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Hawaii Attorney General Joins Coalition Asking FDA to Increase Access to Reproductive Telehealthcare During COVID-19 Pandemic

HONOLULU – Hawaii Attorney General Clare E. Connors today joined a multistate coalition of 21 attorneys general led by California in sending a letter to the Department of Health and Human Services and the U.S. Food and Drug Administration (FDA) requesting that they increase access to reproductive healthcare, during the COVID-19 pandemic.

The coalition urges the Administration to waive or utilize its discretion on enforcement of its Risk Evaluation and Mitigation Strategy (REMS) designation, which impedes women's access to the medication abortion prescription drug known as Mifepristone. The attorneys general call on the Administration to ensure that women across the country have access to this critical healthcare service while the pandemic leaves many women unable to seek in-person care without putting them in harm's way. The American College of Obstetricians, the American Medical Association and the American Association of Family Physicians all support removal of the REMS on medication abortion.

"During this COVID crisis, the federal government should remove barriers to critical healthcare," said Attorney General Connors. "Medical professionals agree that requiring women to be physically present at a clinic to receive safe and effective treatments makes little sense when the entire country must be practicing social distancing."

In the letter, the attorneys general point out that medication abortion has been proven safe and effective, and should not be subject to unnecessary restriction.

Mifepristone has been approved by the FDA since 2000, and it remains the only drug approved in the United States for pregnancy termination. Since its approval, three million women in the United States have used the medication. And according to the FDA, this medication "has been increasingly used as its efficacy and safety have become well-established by both research and experience."

During this unprecedented crisis, it is essential that women across the country have access to critical healthcare services. Many states have already taken steps to increase telehealth care, at the federal government's request. Yet, the current FDA REMS creates unnecessary barriers for women to access abortion care. Under the REMS, the FDA requires that:

- Patients must be handed the medication at a clinic, medical office, or hospital under the supervision of a healthcare provider;
- Healthcare providers must be registered with the drug manufacturer; and
- Patients must sign a "Patient Agreement" form confirming that they received counseling on the risks associated with the medication.

These medically unnecessary requirements limit healthcare providers' ability to assist their patients, particularly during this global healthcare crisis. Furthermore, these requirements impose significant burdens on women in rural and medically underserved communities who would be required to travel long distances for time-sensitive, in-person care. Forcing women to travel at a time when many states and the federal government are urging people to stay home to curb the spread of COVID-19 is not only shortsighted but puts women across the country in harms' way. Consequently, the attorneys general urge the Trump Administration to immediately remove the FDA REMS designation, and waive enforcement in the meantime, so that women can access constitutionally protected healthcare without putting themselves and their families at risk.

In filing the letter, Attorney General Connors is joined by the attorneys general of: California, Connecticut, Colorado, Delaware, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

A copy of the letter is available here.

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