

### The Right to Lie Bill SB 71

Last session, health care providers throughout the state joined forces to defeat the Right to Lie Bill, which would have protected negligent physicians who provide substandard care to pregnant women by eliminating legal remedies that exist for patients under Wisconsin law. Organizations such as the Wisconsin Medical Society and the Wisconsin Chapter of the American College of Obstetricians and Gynecologists opposed the bill because it threatened patients' lives and violated medical ethics. The Right to Lie bill is back, and it continues to endanger women's lives.

#### **The Right to Lie Bill Eliminates Legal Remedies for Malpractice Victims**

- "Wrongful birth" lawsuits are brought by parents who claim that a physician negligently failed to provide them with prenatal care information that may have led them to choose an abortion. These lawsuits allow women and their families who are harmed by substandard medical care to seek legal recourse from a negligent physician.
  - The Right to Lie bill eliminates all legal remedies available to women and their families who are victims of malpractice.
  - The Right to Lie bill encourages negligent, substandard care of pregnant women.

#### **The Right to Lie Bill Allows Physicians to Deny Women Crucial Prenatal Care**

- This bill allows doctors to intentionally or negligently omit important information regarding the availability and results of prenatal diagnostic tests and genetic counseling.
- Prenatal care and tests are a vital part of health care for pregnant women. Denying them access to this information puts both the woman and her pregnancy at risk.

#### **The Right to Lie Bill Discriminates Against Women**

- This bill allows doctors to withhold crucial medical information from *only* pregnant women. There are no other areas of medicine that condone such a denial of information. This bill therefore subjects women to an inferior standard of care that is offered to and required for other patients.
- The intent of this bill is to place a substantial obstacle in the path of a woman who might choose an abortion.
  - This bill only applies to pregnant women and information about prenatal testing and diagnosis.
  - This bill has no purpose other than to deny women access to crucial information that may lead them to choose an abortion.
  - Because of its purpose, this bill is unconstitutional under *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833 (1992)(plurality opinion).

### **The Right to Lie Bill Guts Medical Ethics and Patient Protection Laws**

- The Right to Lie bill allows physicians to violate medical ethics that require a doctor to refrain from any practice that endangers the health, welfare or safety of a patient (Administrative Code MED 10.02 (1) (u)). This includes:
  - Withholding vital health care information from women.
  - Legally allowing a physician to commit negligent acts or omissions against a pregnant woman.
  - Failing to inform women about all health care treatment options.
  - Violating the best practice guidelines established by the American College of Obstetricians and Gynecologists.
- The Right to Lie bill guts existing patient protection law that requires physicians to provide patients with information about the availability of all alternate, viable medical modes of treatment and benefits and risks of the treatment. (Wis. Stat. §448.30).
- The Right to Lie bill effectively allows a physician to elevate his or her personal beliefs above the ethically required standard of patient care.

### **The Only Organizations that Support the Right to Lie Bill Are Special Interest Groups**

- Because the Right to Lie bill violates medical ethics and compromises patient care, there is not a single health care organization that supports it.
  - The Wisconsin Chapter of the American College of Obstetricians and Gynecologists and chair of the University of Wisconsin OB/GYN Department testified that this bill is an egregious departure from contemporary medical standards and an indefensible breach of medical ethics.
- The only groups pushing this bill are special interest groups committed to the elimination of safe, legal abortion at any costs, even when a woman's health or life is at risk.
  - Special interest groups and politicians should not interfere with the delivery of medical care.