

# Court blocks law that would force physicians to mislead patients

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**What's the news:** A federal district court in North Dakota has sided with the AMA and others and issued a preliminary injunction to block enforcement of a state law that would force physicians to violate the *AMA Code of Medical Ethics* and act as mouthpieces for a politically motivated message that is misleading and could harm patients.

The provision would have forced North Dakota physicians to tell women “that it may be possible to reverse the effect of an abortion-inducing drug if she changes her mind, but time is of the essence, and information and assistance with reversing the effects of an abortion-inducing drug are available” in government-printed materials to be given to the patients.

“State legislatures should not be mandating unproven medical treatments, or requiring physicians to provide patients with misleading and inaccurate information,” says Chief Judge Daniel Hovland’s decision. “The provisions of [this law] violate a physician’s right not to speak and go far beyond any informed consent laws addressed by the United States Supreme Court, the 8th Circuit Court of Appeals, or other courts to date.”

The lawsuit was filed by the AMA in the U.S. District Court for the District of North Dakota, in Bismarck, on behalf of the Red River Women’s Clinic, and the clinic’s medical director, AMA member Kathryn Eggleston, MD, as co-plaintiffs.

**Why it matters for patients and physicians:** “Open, honest conversations between patients and physicians are the cornerstone of medicine, so we are pleased that the federal district court of North Dakota has blocked enforcement of the newest compelled speech law while this case advances in the courts,” said AMA President Patrice A. Harris, MD, MA. “With this ruling, physicians in North Dakota will not be forced by law to provide patients with false, misleading, nonmedical information about reproductive health that contradicts reality and science.”

By requiring physicians to counsel women seeking an abortion about the possible reversibility of medication abortions, the North Dakota legislature effectively endorsed an experimental practice for which there is no approved Food and Drug Administration protocol.

The practice, engaged in by a few physicians, involves intervention among women who have taken mifepristone, the first drug in the two-drug medication abortion regimen, but who have not yet taken misoprostol, the second drug. The intervention is to give such patients large doses of progesterone, by injection and oral and vaginal routes, on a weekly basis until the pregnancy's end.

North Dakota is not alone in enacting this type of statute that forces physicians to mislead patients with false information about reversibility of a medication abortion. Seven other states have passed similar laws: Arkansas, Kentucky, Idaho, Nebraska, Oklahoma, South Dakota and Utah.

**What's next:** While the North Dakota legal provision has been enjoined for now, a decision is yet to come on whether it is found to be in violation of the U.S. Constitution's First and Fourteenth Amendments, as argued by the AMA and the co-plaintiffs.

"We look forward to seeing the case through and continuing to defend the right for patients to speak freely with their physicians about all their health care options," Dr. Harris said.