



**Amy Kuhn**

20 Old Powerhouse Road

Falmouth, ME 04105

(207) 939-6903

[Amy.Kuhn@legislature.maine.gov](mailto:Amy.Kuhn@legislature.maine.gov)

# HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0002

(207) 287-1400

TTY: MAINE RELAY 711

May 1, 2023

*Testimony of Rep. Amy Kuhn introducing*

## **LD 616, An Act to Protect Health Care Professionals Providing Reproductive Health Care Services**

*Before the Joint Standing Committee on Health Coverage, Insurance and Financial Services*

Senator Bailey, Representative Perry and honorable members of the Joint Standing Committee on Health Coverage, Insurance and Financial Services. My name is Amy Kuhn and I represent the Town of Falmouth in House District 111. I am here today to present **LD 616, An Act to Protect Health Care Professionals Providing Reproductive Health Care Services**.

This bill would strengthen protections for healthcare providers so they can offer care to people traveling to Maine for abortion safely, without threats to their ability to practice medicine. Section 1 would prohibit a medical malpractice insurer from adversely altering insurance coverage due to a health care provider's participation in abortion care solely on the basis that the provider is operating in violation of another state's law. Section 2 prohibits a medical malpractice insurer from adversely altering insurance coverage solely on the basis of adverse action on a health care provider's license in another state.

Since the U.S. Supreme Court reversed the long-standing protection of the right to an abortion in Dobbs v. Jackson Women's Health Organization last summer, numerous states across the country have passed laws restricting access to abortion. This patchwork of state laws has created uncertainty for providers and patients about the availability of care, the consequences of seeking care and the consequences of providing care.<sup>1</sup> This is particularly true for patients who travel out of state to receive care and the providers here in Maine who treat those patients.

Most recently, the State of Idaho passed a law targeting medical professionals in other states who legally provide abortion care to a minor in that state.<sup>2</sup> In Indiana, a physician was targeted by the state's Attorney General for legally providing abortion care to a minor who had traveled to the

---

<sup>1</sup> <https://www.businessinsurance.com/article/20221005/NEWS06/912352739/Dobbs-decision-casts-shadow-on-med-mal-Dobbs-vs-Jackson-Women's-Health-Organiza>

<sup>2</sup> <https://time.com/6269586/idaho-abortion-law-minor-access/>

state from Ohio with a grandparent.<sup>3</sup> In that case, the privacy and security of the physician was put at risk by a politician. In Texas, politicians passed a law allowing private citizens to sue medical providers who help their patients access necessary abortion care.<sup>4</sup> These are just a few examples of the tactics that some politicians are using to impact access to abortion across the country, including here in Maine.

LD 616 seeks to address one aspect of the uncertainty that is facing reproductive health care providers: the potential for malpractice insurers to take adverse action against them for providing abortion care for patients traveling to Maine.

Valid and sufficient medical malpractice insurance is essential for providers to be able to practice medicine. Maine hospital systems actually require demonstration of adequate malpractice coverage for credentialing and hospital privileges.<sup>5</sup> A denial of malpractice coverage would render a physician unable to care for patients. Indeed, the threat of denial of coverage could impact the decision making of providers regarding what patients they can see and what care they can provide. LD 616 removes that uncertainty by strengthening protections for health care providers so they can do their jobs with peace of mind.

A majority of Maine people agree that decisions about abortion care are private and should be made between patients and their healthcare providers.<sup>6</sup> This bill is meant to reinforce that provider-patient relationship and ensure continuity of care.

For these reasons, I urge you to vote ***Ought to Pass*** on LD 616. I would be happy to answer any questions you may have.

---

<sup>3</sup> <https://www.npr.org/2022/11/30/1139950402/indianas-ag-wants-the-doctor-who-spoke-of-10-year-olds-abortion><https://apnews.com/article/abortion-biden-health-indianapolis-indiana-e73ecf4f60ed68f1ad1d11db7c223359>

<sup>4</sup> <https://www.texastribune.org/2021/05/18/texas-heartbeat-bill-abortion-law/>

<sup>5</sup> <https://www.mainehealth.org/Maine-Medical-Center/Healthcare-Professionals/Medical-Staff-Bylaws>

<sup>6</sup> <https://www.plannedparenthoodaction.org/planned-parenthood-maine-action-fund/press-releases/poll-majority-of-mainers-support-expanding-access-to-abortion-later-in-pregnancy>