Policy & Practice

Abortion Ban in the Courts

The "Partial Birth Abortion Act of 2003" was ruled unconstitutional last month by the U.S. Court of Appeals for the 8th Circuit. The ruling was based on the law's failure to provide an exception in cases where a woman's health was at stake. The law, which bans the so-called "partial birth" abortion procedure, has already been declared unconstitutional in three federal courts. The U.S. Department of Justice has filed appeals in each case, and this is the first of those appeals to be decided. The government can now seek a rehearing before the full 8th Circuit Court of Appeals or try to bring the case before the U.S. Supreme Court. The National Right to Life Committee's legislative director, Douglas Johnson, said in a statement that the successor to Justice Sandra Day O'Connor—who recently announced her retirement—would cast the deciding vote on whether the "partial birth" abortion method remains legal, if the case goes to the Supreme Court.

Talking About HPV

Less than 20% of women who participated in a recent survey said their health care provider had ever discussed the connection between the human papillomavirus (HPV) and cervical cancer. The survey, commissioned by the Association of Reproductive Health Professionals, examined women's knowledge about HPV and cervical cancer and their interactions with health care providers. About 88% of women surveyed said they were very likely to turn to their health care provider for information on reproductive or gynecologic health issues. However, 43% of women said they had not heard of HPV. The survey was conducted among 1,000 women who were aged 18-65 years.

Alternatives to Malpractice Litigation

Proposed legislation that would provide grants to states to explore alternatives to the current medical malpractice system is gaining support from the American College of Obstetricians and Gynecologists. The "Fair and Reliable Medical Justice Act" (S. 1337) authorizes the secretary of Health and Human Services to award up to 10 demonstration-project grants to states to develop alternatives to the malpractice tort system. The legislation, which was introduced by Sen. Mike Enzi (R-Wyo.) and Sen. Max Baucus (D-Mont.), allows states to test three alternatives systems of dispute resolution—early disclosure and compensation, administrative determination of compensation, and special health care courts. Although ACOG has supported national reform and a cap on noneconomic damages, the college said that state demonstration projects would be a way to explore strategies that complement a national solution. "This legislation is an important step in the right direction toward fostering a reliable system of medical justice and enacting common sense reforms that protect patients, halt lawsuit abuse, and keep doctors in practice," ACOG President Michael T. Mennuti, M.D., said in a statement. The bill was referred to the Senate Committee on Health, Education, Labor, and Pensions.

Meeting Mammography Goals

More than 75% of women age 40 years and older reported in surveys that they have had a mammogram in the past 2 years, according to a study published in the July/August issue of the American Journal of Health Promotion. This exceeds the Healthy People 2010 target of 70% of women age 40 and older having a mammogram in the last 2 years. While the overall results were positive, some subgroups of women continue to have low use of mammograms. For example, women without health insurance, women who do not have a personal doctor, and women who have not received preventive care are lagging behind, according to the study. The study analyzed results from the 2002 Behavioral Risk Factor Surveillance Survey and the National Health Interview Survey.

Family Planning Use

Publicly funded family planning clinics are serving more clients than ever, according to a report from the Alan Guttmacher Institute. Title X family planning clinics reported serving more than 5 million people in 2004—about a 1% increase over 2003. Of the women clients, 86% (more than 4 million) reported that they use some contraceptive method. In addition, 6% of clients said they are not currently using a contraceptive method because they were pregnant at their last clinic visit. The remaining 8% report not using a contraceptive method for some other reason. About 47% of contraceptive users reported taking oral contraceptives, 18% reported using contraceptive injections, and 18% reported using condoms. But more women are also starting to use other methods, such as contraceptive patches and rings, according to the report. The 2004 Family Planning Annual Report is available online at www.guttmacher.org.

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Pages 34a—34b