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AMA, APhA, ASHP, NCPA Statement on State Laws Impacting Patient Access to Medically Necessary Medications

September 9 2022 – The American Medical Association (AMA), American Pharmacists Association (APhA), American Society of Health-System Pharmacists (ASHP), and National Community Pharmacists Association (NCPA) **are concerned about state laws that limit patients' access to medically necessary medications**

and impede physicians and pharmacists from using their professional judgment.

Following the U.S. Supreme Court *Dobbs v. Jackson Women's Health Organization* decision, physicians, pharmacists, and other health care professionals face a confusing legal landscape due to state laws' lack of clarity, confusing language, and unknown implementation by regulatory and enforcement bodies. This includes many questions about how broadly state laws will be interpreted and the impact of these actions on physicians' and pharmacists' ability to serve the needs of their patients. Physicians and pharmacists need clear guidance from state boards of medicine and pharmacy, agencies, and policymakers to support the prescribing and dispensing of medically necessary medications that may be affected by this new legal and regulatory paradigm. Without such guidance, we are deeply concerned that our patients will lose access to care and suffer irreparable harm.

In the wake of the *Dobbs* decision, over half of U.S. states have severely restricted or are expected to soon restrict access to abortion services, including medications that induce abortions. In many states, these laws prohibit prescribing and dispensing an "abortion-inducing drug," or contain other comparable terms. This language is vague, and it is unclear whether it prohibits certain medications only when prescribed to induce abortion or whether a medication is prohibited entirely if it has the potential to induce abortion regardless of the condition for which it was prescribed. Namely, methotrexate can be used off-label for the termination of intrauterine pregnancy and is also approved and used off-label for numerous indications such as cancer and ectopic pregnancy along with being commonly prescribed as the first-line treatment of inflammatory diseases such as arthritis. Similarly, mifepristone is indicated for the termination of pregnancy but is also prescribed in a medical emergency to treat ectopic pregnancy, preeclampsia, and other emergent

medical presentations during labor and delivery and for the medical management of a miscarriage.

Our members and our patients report that this uncertainty is disrupting care. Patients who rely on these medications for reasons unrelated to pregnancy termination report new challenges in accessing these and other medications, and it is placing our patients' health at risk. Many health care professionals, including physicians and pharmacists, are uncertain of their legal liability related to prescribing and/or dispensing these medications regardless of whether they are being used for an abortion or another indication. We are aware of the following examples that highlight reactionary steps taken by various stakeholders stemming from a lack of clarity in state policy and resulting in patients experiencing delays or denials in accessing medications for medically necessary purposes:

- At some health systems and hospitals, we have heard reports of legal counsel, tasked with minimizing legal exposure for their institution and employees, prioritizing caution over access and advising against providing certain medications.
- Some organizations have removed emergency contraceptives (which are not abortifacients) from kits used to care for victims of sexual assault—compounding the trauma these victims experience—because the legal risk is too unclear.
- Some pharmacies are implementing policies requiring pharmacists to reject prescriptions unless new, burdensome administrative processes are met, such as confirming a female patient's diagnosis with the prescriber for every potential abortifacient regardless of whether the medication has multiple uses.

Without access to medications proven to be safe and effective, our patients' health is at risk. As physicians and pharmacists, we view patient wellbeing as paramount and are

deeply troubled that continuity of care is being disrupted. We call on state policymakers to ensure through guidance, law, or regulation that patient care is not disrupted and that physicians and pharmacists shall be free to continue to practice medicine and pharmacy without fear of professional sanction or liability. We strongly urge state medical and pharmacy boards, agencies, and policymakers to act to help ensure that our patients retain continuity of care and that our members clearly understand their legal and licensing obligations.

About ASHP

ASHP is the collective voice of pharmacists who serve as patient care providers in hospitals, health systems, ambulatory clinics, and other healthcare settings spanning the full spectrum of medication use. The organization's more than 60,000 members include pharmacists, student pharmacists, and pharmacy technicians. For 80 years, ASHP has been at the forefront of efforts to improve medication use and enhance patient safety. For more information about the wide array of ASHP activities and the many ways in which pharmacists advance healthcare, visit ASHP's website, ashp.org, or its consumer website, SafeMedication.com.

About AMA

The American Medical Association is the physician's powerful ally in patient care. As the only medical association that convenes 190+ state and specialty medical societies and other critical stakeholders, the AMA represents physicians with a unified voice to all key players in health care. The AMA leverages its strength by removing the obstacles that interfere with patient care, leading the charge to prevent chronic disease and confront public health crises, and, driving the future of medicine to tackle the biggest

challenges in health care. For more information, visit ama-assn.org.

About APhA

APhA is the only organization advancing the entire pharmacy profession. Our expert staff and strong volunteer leadership, including many experienced pharmacists, allow us to deliver vital leadership to help pharmacists, pharmaceutical scientists, student pharmacists, and pharmacy technicians find success and satisfaction in their work and advocate for changes that benefit them, their patients, and their communities. For more information, please

visit www.pharmacist.com.

About NCPA

Founded in 1898, the National Community Pharmacists Association is the voice for the community pharmacist, representing nearly 19,400 pharmacies that employ 215,000 individuals nationwide. Community pharmacies are rooted in the communities where they are located and are among America's most accessible health care providers. To learn more, visit www.ncpa.org.

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