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Nurses Sue Maine for 'Physicians Only' Abortion Law

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D, Maine (CN) — Planned Parenthood and

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its nurses and patients filed a federal [class action](#) challenging Maine's "Physicians Only" rule that prohibits qualified nurses from performing abortions.

The Wednesday lawsuit contests a 1979 law requiring that abortions be performed only by doctors. The law singles out abortion as the only form of health care that advanced practice registered nurses are expressly prohibited from providing.

The law imposes a criminal penalty on non-physicians who perform abortions.

The plaintiffs say this imposes an undue burden on a woman's right to abortion.

They ask the court to enjoin its enforcement as unconstitutional.

Peer-reviewed studies have concluded across the board that advanced practice registered nurses can safely and effectively provide first-trimester abortion care,



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according to the 35-page complaint. Named as defendants are Maine Attorney General Janet Mills and the district attorneys of all 15 Maine counties.

The nurses cite medical authorities, including the American College of Obstetricians and Gynecologists, the American Public Health Association and the World Health Organization, all of which conclude that prohibiting advanced practice registered nurses from administering abortions is “medically founded.”

Most abortions in Maine are done at three men’s health centers, Planned Parenthood in Portland and clinics in Augusta and Bangor. There are no publicly accessible clinics in Maine regularly offering evening or weekend appointments for abortion care.

The nurses say the limited availability of



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physicians in Maine hinders many women seeking abortions with travel costs and delayed access to care, preventing some from obtaining an abortion altogether.

“These onerous burdens far outweigh the law’s nonexistent health justification,” the complaint states.

Forty other states require abortions to be performed by a licensed physician.

The nurses say in the complaint that while they are barred from performing voluntary abortions, they can and do safely use the same vacuum aspiration procedure in instances of miscarriage.

While the 1979 law prohibits advanced practice registered nurses from performing abortions, the state allows the same nurses to perform similar procedures, including insertion and removal of intrauterine devices and endometrial biopsies, which

involve inserting a sterile tube through a patient's cervix into the uterus and suctioning a small piece of tissue from the uterine lining.

The lead plaintiff, a nurse practitioner, says she safely administered medication abortion care while living in California, but because of the state's Physician-Only law, she is prohibited from providing the same care in Maine.

The second plaintiff, a nurse midwife, says she administers abortions safely at plaintiff-nned Parenthood of Northern New England's clinic in Manchester, New Hampshire, but is also barred from the same healthcare practice in Maine.

The nurses are represented by Zachary Heiden with the American Civil Liberties Union of Maine, and Julia Kaye with the ACLU in New York City.

The Maine Attorney General's Office did not immediately respond to requests for comment.

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