

# HHS should withdraw proposed family-planning gag rule

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**Kevin B. O'Reilly**

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The AMA is urging Health and Human Services (HHS) Secretary Alex M. Azar II to withdraw a proposed rule that would significantly revise the regulations governing the federal Title X family planning program.

“We are very concerned that the proposed changes, if implemented, would undermine patients’ access to high-quality medical care and information, dangerously interfere with the patient-physician relationship and conflict with physicians’ ethical obligations, exclude qualified providers and jeopardize public health,” AMA CEO and Executive Vice President James L. Madara, MD, wrote in a letter to Azar.

The proposed rule would withhold funds to qualified family planning providers, such as Planned Parenthood, that also offer abortion services. It would also prohibit, in most cases, referrals for abortion and restrict counseling about abortion services. The proposed rule also would eliminate requirements that Title X sites offer a broad range of medically approved family planning methods and pregnancy options counseling.

The HHS proposal also would direct new funds to organizations that promote fertility awareness and abstinence as family-planning methods, instead of those that offer counsel on the full range of evidence-based methods.

First among the objections from the AMA is that the proposed rule would interfere with the relationships that patients have with their physicians or providers.

“Protecting the sanctity of the patient-physician relationship, including defending the freedom of communication between patients and their physicians, is a core priority for the AMA,” Dr. Madara wrote. “The ability of physicians to have open, frank and confidential communications with their patients has always been a fundamental tenet of high-quality medical care.”

The HHS proposal would “violate these core principles by restricting the counseling and referrals that

can be provided to patients and by directing clinicians to withhold information critical to patient decision-making,” Dr. Madara wrote.

Currently, Title X projects have to give pregnant patients information and counseling on the full range of reproductive health options, such as prenatal care and delivery; infant care, foster care and adoption; and pregnancy termination.

But the HHS proposal would eliminate the current requirement that pregnant patients get neutral, factual and nondirective counseling from physicians and others at Title X-funded sites about all of their options—including abortion—upon request.

“The proposed changes on counseling and referral ... would not only undermine the patient-physician relationship, but also could force physicians to violate their ethical obligations,” Dr. Madara wrote.

He cited *AMA Code of Medical Ethics* Opinion 1.1.3, which says, in part, that “patients should be able to expect that their physicians will provide guidance about what they consider the optimal course of action for the patient based on the physician’s objective professional judgment.”

The inability to properly counsel patients about all of their options could harm “pregnant patients at Title X projects, especially if such patients are delayed in finding abortion providers,” says the AMA’s letter, which also details other ways the HHS proposal would undermine access to evidence-based family planning methods, inappropriately exclude qualified providers, and hinder access to care.