

BACKGROUND ON THE LAWSUIT:

What's happening?

Planned Parenthood (along with our affiliates in Oregon), the American Medical Association (along with the Oregon Medical Association), and individual Oregon providers Thomas N. Ewing, M.D and Michele P. Megregian, C.N.M. are suing President Trump to stop the gag rule, which threatens the health care of 4 million people in Title X, our nation's program for affordable birth control and reproductive health care.

What does our lawsuit say?

The gag rule is illegal as it is contrary to law.

Congress has mandated since 1996 that patients receiving information about their pregnancies through Title X must receive full, unbiased information about their options ("nondirective counseling"). The gag rule violates that by forcing doctors to withhold information from patients.

In 2010, Congress went even further, mandating that HHS cannot impose rules, precisely like the gag rule, that create unreasonable barriers to care, that interfere with doctors giving their patients a full range of options, that restrict the ability of health care providers to disclose all relevant information to patients making health care decisions, or that violate the ethical standards of health care professionals.

- THE EXACT LANGUAGE CONGRESS PASSED in **42 U.S.C. § 18114** SAID THAT HHS *"shall not promulgate any regulation that—(1) creates any unreasonable barriers to the ability of individuals to obtain appropriate medical care; (2) impedes timely access to health care services; (3) interferes with communications regarding a full range of treatment options between the patient and the provider; (4) restricts the ability of health care providers to provide full disclosure of all relevant information to patients making health care decisions; (5) violates the principles of informed consent and the ethical standards of health care professionals; or (6) limits the availability of health care treatment for the full duration of a patient's medical needs."*

The gag rule blatantly violates Congress' mandates by forcing doctors to withhold information from their patients. And if doctors are forced to refer to only non-abortion services, they are not providing unbiased counseling, as Congress mandates. That's illegal.

Additionally, the rule is "arbitrary and capricious" as it provides no reasoned justification for making these dangerous changes to the Title X program. The rule ignored comment after comment that explained the devastating impacts it will have on the Title X network of providers and the patients they serve and assumed without basis that there would be no negative impact on public health despite the evidence to the contrary. Further, we will challenge the constitutionality of the rule.

Why is PP filing?

If this rule goes into effect, people who can't find or can't afford another reproductive health care provider may be left with nowhere to turn. Planned Parenthood health centers serve

approximately 40 percent of the 4 million patients who get care through Title X health centers—and approximately 1.6 million patients whose health care is at risk. When people can't see their provider of choice, they delay or simply go without care.

And the impacts would not be felt only by Planned Parenthood patients. The other 2.4 million people who access care through Title X would have their care at risk.

We know what happens when politicians succeed at blocking patients from care at Planned Parenthood – just look to Texas where reports are showing that tens of thousands fewer women are receiving care as a result of similar policies. Or look to Iowa, where a law resulted in the closure of four of our health centers — displacing nearly 15,000 patients, and leaving many without anywhere else to go.

The majority of patients who access care through this program identify as people of color, Hispanic, or Latino, and it's impossible to separate this risk to their health care from the other actions this administration has taken that hurt people of color with low incomes — such as the calls for a border wall, rampant voter suppression, and attempts to block people covered by Medicaid from accessing care at Planned Parenthood.

We're suing to fight for them.

What does the gag rule do?

The gag rule does two major things, which in effect, would gag providers in Title X and threaten health care access for 4 million people through Title X.

- 1) If implemented, the gag rule would gag doctors by making it illegal for health care providers in the Title X program across the country to refer patients for an abortion. This puts health care providers like Planned Parenthood in an impossible position: withhold information from patients or get pushed out of a program.
- 2) The rule also imposes onerous “physical separation” restrictions on health centers that provide, refer, or talk about abortion in “prohibited” ways under the rule. The physical separation requirements are onerous and cost-prohibitive, and have the sole intention of making it impossible for Title X providers like Planned Parenthood to comply. The rule names requirements like separate entrances and exits and the hiring of a second staff of doctors, nurses, and administrative staff.

In addition to the physical separation requirements, the rule would also require separate “health care records,” changes that endanger patient safety. A system that separates medical records is contrary to best medical practices and could lead to preventable risks. None of these requirements contribute to the health of patients. This policy is clearly only intended to make it impossible for health centers like Planned Parenthood to serve patients who rely on the program.

Why is the Trump Administration doing this?

This is just the latest step the Trump-Pence Administration has taken to limit access to sexual and reproductive healthcare. One of the first things President Trump did in office was to

implement a global gag rule, which gags doctors who receive U.S. aid for sexual and reproductive health care around the world. As a result, services have been cut, health centers have closed, and women are going without care. It's estimated that the countries that will lose key health care providers will see an increase in both maternal mortality and unsafe abortions.

- Trump has issued a rule to allow employers and universities to deny birth control coverage to their employees and students.
- He tried to block people covered by Medicaid from getting care at Planned Parenthood health centers.
- The Trump administration pushed abstinence-only-until-marriage programs on teens to replace sex education.
- The Trump administration pushed [religious refusal rules](#) that make it so health care workers can deny women care based on their own religious beliefs.
- The Trump administration tried to slash funding for the [Teen Pregnancy Prevention Program](#).

Who's opposing the rule?

We're not alone in opposing the gag rule: the medical community, public health experts, and the general public are against this rule. That's why the AMA is suing with us.

Several governors have also come out and said their states will refuse to participate in the program. The gag rule has been opposed by [major medical associations](#), like the [American Medical Association](#), American College of Obstetricians and Gynecologists, the [American College of Physicians](#), as well as [110 public health organizations](#), and public health experts such as former [U.S. surgeon general Dr. Vivek H. Murthy](#), and many others. Mayors, state lawmakers, and over 200 Members of Congress have opposed this legislation as well.

Would Planned Parenthood continue to participate?

Because of our commitment to ethical patient care, it would be impossible for Planned Parenthood to continue participating in the program if the rule takes effect. All patients, regardless of income, should have access to the best medical care and information possible. We are suing the Trump-Pence Administration because we will never withhold critical information from our patients.