

**DONNA CAMPBELL, M.D.**TEXAS STATE SENATOR
DISTRICT 25Attorney General Ken Paxton
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711

June 16, 2021

Re: Request for Attorney General Opinion

Dear Attorney General Paxton:

Please accept this letter as a request for an Attorney General Opinion with respect to the following legal questions:

1. Are Texas medical schools and institutions in violation of the Federal Coats-Snowe Amendment for complying with the Accreditation Council for Graduate Medical Education (ACGME) rule that requires all Obstetrics and Gynecology educational programs and institutions to provide training or access to training in the provision of abortions in their planned curriculums?
2. Are Texas medical schools and institutions in violation of the Federal Coats- Snowe Amendment for complying with the Accreditation Council for Graduate Medical Education (ACGME) rule that requires all Obstetrics and Gynecology programs to provide opt-out (not opt-in) training or access to training in the provision of abortions in their planned curriculums?
3. Does the Coates-Snow Amendment require an opt-in process for elective abortion training for medical physicians, interns, or residents in Texas?

I submit the following regarding this issue for your consideration (this information is also expanded upon in the enclosed letter by Roger Severino, Esq.)

Congress passed Coats-Snowe in 1996 in direct response to ideologically motivated actions taken by the Accreditation Council for Graduate Medical Education (ACGME) to require residency programs for obstetrics and gynecology include training in and performing abortions. The Coats-Snowe Amendment section 245, contained in 42 U.S.C. § 238, prohibits the federal government and any state or local government receiving federal financial assistance from discriminating against any health care entity on the basis that the entity: 1) refuses to undergo training in the performance of induced abortions, to require or provide such training, to perform such abortions, or to provide referrals for such training or such abortions; 2) refuses to make arrangements for such activities; or 3) attends (or attended) a post-graduate physician training program, or any other program of training in the health professions, that does not (or did not) perform induced abortions or require, provide, or refer for training in the performance of induced abortions, or make arrangements for the provision of such training.

The ACGME is likewise bound by these antidiscrimination provisions if it receives federal funds. Congress was aware that ACGME and other accrediting bodies would not be covered if they did not

The ACGME is likewise bound by these antidiscrimination provisions if it receives federal funds. Congress was aware that ACGME and other accrediting bodies would not be covered if they did not accept federal funds and definitively closed this potential loophole by requiring states that receive federal funds to treat as *invalid* any determination by ACGME (or any other accrediting body) that would disqualify from or deny accreditation to a health care entity because such entity declines to follow or meet any abortion training, provision, or referral standard.¹ Congress went further and made clear that states must treat abortion training standards as invalid “regardless of whether such standard provides exceptions or exemptions.”² This means that education and training standards with respect to abortion **must be strictly opt-in**, and that exemptions or exceptions through an opt-out system are insufficient to comply with the law.

I authored SB 1439 (87R) to amend Chapter 103, Occupations Code, to require written consent from a physician, intern, or resident at an educational institution before participating in an elective abortion procedure. The House Sponsor, Representative Phil King, substituted the original version of the bill requiring specific notice requirements to opt-out of elective abortion training. These changes were made because ACGME indicated the potential withdrawal of accreditation to Texas medical residency programs if the original version of the bill was passed because it would violate their program accreditation requirements on family planning. The ACGME issued a clarification on this requirement in July 2019, which you can find enclosed with this letter. CSSB 1439 died in the House.

The legal questions provided in this letter deserve clarity for those who are participating in Texas Obstetrics and Gynecology educational programs. Thank you for your consideration of this request. Please feel free to contact my office should you need any additional information or details regarding this request.

Sincerely,



Senator Donna Campbell, M.D.

Texas Senate District 25

¹ *Id.* at (b)(1). Coats-Snowe does allow for accrediting standards for training person who “voluntarily elect” to become abortionists and allows for the regulation of medical schools that, again, voluntarily choose to train in abortion. *Id.* at (b)(2)(B).

² *Id.*