Rescinding Title X restrictions is a win for patients, physicians

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What’s the news: The AMA is welcoming the Biden administration’s new rule rescinding restrictions the Trump administration imposed on the Title X family planning grant program, which included a gag rule that unlawfully dictated what physicians practicing at facilities funded by the grant program could not say and had to say to their patients.

“The Biden administration’s final rule (PDF) reversing drastic changes to the Title X family planning program is a major victory for physicians, health care professionals, and the millions of patients across the country who depend on Title X for access to essential reproductive care,” said AMA President Gerald E. Harmon, MD.

The AMA, Oregon Medical Association and others filed a lawsuit (PDF) in 2019 seeking to block the Department of Health and Human Services (HHS) from implementing the gag rule.

The U.S. Supreme Court agreed in February to review the case, American Medical Association v. Cochran, formerly known as AMA v. Azar, but then dismissed the relevant cases after all the parties to the litigation, including the Biden administration, filed a joint stipulation asking the justices to do so.

“Since 2019, the AMA has challenged the former Title X ‘gag rule,’ tirelessly advocating against its inappropriate interference into the patient-physician relationship and physicians’ ethical obligations—which jeopardized patient access to safe, confidential care for far too long,” said Dr. Harmon, a family physician in South Carolina.

Why it’s important: The Title X program ensures that every person has access to basic, preventive reproductive health care, such as birth control, cancer screenings and testing and treatment for sexually transmitted infections.

The new rule, which was proposed in April, restores access to necessary care for millions of low-income and uninsured patients who depend on Title X for family planning services.
After the 2019 restrictions were implemented, 19 title X grantees withdrew from the program, including 11 state health departments and independent family planning associations and eight Planned Parenthood organizations, according to the rule.

These grantees had provided care at 945 service sites, and the rule cites an HHS Office of Population Affairs’ and Title X family planning report that states the Title X program cared for 844,083 fewer clients in 2019 than in 2018 and that seven states saw a more than 40% decline in Title X clients served.

Other declines in 2019 noted in the report and cited in the rule include:

- 225,688 fewer clients received oral contraceptives in 2019 compared to 2018.
- 86,008 fewer clients received intrauterine devices.
- 49,803 fewer clients received hormonal implants.
- 276,109 fewer HIV tests were conducted.
- 188,920 fewer clinical breast exams were performed.
- 71,145 fewer individuals who were pregnant or sought pregnancy were served.

“The AMA is extremely pleased that the new Title X regulations will restore and improve access to equitable, affordable care for our patients—particularly those most marginalized from Black, Brown, rural, and disabled communities who have unfortunately been disproportionately impacted,” Dr. Harmon said.

AMA policy strongly opposes any government interference in the exam room, especially legislation or regulations that attempt to dictate the content of physicians’ conversations with their patients.

It also “strongly condemns any interference by government or other third parties that compromise a physician's ability to use his or her medical judgment as to the information or treatment that is in the best interest of their patients.”

Learn more: The rule takes effect Nov. 8 in advance of an anticipated Jan. 15, 2022, due date for Title X grant applications.

“We look forward to the implementation of the new regulations and will continue to do our part to achieve the best outcomes for patients and physicians—improving the health of our nation,” Dr. Harmon said.

Read more about the AMA’s judicial advocacy and the work of the Litigation Center for the American Medical Association and State Medical Societies.