

16. Resolution Against Deceptive Practices

Issue Overview

Unregulated Pregnancy Clinics often present themselves as free medical clinics to mislead clients seeking abortion. Their primary goal is to prevent clients, through persuasion, misinformation, or delay, from having an abortion.²²⁵ While these organizations have the right to oppose abortion, most use misleading tactics, including ads, signs, and websites presenting their facilities as conventional medical clinics, even, at times, as abortion providers.^{226,227} Inside, they often resemble medical offices, with waiting rooms and exam rooms outfitted with medical equipment, and staff in lab coats and scrubs. Clients must often fill out intake forms that ask for private health information.²²⁸

Often presenting themselves as unbiased medical providers, most UPCs offer medical or quasi-medical services.²²⁹ Nearly all UPCs offer free pregnancy tests²³⁰ readily available at any pharmacy. Between one-quarter²³¹ and one-half²³² advertise free STD/STI tests, and approximately three-quarters advertise free ultrasounds,²³³ typically performed by someone presenting as a medical professional.

UPCs' use of ultrasound machines is unethical. UPCs do not perform diagnostic ultrasounds that address medical issues. Instead, they offer so-called "limited" or "non-diagnostic" ultrasounds, intended to show pictures of the uterus they hope will dissuade clients from seeking an abortion. This is a misuse of medical equipment;²³⁴ even one of the three major UPC umbrella groups, Care Net, admits as much when it answers, "Can we just do ultrasounds without becoming a medical clinic?" with the answer, "Absolutely not. The use of ultrasound energy in any form is considered the practice of medicine."²³⁵

Mobile pregnancy centers are intentionally designed to look like conventional medical facilities.²³⁶ As ICU Mobile, "A Ministry Division of Care Net," concedes: "ICU Mobile units are neutrally branded and medically designed. By having this independent brand, we break down the barriers that may prevent abortion-minded women from coming on board..."²³⁷ Another set of mobile UPC trucks, from Save the Storks, have painted on the sides: "Women's Choice Center," "Pregnancy Testing & Ultrasound," and "mobile medical unit."²³⁸

UPC clients have reported that they believed they were at an actual medical clinic,^{239,240} where staff made false claims about reproductive health care under the guise of medical authority. UPCs often target people who are young, have lower incomes, and may not be familiar with the difference between a traditional clinic and a UPC. These clients are vulnerable; many may be afraid. This vulnerability is exploited when someone who may or may not be an appropriately licensed medical professional makes alarming medical claims

to someone in a state of stress. That's routinely the UPC strategy: use medical impersonation to push falsehoods about the safety of standard reproductive health care.²⁴¹

Because the vast majority of UPCs are not medical offices, they can and do violate clients' privacy. Traditional medical clinics must follow the privacy, confidentiality, and records security requirements of the federal Health Insurance Portability and Accountability Act (HIPAA) and/or state laws. UPCs are not subject to HIPAA and are not legally required to protect clients' private health information.²⁴² On the contrary, many UPCs maintain client records in online databases accessible by third parties outside the UPC.²⁴³ Even worse, the national UPC industry employs these records to amass "digital dossiers" on clients, their doctors, and their loved ones that could be used in pregnancy-related prosecutions.²⁴⁴

Our state must regulate UPCs. The American Medical Association "urges the development of effective oversight for entities offering pregnancy-related health services and counseling."²⁴⁵ The American College of Obstetricians and Gynecologists says that policymakers should hold UPCs "accountable for deceptive practices by, for example, enforcing and strengthening consumer protection laws against false and misleading advertising, investigating the pervasiveness and impact of deceptive practices on patients, and partnering across the public and private sectors to ensure transparency."²⁴⁶ They are right.