

11. Right to Dignified Care Act

Issue Overview

Unregulated Pregnancy Clinics (UPCs) 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.¹⁵⁹ 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.^{160,161} 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.¹⁶²

UPC intake forms are often invasive. Even though they are not medical providers, many UPCs ask for prescription drug lists, past or current illnesses, and medical conditions unrelated to their services. Some ask inappropriate questions like the name or age of the person who impregnated the client, whether the client is living with someone they aren't married to, when they first had sex, or whether they have multiple partners or same-sex partners. Collecting such information is unnecessary and unethical, given that most UPCs only provide over-the-counter pregnancy tests, STD/STI tests without treatment, lay counseling, and material resources like diapers and wipes. Further, even though they don't bill insurance, UPCs often ask for clients' government identification documents, insurance information, income, employer, or eligibility for public assistance.¹⁶³

Because the vast majority of UPCs are not medical clinics, they can and do violate clients' privacy. Traditional medical clinics must follow the privacy, confidentiality, and records security requirements of the Health Insurance Portability and Accountability Act (HIPAA). UPCs are not subject to HIPAA and, therefore, are not required to protect clients' private health information.¹⁶⁴

Many UPCs maintain client records in online databases accessible by third parties outside the UPC.¹⁶⁵ A digital system called eKYROS feeds personal client information into a central database linked with the national UPC umbrella groups Heartbeat International and Care Net.¹⁶⁶ Other central databases used by UPCs include Next Level¹⁶⁷ and CoolFocus.¹⁶⁸

The national UPC umbrella organizations collect these records to amass "digital dossiers" on clients that could be used in pregnancy-related prosecutions. As a brief by the Alliance reports: "the CPC industry is now functioning as surveillance infrastructure for the anti-abortion movement, amassing data that could be used in pregnancy- and abortion-related prosecutions...."¹⁶⁹ The global anti-abortion group Heartbeat International, for

example, stores “digital dossiers” on clients, stating “Big data is revolutionizing all sorts of industries. Why shouldn’t it do the same for a critical ministry like ours?”¹⁷⁰

Our state must regulate UPCs. The American Medical Association “urges the development of effective oversight for entities offering pregnancy-related health services and counseling.”¹⁷¹ 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.”¹⁷² They are right.