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Idaho's physicians-only law is challenged

Planned Parenthood leads lawsuit

Alejandra Buitrago Dec 19, 2018

Claiming that Idaho's physicians-only law "imposes an undue burden on abortion access," Planned Parenthood has filed suit to challenge the "antiquated" law that restricts patient access to abortion services by limiting who can legally perform abortions in the state.

Other plaintiffs in the case are Legal Voice, "a progressive feminist organization using the power of the law to make changes in the Northwest," according to its website, and Mary Stark, a family nurse practitioner with Planned Parenthood of the Great Northwest and the Hawaiian Islands.

The law requires that abortion care be performed solely by physicians, blocking qualified advanced practice clinicians such as physician assistants, nurse practitioners and certified nurse midwives from performing abortions in Idaho.

"Peer-reviewed medical literature uniformly demonstrates that [advanced practice clinicians] can safely and effectively provide medication and aspiration abortion care, and medical authorities ranging from the American College of Obstetricians and Gynecologists, to the American Public Health Association, to the World Health Organization ... have all concluded that laws prohibiting [advanced practice clinicians] from providing this kind of abortions care are medically unfounded," states the complaint, filed Dec. 14.

The document goes on to state that because of limited availability of physicians in the state, particularly in rural counties, the law "significantly constrains when and where abortion services are available in Idaho."

"Laws like Idaho's physician-only law were originally created in the wake of Roe v. Wade as a way to protect women seeking abortion care from unlicensed providers. But times have changed—and as medical best practices evolve, so must the laws that govern them," Legal Voice attorney Kim Clark said in a media release dated Dec. 14.

According to the Guttmacher Institute, a research and policy organization committed to advancing sexual and reproductive health and rights, in 2014 Idaho had five abortion-providing facilities, and three of those were clinics—Planned Parenthood clinics in Boise, Meridian and Twin Falls.

“In 2014, some 95 [percent] of Idaho counties had no clinics that provided abortions, and 68 [percent] of Idaho women live in those counties,” according to the institute.

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