



The American College of
Obstetricians and Gynecologists
WOMEN'S HEALTH CARE PHYSICIANS

North Dakota Section

Human Services Committee
Pioneer Room, State Capitol
Bismarck, ND, 58505

January 26, 2021

Re: ACOG North Dakota Opposition to HB 1313

Chairman Weisz, Ranking Member Rohr, and Members of the Human Services Committee:

Thank you for the opportunity to submit testimony on behalf of the North Dakota Section of the American College of Obstetricians and Gynecologists (ACOG) today regarding HB 1313.

ACOG is the nation's leading group of physicians providing health care for women, and our members dedicate their career and lives to providing evidence-based care, delivered with quality, safety, integrity, and compassion. As such, ACOG North Dakota strongly oppose medically unjustified regulations of health care, including restrictions on abortion care, and respectfully urges you to oppose HB 1313.

This legislation represents a stunning and sweeping intrusion into the patient-physician relationship and would without question irreparably harm the health and autonomy of women in North Dakota. HB 1313 also places clinicians in the ethically untenable position of denying needed care and counsel to their patients—or facing incarceration.

ACOG is committed to healthy pregnancy care and to making sure that every woman can have the best outcomes for her pregnancy. Pregnancy is a high-risk time, and severe medical conditions, such as preeclampsia (high blood pressure due to pregnancy) can threaten a woman's health and life. This legislation exhibits a profound misunderstanding of obstetrical care by requiring clinicians to wait and see if a condition deteriorates to life-threatening before permitting medically indicated treatment. Physicians cannot always predict what course medical conditions or complications will take or how quickly they may lead to mild health problems, severe injury, or death. Decisions about continuing a pregnancy must be in the hands of the pregnant person, in consult with those she chooses to involve, including her trusted health-care provider.

The consequences of banning abortion are well-documented. Historical and contemporary data show that where abortion is illegal or highly restricted, pregnant people may resort to unsafe means to end an unwanted pregnancy, including self-inflicted abdominal and bodily trauma and ingestion of dangerous chemicals. Today, approximately 25 million women around the world resort to unsafe abortions each year, and complications from these unsafe procedures account for as many as 15 percent of all maternal deaths, approximately 44,000 annually.

HB 1313 adds menacing insult to injury by not only banning abortion care but also threatening criminalization of those—trusted loved ones, religious counselors, community service providers, and clinicians—who give a pregnant person information about or assistance with accessing abortion care. As

ob-gyns, we are alarmed by this prospect, and fear the chilling effect it would have on our conversations with our patients.

Physicians are ethically required to ensure their patients receive the most appropriate and effective care. These ethical obligations are expressed through several principles, one of which is patient autonomy. Patient autonomy recognizes that patients have ultimate control over their own health and a right to a meaningful choice when making medical decisions. It requires us as physicians to honor and respect patient decisions about the course of their care.

This principle illustrates the injustice and inappropriateness of government restrictions on reproductive health care like HB 1313, which would both deny a patient the care they have determined is right for them, and inhibit their access to appropriate, comprehensive *information and resources*.

No patient should ever sit in an exam room and wonder if their clinician is withholding information or in fear that the counsel they provide will expose them to incarceration. Yet HB 1313 holds our honest, open, compassionate conversations with our patients hostage to the specter of criminal penalties. This government interference degrades the trust between a doctor and patient, irreparably. It threatens not only a lasting, destructive impact on the individual patient-physician relationship, but also sets a dangerous precedent for the state's involvement in the practice of evidence-based medicine as a whole.

Sound health policy is best based on scientific facts and in the interest of safe, compassionate patient care, and the highest-quality health care is provided free of political interference in the patient-physician relationship. By passing HB 1313, this legislature would be inappropriately taking sides on a medical issue with no valid justification and directing how physicians care for, advise, and speak with their patients, counter to the recommendations of the medical experts. We urge you to oppose this dangerous bill.

References:

American College of Obstetricians and Gynecologists. *Increasing Access to Abortion*. Committee Opinion; 2020. Available at: <https://www.acog.org/clinical/clinical-guidance/committee-opinion/articles/2020/12/increasing-access-to-abortion>

American College of Obstetricians and Gynecologists. *Legislative interference with patient care, medical decisions, and the patient-physician relationship*. Statement of Policy; 2019. Available at: <https://www.acog.org/clinical-information/policy-and-position-statements/statements-of-policy/2019/legislative-interference-with-patient-care-medical-decisions-and-the-patient-physician-relationship>

American College of Obstetricians and Gynecologists. *ACOG Statement on Abortion Bans*. Statement; 2019. Available at: <https://www.acog.org/news/news-releases/2019/05/acog-statement-on-abortion-bans>

American College of Obstetricians and Gynecologists, *Code of Professional Ethics of the American College of Obstetricians and Gynecologists*; 2011. Available at: <https://www.acog.org/-/media/project/acog/acogorg/files/pdfs/acog-policies/code-of-professional-ethics-of-the-american-college-of-obstetricians-and-gynecologists.pdf?la=en&hash=CC213370E1EFDCD3E81242D8384BE4AB>