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**Brief: Patients Must Be Protected Against Texas' Attempt to
Exclude Abortion from Emergency Healthcare**
*Attorney General Brown Joins Amicus Brief Defending Providers Obligations
Under EMTALA*

BALTIMORE (May 9, 2023) – Maryland Attorney General Anthony G. Brown today joined a multistate coalition in a legal fight to protect Americans' access to abortions during life-threatening medical emergencies. In an [amicus brief](#), the coalition supported the Biden administration's defense of its Emergency Medical Treatment and Labor Act (EMTALA) guidance, which restates hospitals' obligations under EMTALA, requiring doctors nationwide to perform abortions when necessary in emergency situations. In July 2022, Texas filed a lawsuit challenging that EMTALA guidance, and in August 2022, a judge in the U.S. District Court for the Northern District of Texas barred the guidance from being applied in Texas. The coalition wrote in its brief that the district court ruling, if allowed to stand, would not only endanger patients in Texas, but would also have serious repercussions on the health systems of other states.

"By joining this brief, we are sending a clear message that we will relentlessly fight to ensure the safety and health of all patients who need emergency care. A fight for Texans is a fight for Marylanders, and for the entire country," said Attorney General Brown. "I will stay on the frontlines, defending this fundamental right wherever and whenever it's threatened."

Every hospital in the United States that operates an emergency department and participates in Medicare is subject to EMTALA. Under the law, emergency rooms are required to provide all patients who have an emergency medical condition with the treatment required to save their lives. In June 2022, the Biden administration issued guidance restating hospitals' obligation to provide abortion services when needed to stabilize a patient experiencing an emergency medical condition.

The district court's ruling blocking the application of the EMTALA guidance in Texas has already put patients' lives at risk by plunging providers into a climate of uncertainty and fear about the legal and criminal repercussions they may face for performing abortions on patients in emergency situations.

On March 10, 2023, the Biden administration filed an appeal in the United States Court of Appeals for the Fifth Circuit asking it to reverse the Texas district court's ruling. In its brief, the coalition wrote that it supports the Biden administration because:

- For decades, EMTALA has been interpreted to require the treatment of pregnancy-related conditions that need emergency abortion care, and states have relied on that determination to protect their residents' health and safety;
- Prohibiting physicians from providing emergency abortions causes serious harm to pregnant patients and puts their lives in jeopardy; and
- When Texas hospitals and providers do not provide the emergency abortion care required by EMTALA, patients are forced to turn to out-of-state hospitals and doctors, adding strain to other states' emergency departments that are already struggling with overcrowding, long wait times, and staff shortages. The added strain will cause more delays and threaten the safety and health of all patients who need emergency care.

Joining Attorney General Brown in the brief are the Attorneys General of Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Maine, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, and Washington.

<https://www.marylandattorneygeneral.gov/press/2023/050923.pdf>