion after 15 weeks of gestation. This arbitrary gestational age limit is not grounded in science and medical evidence and would dramatically interfere with the ability of patients to receive timely medical care, including prenatal care, miscarriage management, and abortion care. We encourage your administration to continue to partner with the physician community to advance access to the comprehensive spectrum of reproductive health care for all Americans.

Health care, including abortion care, is a human right.ⁱ All people should have access to the full spectrum of comprehensive, evidence-based health care, of which abortion is an essential component.ⁱⁱ Like all medical matters, decisions regarding reproductive health care, including abortion care, should be made by patients in consultation with their clinicians and without undue interference by outside parties.ⁱⁱⁱ Like all patients, those seeking abortion are entitled to privacy, dignity, respect, and support.^{iv}

Government serves a valuable role in the protection of public health and safety and the provision of essential health services. Laws and regulations that veer from these functions and unduly interfere with the patient-physician relationship, including those banning or criminalizing evidence-based care, are not appropriate.^v A federal ban on abortion care of any kind, such as the legislation recently introduced in the United States Senate, would cause tremendous harm to patients, their families and the physicians who care for them.^{vi} Abortion bans must be soundly rejected, and the public must be made aware of the threat a federal ban would impose.

Laws that ban or criminalize evidence-based care threaten patient health and lives

Abortion is a safe medical procedure.^{vii} Abortion bans threaten the health of pregnant patients by callously barring their access to a safe and essential component of health care. In particular, patients of color, those without ample financial means, and those in rural communities are most severely harmed.^{viii} The growing number of states banning or otherwise limiting access to abortion care following the *Dobbs* decision offers alarming insight into

the negative impact a nationwide abortion ban would have on those seeking evidence-based reproductive health care.

In the short time since the *Dobbs* decision, those seeking abortion care have been faced with confusion and uncertainty, leading to delays and denials of care. These instances include cases of adolescent survivors of sexual assault unable to receive needed abortion care in their states, and uncertainty over the legality of needed medical intervention during obstetric emergencies resulting in delayed access to lifesaving care, for example in cases of preterm premature rupture of membranes occurring after 15 weeks.^{ix,x,xi} In addition, the pervasive attacks on reproductive health have created justifiable cause for patient anxiety and alarm about future access to critical fertility treatments including in vitro fertilization.^{xii}

As bans continue to take effect in states across the country, we are increasingly hearing from our members about the heartbreaking realities of closing clinics and turning patients away from needed care, and of delays in care due to lack of clarity in laws. We fear that these bans will have deadly consequences, further exacerbating the worsening maternal mortality crisis, within which 80 percent of deaths are preventable.^{xiii} In fact, a recent study concluded that abortion bans have the potential to significantly increase pregnancy-related deaths, particularly among Black individuals.^{xiv,xv} The compounding harms of the maternal mortality crisis, bans on abortion care, and the disproportionate impact on historically marginalized people cannot be understated.

Laws that ban or criminalize evidence-based care harm physicians and threaten access to care

A federal abortion ban intrudes into the patient-physician relationship by limiting a physician's ability to provide the health care that the patient, in consultation with their physician, decides is best for their health. Moreover, a ban undermines longstanding principles of medical ethics and places clinicians in the untenable position of choosing between providing care consistent with scientific evidence, their best medical judgment, and the clinicians' ethical obligations or risk losing their medical licenses or face criminal penalties.^{xvi}

Banning the provision of evidence-based, comprehensive care to patients will not only impact physicians currently in practice, it will have an impact on medical education, and will dissuade medical students from pursuing residency training in obstetrics and gynecology. We are hearing from our members that medical students across the country are already contemplating whether they should pursue their first choice of obstetrics and gynecology as a specialty in light of the *Dobbs* decision. Trainees are confounded by the lack of availability of training in the states where they live and work. In fact, a review of residency programs across the country found that more than 40 percent of programs are in states that have or are likely to ban abortion.^{xvii} If a national ban were implemented, physicians would not have the type of training that would ensure the highest level of confidence and skill level.^{xviii}

A federal abortion ban would have grave consequences for patients and physicians and must be resolutely and definitively rejected. Thank you for your continued leadership and partnership as we fight to protect the patient-physician relationship and access to comprehensive, evidence-based care. Should you have any questions please contact Rachel Tetlow, Federal Affairs Director, at rtetlow@acog.org.

Sincerely,



Maureen G. Phipps, MD, MPH, FACOG
Chief Executive Officer
American College of Obstetricians and Gynecologists

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