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Board President

American College of Obstetricians and Gynecologists

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May 13, 2008

Dear Dr. Noller:

Thank you very much for your letter of March 26, 2008. We appreciate the consideration which the ACOG Executive Board and the Committee on Ethics gave to the input on “The Limits of Conscientious Refusal in Reproductive Medicine” (Opinion #385). We appreciate the fact that the Committee on Ethics was instructed to meet and reevaluate Opinion #385 as soon as possible. At the same time, however, there are still some critical issues of content and process regarding Opinion #385 that must be resolved in a timely manner. These critical issues include:

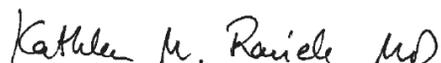
1. The need to rescind Opinion #385. First, we respectfully insist that ACOG Committee on Ethics *rescind* Opinion #385 when they meet to reconsider it. If the Committee on Ethics refuses to do this, the ACOG Executive Board should take action. This opinion manifests so many substantive flaws that it cannot be fixed. Whatever the motives of Committee members, Opinion #385 is not respectful of conscience. The description of conscience provided on page 2 is overwhelmingly negative. Indeed, physicians are encouraged to leave issues of conscience to professional advocacy groups (e.g., “moral distress for providers” . . . is “best met through organized advocacy on the part of professional organizations”). Moreover, there is no respect for the deep conscientious convictions of many pro-life ob-gyns. The “ethical considerations” proffered to guide the application of conscience are so vague and contentious that they cannot function as ethical guidelines. Finally Opinion #385 contradicts other ACOG ethics statements as well as AMA standards that address respect for physicians’ ethical convictions. In sum, Opinion #385 is so flawed that it should be rescinded immediately.

2. Clarification regarding referral for abortion. While we appreciate your statement that “the Opinion does not compel any Fellow to perform any procedure which conflicts with his or her conscience . . .” your letter does not address the issue of referral for abortion. Opinion #385 dismissed the ethical significance of referral without adequate analysis and demanded referral as a minimum level of response to a request for abortion. Many ob-gyns appropriately view referral as a form of facilitation of the procedure to be done. In short, to demand that a physician violate his or her conscience and facilitate the performance of abortion by providing a referral is neither just nor necessary. The consciences of competent physicians must be respected in this matter.

3. Providing clarity regarding ethical standards. It is critically important that you provide clarity regarding which ethical statements and standards of ACOG are binding on Fellows. This is particularly important given the change in ABOG's Maintenance of Certification Bulletin for 2008. That Bulletin states that "cause" for revocation or withholding of certification may include "violation of ABOG or *ACOG rules and/or ethics principles . . .*" (page 10, emphasis added), rather than citing "The Ethical Considerations in the Practice of Obstetrics and Gynecology currently published by The American College of Obstetricians and Gynecologists and adhered to by the Board" (as did the Maintenance of Certification Bulletin for 2007, page 27). Your March 26 letter does note that Opinion #385 is not part of the "Code of Professional Ethics of the American College of Obstetricians and Gynecologists" and that it "was not intended to be used as a rule of ethical conduct which could be used to affect an individual's initial or continuing Fellowship in ACOG." However, the status of Opinion #385 is still unclear, and legitimate questions remain about what status similar kinds of ethics opinions might have in the future. We urge you to publicly clarify this issue both to Fellows and to the American Board of Obstetricians and Gynecologists.

4. The need for due process. This controversial opinion was adopted without sufficient input from Fellows. When establishing ethical standards for the profession, it is essential that ACOG address these in a manner that respects the requirements of due process, including soliciting input and approval from Fellows.

Respectfully,



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cc.:

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