

National Cancer Policy Forum Webinar
The Impact of the Dobbs Decision on Cancer Care
How Abortion Restrictions Affect Patients with Cancer and Cancer Care
Delivery

**Cancer Care in the Post Dobbs Era:
Health Professional Society Response**

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ASCO Statement on Supreme Court Decision in Dobbs v. Jackson Women's Health

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ASCO is committed to the delivery of medically appropriate, equitable, evidence-based cancer care. For patients of child-bearing age, a cancer diagnosis raises medical considerations around pregnancy and fertility preservation. Every patient should have the ability to pursue, in partnership with their oncologist, all treatment options that offer the best chance of a successful outcome for their cancer.

Unfortunately, the implementation of laws based on the Dobbs decision could limit these options. ASCO is working to help our members navigate this new situation and preserve their patients' access to the highest quality care by providing evidence-based clinical guidance, including for fertility preservation, and by advocating for access to all the components of high-quality care.

ASCO Ethical Guidance for the US Oncology Community Where Reproductive Health Care is Limited by Law

Spence RA et al, J Clin Oncol 41: 2852-2858, 2023

Summary of Recommendations

Patient Autonomy & Informed Consent

- **Oncologist:** Provide accurate information about benefits and risks of all treatment options within the medical standard of care in the US.
- **Institution:** Establish mechanisms for referral and transfer of patients who require abortion care as part of their cancer treatment. Protect clinicians who appropriately inform their patients.

• Transparency and Communication

- **Oncologist:** Understand your institution's plans and policies regarding pregnancy options and provide this information to patients.
- **Institution:** Develop plans that prioritize patients' medical needs, with participation of stakeholders including clinical staff and patients. Make policies available to patients and staff before an emergency.

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- **Privacy/Confidentiality**

- **Oncologist:** Maintain patient privacy. Protect patient records to the fullest extent of the law.
- **Institution:** Educate clinical staff about mandatory and permissive exceptions to the duty of confidentiality. Prepare to respond and evaluate the legitimacy of legal requests for patient records.

- **Physician Autonomy and the duty of care:**

- **Oncologist:** Provide compassionate care to each patient even if options are limited. Care for accepted transfer patients and uphold their confidentiality. Consult institutional legal counsel as needed regarding care transfer.
- **Institution:** Protect the clinical staff so they can practice the standard of care. Resist overly broad interpretation of abortion ban legislation, center the welfare of the patient.

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- **Clinician Conscience**

- **Oncologist:** Offer referrals as well as impartial guidance to patients on how to inform themselves.
- **Institution:** Health care institutions should offer protections to clinicians to promote conscientious provision of care as well as conscientious objection.

- **Clinician Well-Being**

- **Oncologist:** Oncologists should support peers who may experience distress from inability to care for patients appropriately or loss of patient relationships.
- **Institution:** Institutions should recognize the potential for increased clinician burnout or distress and offer appropriate systemic intervention and individual support.

Context on Dobbs Response

ASCO Actions

- ✓ Received initial briefing from outside law firm
- ✓ Assembled internal staff task force & issued statement to domestic members
- ✓ Updated ASCO policy brief on fertility preservation & crafted model fertility preservation coverage bill for state advocacy
- ✓ Joint ASCO/ACS CAN/LLS impact statement for use in state advocacy
- ✓ Patient principles framework
- ✓ Held focus groups with ob/gyns, oncologists and patients from states with bans or bordering states with bans, with LLS and ACS CAN

Context on Dobbs Response

Ongoing ASCO Efforts

- ✓ Expanded participation in litigation where cancer care is affected
 - Amicus brief in Texas case re: mifepristone
- ✓ Collaborating with scholars, researchers, and other professional societies to understand consequences of the decision, and to support health professionals including oncologists who take care of patients with complex pregnancies
- ✓ New ASCO guideline on management of pregnancy in cancer treatment underway
- ✓ Regular communication with ASCO State Affiliates
- ✓ Landscape analysis of state laws/responses; ongoing monitoring and updates