

In the two years since the *Dobbs vs. Jackson* decision, the ability to care for pregnant persons is no longer uniform across the country. Decades-old restrictions, new legislation on abortion, and conflicting state and federal statutes have made the ability to provide urgent or emergent, life-saving medical care to pregnant patients challenging.

Over the past several months, several lawsuits have been filed in the state of Texas regarding the ability to perform medically necessary abortions as stabilizing care for pregnant individuals. After reviewing these cases, the Texas Supreme Court recommended that the Texas Medical Board (TMB) provide clarifying guidance for physicians regarding the circumstances in which providing an abortion would be acceptable and permissible under state law.

Though the TMB created and approved a new rule¹, the statute does not meet the needs of physicians or pregnant patients in Texas. The new rule does not provide sufficient clarification of circumstances, is overly cumbersome in regards to required documentation, and does not offer legal protection to physicians for using their appropriate medical judgment and practicing evidence-based medicine. Despite possible dismissal of complaints from the TMB, a physician may still face criminal penalties for providing stabilizing abortion care, including fines and/or imprisonment.

We encourage the Texas Medical Board, the Texas Supreme Court, and other legislative bodies in similar situations to provide true clarifying guidance on their interpretation of their state laws. Patients and physicians should not face ambiguity when determining how, when, or where they can provide or receive medically appropriate care. Furthermore, we encourage state medical boards to publicly support and defend physicians for providing evidence-based, sound medical care to their patients.

A physician should not be threatened with criminal or civil charges, fines, and/or imprisonment for providing life-saving or stabilizing emergency care.

¹ <https://www.tmb.state.tx.us/idl/B83AF6D7-C6E7-FD3F-BDE0-3719D43BE5FF>