

LM in Action: April 17, 2024

LM Urges Supreme Court to Protect Emergency Abortion Care

Legal Momentum joined an amicus brief to the U.S. Supreme Court in support of the United States in the consolidated cases Idaho v. United States and Moyle v. United States, also known as the EMTALA case. The Emergency Medical Treatment and Labor Act (EMTALA) is a federal law that requires Medicare-funded hospitals to treat anyone who comes to the Emergency Department experiencing an emergency medical condition with stabilizing care.

The question before the Supreme Court is whether EMTALA applies in states with abortion bans. In Idaho, a state with a near total ban on the procedure, EMTALA has been interpreted to mean that abortion is available only if necessary to prevent death of the pregnant patient. The US argues that EMTALA also guarantees such care to address threats to the patient's health; emergency abortion care may be necessary stabilizing treatment in those instances, and federal law requires that hospitals provide that care.

LM joined a coalition of advocates urging the Supreme Court to protect emergency abortion care, as a failure to do so would only worsen our country's maternal health crisis. Abortion bans and restrictions like Idaho's have caused hospitals to close maternity wards, expanding pregnancy care deserts and forcing patients to seek care elsewhere. Obstetricians have left the practice or are considering leaving as they don't want to be criminalized for practicing. **The Supreme Court must uphold EMTALA as failure to do so would deny pregnant patients the essential care they need and would only further marginalize already underserved communities.** Oral arguments in the case are scheduled for April 24, 2024.