



What Mental Health Professionals Need to Know to Protect Their Patients and Themselves in the Post-Dobbs Era

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On June 24, 2022, the U.S. Supreme Court issued a ruling on the *Dobbs vs. Jackson Women's Health Organization* case, overruling *Roe vs. Wade*, which eliminated the constitutional right to abortion and paved the way for state-level abortion restrictions. Two years later, **a majority of states have abortion restrictions in place and 14 states have total abortion bans**. The *Dobbs* decision and the subsequent rapid changes to the legal and healthcare landscape have profoundly impacted mental health professionals and the communities they serve, making it essential for mental health professionals to be well-informed and proactive in their practice.

Why Abortion Access Matters to Mental Health Professionals

Research finds that **being denied an abortion increases distress** and that carrying an unwanted pregnancy to term increases risk for depression twofold. Living in an abortion-ban state, regardless of whether one is seeking an abortion, has also been **associated with increased symptoms of depression and anxiety**. In **contrast**, the most common emotion reported in response to having an abortion is relief, and symptoms of depression, anxiety, and stress appear to *improve* following an elective or medically-indicated abortion.

Considerations for Mental Health Professionals in the Post-Dobbs Era

Given the impacts of restricted abortion access and the amount of disinformation around sexual and reproductive health, it is imperative for healthcare professionals to arm themselves with information and tools to assist their patients, such as:

- **Approach clinical conversations around abortion from a place of cultural humility and intersectionality.** Mental health professionals should reflect on their biases, assumptions, and beliefs about abortion and how their worldviews and experiences have informed these. Normalizing conversations about sexual and reproductive health more broadly, and validating patients' decisions around sexual and reproductive health can also help to reduce stigma and shame. Given their training, mental health professionals are in a unique position to correct myths about abortion and mental health and provide accurate information based on the state of the research.

- **Support patients in advocating for themselves and making informed decisions about abortion.** Mental health professionals can help patients identify the resources and information that they need to make informed decisions about abortion. They can also help patients build skills to advocate for themselves with other healthcare professionals, family members, or others regarding their choices around abortion. Mental health professionals may want to consider collaborating with OB/Gyns or other medical professionals as they help their patients navigate abortion care.
- **Stay up-to-date on laws and regulations related to abortion and mental health care within your state and federally.** Mental health professionals must understand both the law and their profession's ethical imperatives so that they can navigate challenging situations, such as when the law and ethical standards conflict. [The Guttmacher Institute](#) and the [Center for Reproductive Rights](#) compile information about abortion laws that mental health professionals can regularly review. Professional organizations for mental health professionals, such as the [American Psychological Association](#), also provide resources and guidance related to abortion. Mental health professionals who practice across state lines should be particularly well-versed in variations of laws across these states.
- **Discuss and document information about reproductive health and abortion in ways that minimize possible legal harm to the patient and mental health professional.** While supporting patients around topics of reproductive health and abortion, mental health providers should be judicious in how they discuss and document these topics based on their knowledge of current legislation. For example, in states with [laws against aiding and abetting abortion](#), mental health providers may need to exercise caution to ensure that their conversations are not construed as assisting a patient in obtaining an abortion, and take care with clinical documentation. Such consideration is particularly important given the Cures Act and Open Notes Rule, which provide the patient and other professionals increased access to electronic medical records.
- **Include language about reproductive health and abortion in informed consent.** Patients should be made aware of potential risks, including to confidentiality, of sharing information about reproductive health and abortion with their mental health professional. For example, [HIPAA's Privacy Rule](#) does not allow health care professionals to breach patient confidentiality to report information about abortion in most cases. However, professionals may be compelled by a court order or subpoena to disclose information about an abortion. Mental health professionals should update patients on laws related to abortion that may affect their mental health treatment change.
- **Reflect on the bounds of one's competence and seek consultation.** For legal and ethical questions, mental health professionals should consider consulting with a legal professional (including at their home institution, if available), malpractice insurer (e.g., regarding questions about patient confidentiality), or licensing board. Professional organizations specific to various mental health fields [may also offer ethics-related consultations](#). Peer consultation with other mental health professionals may also help check biases and assumptions related to abortion and facilitate cultural humility, as well as provide space to discuss potential ethical dilemmas.

How Institutions Can Help

As the landscape of abortion in the United States continues to shift, institutions that train, employ, and otherwise interact with mental health professionals also need to adapt to support the mental health workforce and the patients it serves. Educational programs for mental health professionals can increase training opportunities related to abortion as well as sexual and reproductive health to ensure that the workforce is equipped to navigate these topics effectively with patients. Employers can ensure that mental

health professionals have access to in-house or external legal and ethical experts for consultation when concerns related to abortion arise in clinical practice. Professional mental health organizations have a responsibility to disseminate accurate information about mental health and abortion. Further, they must advocate for the protection of mental health professionals and their patients when ethical guidelines are at odds with laws related to abortion.

Ensuring that mental health care remains compassionate and informed is essential for protecting the well-being of individuals and communities in this new era. With the widespread implementation of state-level abortion restrictions, it is crucial for mental health professionals and institutions continue to advocate for and uphold mental health care for those most vulnerable to the harms caused by restrictions on abortion and other attacks on sexual and reproductive health.

Christine C. Call, Alexandra R. Tabachnick, Irene Tung, Stefanie L. Sequeira, Orma Ravindranath, Cassandra L. Boness, Lindsay Sortor, Lucy Ogbu-Nwobodo, David Ley, Kristen Eckstrand, and Debora J. Bell, "What Mental Health Professionals Need to Know to Protect Their Patients and Themselves in the Post-Dobbs Era", Scholars Strategy Network, September 2024.