

Iowa court allows remote dispensing of abortion pill

June 18 2015, by David Pitt And Barbara Rodriguez

The Iowa Supreme Court has struck down a restriction that would have prevented doctors from administering abortion-inducing pills remotely via video teleconferencing, saying it would have placed an undue burden on a woman's right to get an abortion.

Iowa is one of only two states that offers so-called telemedicine abortions—Minnesota offers them on a smaller scale—and doctors at Iowa's urban clinics that perform abortions had been allowed to continue offering the remotely-administered abortions while the ruling was pending.

Planned Parenthood's local affiliate, Planned Parenthood of the Heartland, had sued the Iowa Board of Medicine over its 2013 decision that would have required a doctor to be in the room with a patient when dispensing abortion-inducing medication.

The board cited safety concerns when it passed the rule requiring a physical examination, but Planned Parenthood and other critics said it was just another attempt by abortion rights opponents to make it harder for women to get abortions. They said the Iowa board's restriction particularly would have made it harder for women in more rural areas who don't live near the few urban clinics where doctors who perform abortions are based.

"Medical experts opposed this law because it harms women by blocking access to safe medical care," Planned Parenthood of the Heartland CEO

Suzanna de Baca said in a statement. "When it comes to health care, politics should never trump medicine."

She said a woman's ability to make her own health care decisions, including the right to obtain an abortion, is a personal liberty guaranteed in the Iowa Constitution.

"We are pleased that the Iowa Supreme Court has upheld Iowa's tradition of honoring those freedoms," she said.

The court agreed with Planned Parenthood's argument that the rule would have placed an unconstitutional burden on women by requiring a doctor's physical presence in the room.

"Because the Board agrees the Iowa Constitution protects a woman's right to terminate her pregnancy to the same extent as the United States Constitution, we find the rule violates the Iowa Constitution," the justices wrote.

They found that since the medical board has approved telemedicine for other medical procedures without a doctor's presence, "the board appears to hold abortion to a different medical standard than other procedures."

The board has denied that the rule was politically motivated. Its executive director, Mark Bowden, said the board adopted the rule because it believes dispensing abortion drugs without a doctor present is an unsafe medical practice, "not to place an undue burden on women who choose to terminate their pregnancies."

He said the board will discuss the ruling at its meeting next month to determine how it applies to board regulations.

Since the decision interprets rights under the Iowa Constitution based on

application of U.S. Supreme Court rulings and federal constitutional rights, there is no federal appeal of the ruling, a spokesman for the Iowa Attorney General said.

Telemedicine is becoming a more popular method of treating patients nationwide, but its use to dispense abortion-inducing medication is fairly new. Iowa was the first state in the country to offer it in 2008, and it has provided services to more than 7,000 women to date.

More than a dozen states in recent years have preemptively banned the abortion method without ever having allowed it, according to the Guttmacher Institute, a national nonprofit that follows reproductive health issues.

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