

Improve Women's Health and Clarify Life-of-the-Mother Exceptions

PRIORITY

Improve funding and supportive services that ensure healthy outcomes for women, mothers, and babies; get clarity on exceptions to the state's abortion laws so physicians can safely treat pregnant women in crisis while protecting the patient-physician relationship from criminalization.

BACKGROUND

The Texas Legislature made big strides last session, securing a hard-won waiver extending Medicaid postpartum coverage to one year and expanding access to other women's health care through the Healthy Texas Women (HTW) and Family Planning Program, for instance.

But Texas still struggles to ensure timely access to women's health care and faces the potential loss of a federal waiver that funds HTW. The Texas Maternal Mortality and Morbidity Review Committee's 2024 report found 80% of pregnancy-related deaths were preventable, with disproportionately higher rates among Black, Hispanic, and non-white women.¹

Physicians also continue to struggle with application of the medical exceptions under Texas' current abortion statutes, which physicians worry put them in legally precarious waters when the treatment of a pregnancy complication involves terminating the pregnancy. Current law bans most abortions in the state following the U.S. Supreme Court's reversal of *Roe v. Wade*, although the statute and its related regulations allow for an exception to the ban if the mother faces a "life-threatening physical condition aggravated by, caused by, or arising from a pregnancy" and is at risk of death or "substantial impairment of a major bodily function" if the abortion is not performed.

The Texas Legislature last session helped ease some of the liability threat surrounding ectopic pregnancies and premature rupture of the membrane. However, lack of clarity continues to strain the Texas physician workforce and additional legislative clarity is imperative.

1. Texas Health and Human Services, Texas Maternal Mortality and Morbidity Review Committee and Department of State Health Services Joint Biennial Report 2024, Sept. 21, 2024, tma.tips/MMMRC2024
2. Manatt Health, "The Texas OB/GYN Physician Workforce Early Assessment of the Impact of Abortion Restrictions on the Workforce Pipeline," October 2024, tma.tips/Manattobgynworkforce

AMONG TEXAS OBSTETRICIAN-GYNECOLOGISTS RECENTLY SURVEYED STATEWIDE²

76% believe they cannot practice medicine according to best practices;

60% fear legal repercussions from practicing according to evidence-based medicine;

44% indicated they've thought about or have already changed how or where they practice as a direct result of the state's abortion restrictions; and

29% do not feel they have a clear understanding of Texas' abortion laws.

TMA RECOMMENDATIONS:

- Strengthen and clarify Texas' life-of-the-mother exemptions, including removing private citizens' civil litigation incentive and eliciting exceptions for fatal fetal abnormalities.
- Support funding for Healthy Texas Women, including mobile units for breast cancer screenings, mammograms, and other services (Senate Bill 1).
- Support funding for Texas' multidisciplinary programs that work to improve maternal outcomes and disparities, including the Maternal Mortality and Morbidity Review Committee, Texas Alliance for Innovation on Maternal Health, and Texas Collaborative for Healthy Mothers and Babies.
- Enhance funding and support for behavioral health care for mothers and children, including perinatal and maternal depression screening via PeriPAN, and social media protections via health technology use.



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