

AMA holds fast to principle: Reproductive care is health care

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Physician and medical student leaders from all corners of medicine adopted policies critical to ensuring access to reproductive health care and preventing government interference in the practice of medicine.

The actions came at the 2022 AMA Interim Meeting, the first time the House of Delegates had met since the U.S. Supreme Court's ruling in *Dobbs v. Jackson Women's Health Care Organization* (PDF). That court decision, along with subsequent actions at the state level, represents an assault on reproductive health and safe medical practice.

At the meeting, delegates adopted policies opposing the criminalization of pregnancy loss resulting from medically necessary care, supporting expanded access to abortion care and more.

"Since the *Dobbs* decision, health care in the United States has been thrown into chaos, with life-or-death decisions deferred to hospital lawyers, patients needing care driven across state lines, and uncertainty over the future of access to reproductive health care," said AMA President Jack Resneck Jr., MD.

"The AMA is steadfastly opposed to governmental interference in the practice of medicine, especially for well-established, medically necessary treatments," added Dr. Resneck, a practicing dermatologist and health care policy expert from the San Francisco Bay Area. "Patients and physicians need assurances that they won't be accused of crimes for medically necessary treatment. Unfortunately, this is the post-*Dobbs* world we now face. The fact that medically necessary treatment can be criminalized speaks volumes about these misguided abortion laws.

"Physicians and other health care professionals must attempt to comply with vague, restrictive, complex and conflicting state laws that interfere in the practice of medicine," Dr. Resneck noted. "These new policies will help the AMA to continue our advocacy and defend physicians in legislatures and the courts."

Losing pregnancy in care is no crime

The AMA will oppose criminal charges against patients or physicians when pregnancy loss results from medically necessary treatment for cancer and other illnesses. The AMA also will advocate that physicians and patients should not be held civilly or criminally liable in cases when pregnancy loss results from medically necessary care.

Recent changes in abortion laws have sown confusion that has prompted payers, pharmacies and medical offices to restrict the use of medically necessary treatments—even in states where abortion is legal. Pharmacists have resisted filling needed medications on the basis that they could be used off-label for pregnancy termination and they could face criminal charges.

Learn more in Dr. Resneck's powerful AMA Leadership Viewpoints column, "What I told Congress about reproductive health."

Clarifying ethical guidance on abortion bans

The AMA Principles of Medical Ethics have long acknowledged that when the letter of the law would foreclose urgently needed care, physicians must have latitude to act in accord with their best professional judgment.

The House of Delegates amended ethical guidance to clarify this principle in the context of abortion, expressly permitting physicians to perform abortions in keeping with good medical practice.

"Caught between good medicine and bad law, physicians struggle to meet their ethical duties to patients' health and well-being, while attempting to comply with reckless government interference in the practice of medicine that is dangerous to the health of our patients," Dr. Resneck said.

"Under extraordinary circumstances, the ethical guidelines of the profession support physician conduct that sides with their patient's safety and health, acknowledging that this may conflict with legal constraints that limit access to abortion or reproductive care," he said.

The action clarifies the AMA's ethical guidance on abortion and aligns with established AMA policies opposing government intrusion into patient-physician relationships as contrary to the appropriate exercise of professional judgment and physicians' fiduciary obligation to protect patients' well-being.

Physicians and medical students also directed the AMA to provide support, including legal support, as appropriate, and develop policies, strategies and resources to help physicians navigate between

ethical duties and legal requirements.

Explore the *AMA Code of Medical Ethics*, and read about Dr. Resneck's speech at the opening session of the Interim Meeting in which he discussed empowering physicians to put patients first.

Expanding access to abortion care

To ensure broad and equitable access to abortion services called for by newly adopted policy, the AMA will advocate for public health programs and private insurers to cover those services. The AMA also will urge lawmakers to codify legal protections for physicians who provide abortion services.

“Reproductive care is health care. It’s that simple,” Dr. Resneck said. “Expecting patients, especially those covered by Medicaid, to shoulder the cost of abortion services is unrealistic. Our new policy is a road map for improving access and equity to ensure patients get the health care that they need.”

Visit *AMA Advocacy in Action* to learn more about what’s at stake in protecting reproductive health and other advocacy priorities the AMA is actively working on.

Preserve abortion training in GME

Although the Accreditation Council for Graduate Medical Education (ACGME) requires access to abortion training for all ob-gyn residents, nearly 45% of accredited programs are in states that have or are likely to ban abortion. Newly adopted policy directs the AMA to ensure medical students and residents retain access to abortion training. Specifically, the AMA will advocate for the availability of abortion education and clinical exposure to medication and procedural abortion.

The AMA will also advocate funding for institutions that provide clinical training on reproductive health services—including medication and procedural abortion—to medical students and resident and fellow physicians from other programs so that they can expand their capacity to accept out-of-state physicians-in-training who are seeking this training.

Under the new policy, the AMA will support pathways for medical students and resident and fellow physicians to get medication and procedural abortion training at another location in the event that this training is limited or illegal in a home institution.



Ahead of the *Dobbs* ruling in June, the House of Delegates adopted policy to push back on criminalizing care.

Read about the other highlights from the 2022 AMA Interim Meeting.