

2. Clinic Accountability and Standards Enforcement Act

Issue Overview

There are nonprofit free medical clinics in every state, dedicated to providing quality health care to people who can't afford it. Across the country, about 1,500 such clinics, often called “free clinics,” “charitable clinics,” or something else, deliver care at little or no cost.⁵⁵ These clinics are primarily staffed by licensed medical professionals, including physicians, who volunteer their time to serve their communities.

Unlike nonprofit free medical clinics, many Unregulated Pregnancy Centers (UPCs) present themselves as providers of free reproductive and maternal health care in order to advance an ideological agenda and mislead clients seeking information about abortion.⁵⁶ While these organizations have every right to oppose abortion, their advertising, signage, and websites are designed to resemble those of licensed medical clinics, even those of abortion providers.⁵⁷ Inside, staff wear lab coats and scrubs, and use intake forms to collect private health information,⁵⁸ and rooms are set up to mimic doctors' offices. Most UPCs offer free pregnancy tests⁵⁹ readily available at any pharmacy. Between one-quarter⁶⁰ and one-half⁶¹ advertise free STD/STI tests, and approximately three-quarters advertise free ultrasounds,⁶² typically performed by someone presenting as a medical professional.

UPCs operate without meaningful oversight of the medical claims they make or the services they provide. While some UPCs in a few states can obtain limited licensure, these credentials create a false sense of legitimacy. Most UPCs do not comply with the professional standards, confidentiality protections (such as HIPAA), or regulatory requirements that govern medical clinics.^{63,64} Moreover, while some UPCs list off-site doctors as “medical directors” or have RNs or LPNs onsite, they do not diagnose, prescribe, or refer people for treatment.

If a facility presents itself as a free medical clinic, it should follow the rules that apply to free medical clinics. The American Medical Association “urges the development of effective oversight for entities offering pregnancy-related health services and counseling.”⁶⁵ 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.”⁶⁶ Those recommendations are not just good medicine; they are sound public policy.