



Beshear v. EMW Women's Surgical Center (6th Cir.)

Topics Covered: Freedom of Speech

Issue

The issue in this case is whether a Kentucky law that forces a physician to perform unwanted medical procedures on and make medically inappropriate statements to a pregnant woman prior to an abortion procedure violates the physician's Freedom of Speech.

AMA Interest

The AMA opposes laws regulating medical care that are unsupported by scientific evidence and that impede, rather than serve, public health objectives. Further, the AMA believes physicians should provide medical care according to their best medical judgment, according to accepted medical standards and their patients' informed consent.

Case Summary

Kentucky enacted a law that forces a physician to perform an ultrasound on a pregnant woman prior to an abortion procedure, to place the image in the woman's view, to orally describe the image in detail, and to auscultate the fetal heartbeat—even if the woman asks the physician not to display the image or to turn off the volume of the heartbeat and even if the physician believes that forcing this experience on the patient would harm her. The trial court found that this law violates physicians' Freedom of Speech and permanently enjoined it.

Kentucky appealed to the Sixth Circuit.

AMA Involvement

The AMA will join with ACOG in an *amicus* brief in the Sixth Circuit, which will argue that the Kentucky law unduly interfered with patient/physician communications and thereby violates Freedom of Speech.