Dobbs ruling is an assault on reproductive health, safe medical practice

JUN 24, 2022

Jack Resneck Jr., MD
President

The American Medical Association is deeply disturbed by the U.S. Supreme Court’s decision to overturn nearly a half century of precedent protecting patients’ right to critical reproductive health care. This is an egregious allowance of government intrusion into the medical examination room, a direct attack on the practice of medicine and the patient-physician relationship, and a brazen violation of patients’ rights to evidence-based reproductive health services.

States that end legal abortion will not end abortion—they will end safe abortion, risking devastating consequences, including patients’ lives.

Today’s opinion shifting reproductive health decision-making to lawmakers opens a deep political rift between states over access to reproductive health services that places sound medical practice and the health of patients at risk. State restrictions that intrude on the practice of medicine and interfere with the patient-physician relationship leave millions with little or no access to reproductive health services while criminalizing medical care.

Access to legal reproductive care will be limited to those with the sufficient resources, circumstances, and financial means to do so—exacerbating health inequities by placing the heaviest burden on patients from Black, Latinx, Indigenous, low-income, rural and other historically disadvantaged communities that already face numerous structural and systemic barriers to accessing health care.

In alignment with our long-held position that the early termination of a pregnancy is a medical matter between the patient and physician, subject only to the physician’s clinical judgment and the patient’s informed consent, the AMA condemns the high court’s interpretation in this case.

Battle will continue
Though the federal constitutional protections on abortion have been overruled, this fight is far from over.

In state after state, our AMA will continue to vigorously oppose government or any other third-party interference into the patient-physician relationship, which is the foundation upon which medical decision-making is built and effective health care is delivered.

The AMA will seek expanded legal protections for patients and physicians against government systems of control and punishment that criminalize reproductive health services. This includes protections for patients who cross state lines to receive reproductive health services, as well as for physicians who support or provide health services or referrals to patients who cross state lines, in accordance with new policy adopted by our AMA House of Delegates in June.

The AMA is committed to its longtime opposition to criminalizing medical practice and will continue to challenge criminal or civil penalties on patients who receive reproductive health services, as well as physicians, other health professionals, health systems, and patient advocates for aiding, assisting, supporting, or providing reproductive health services or referrals to patients.

Sharp political divisions have always clouded the issue of abortion and made substantive conversations difficult. What cannot be argued is that abortion is a component of reproductive health care, and that by allowing states to restrict or outright ban these services, we are putting the health and welfare of people seeking abortions in jeopardy.

State lawmakers who take the position that restricting or eliminating abortion under the pretense of “protecting women’s health” must realize that this claim has absolutely no basis in medical science. Evidence and experience show us conclusively that the risk of death during or after childbirth is approximately 14 times greater than the risk of death from abortion-related complications.

What restrictions do

State laws that severely restrict or ban abortion will not conclusively end this issue—but they will endanger the physical and psychological health of those who will then be forced to travel to another state to receive one, attempt self-managed abortions, or who are forced to carry their pregnancy to term. Each of those scenarios places them at higher risk of injury, harm, or death.

AMA policy recognizes that our members’ individual views on abortion are determined by their own values and beliefs, and supports patients’ access to the full spectrum of reproductive health care options, including abortion, as a right. These policies are the result of a democratic, evidence-based process in which physicians representing every specialty, red states and blue states, urban and rural.
communities, and large and small practices come together in our House of Delegates.

It is each physician’s ethical responsibility to help his or her patients choose the optimal course of treatment through shared decision-making that is fully informed by evidence-based medical science and definitively shaped by patient autonomy. Anything less puts patients at risk and undermines both the practice of medicine and our nation’s health. As the health of millions of patients hangs in the balance following the Dobbs decision, rest assured this is a fight we will not give up.

We will always have physicians’ backs and defend the practice of medicine. We will fight to protect the patient-physician relationship, and we will oppose any law or regulation that compromises or criminalizes patient access to safe, evidence-based medical care, including abortion.