

March 31, 2020

ATTORNEY GENERAL RAOUL ASKS FDA TO INCREASE ACCESS TO REPRODUCTIVE TELEHEALTH CARE DURING COVID-19 PANDEMIC

Raoul, 20 Attorneys General Call on the Federal Government to Lift Restrictions Preventing Women From Accessing Reproductive Care via Telehealth

Chicago — Attorney General Kwame Raoul today joined a coalition of 21 attorneys general to send a letter to the U.S. Department of Health and Human Services (HHS) and the U.S. Food and Drug Administration (FDA) requesting increased access to reproductive health care, including safe and legal abortion, during the COVID-19 pandemic.

Raoul and the coalition are urging HHS and the FDA to cease enforcement of its Risk Evaluation and Mitigation Strategy (REMS) designation for the medication abortion prescription drug known as mifepristone, arguing the REMS impedes women's access to the constitutionally-protected medication. Raoul and the coalition call on the federal government to ensure that women across the country have access to this critical health care service while the pandemic leaves many women unable to seek in-person care without putting them in harm's way. The American College of Obstetricians, the American Medical Association and the American Association of Family Physicians all support removal of the REMS on medication abortion.

"At a time when Americans are being asked to stay at home and maintain social distance to limit the spread of the coronavirus, the federal government should not make it more difficult for women to access health care remotely," Raoul said. "It is counterproductive to force women to jeopardize their wellbeing and the wellbeing of others in order to access health care that could be provided remotely."

In the letter, Raoul and the coalition point out that medication abortion has been proven safe and effective and should not be subject to unnecessary restrictions. Mifepristone has been approved by the FDA since 2000, and it remains the only drug approved in the United States for pregnancy termination. Since its approval, about 3 million women in the United States have used the medication. And according to the FDA, this medication "has been increasingly used as its efficacy and safety have become well-established by both research and experience."

Raoul and the coalition point out that during this unprecedented public health crisis, it is essential that women across the country have access to critical health care services. Many states have already taken steps to increase telehealth care, at the federal government's request. Yet, the FDA's current REMS creates unnecessary barriers for women to access abortion care. Under the REMS, the FDA requires that:

- Patients must be handed the medication at a clinic, medical office or hospital under the supervision of a health care provider.
- Health care providers must be registered with the drug manufacturer.
- Patients must sign a "Patient Agreement" form confirming that they received counseling on the risks associated with the medication.

These requirements limit health care providers' abilities to assist their female patients, particularly during the global health care crisis. Furthermore, these requirements impose significant burdens on women in rural and medically-underserved communities who would be required to travel long distances for time-sensitive, in-person care.

Joining Raoul in sending the letter are the attorneys general of California, Connecticut, Colorado, Delaware, the District of Columbia, Hawaii, Iowa, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont and Virginia.