

On Behalf of St. Luke's Health System, Jenner & Block Files New Complaint to Resolve Conflict Between Idaho's Abortion Law and EMTALA

News

January 14, 2025

Today, Jenner & Block, on behalf of St. Luke's Health System and in collaboration with Stoel Rives, filed a lawsuit with the US District Court for the District of Idaho to resolve the conflict between Idaho's state abortion law and the federal Emergency Medical Treatment and Labor Act (EMTALA).

The United States is currently pursuing a related complaint against the State of Idaho over this issue. The upcoming change in federal administration may not pursue that complaint, which could result in the dissolution of the injunction that currently safeguards the health of pregnant women presenting to Idaho emergency departments with an emergency medical condition.

To prevent this outcome, St. Luke's has filed a complaint and a motion for injunctive relief to maintain the same protections currently in place. Without this injunction, patients, physicians, and other licensed healthcare professionals will be harmed, as was the case in early 2024 when the injunction was temporarily lifted pending review by the US Supreme Court.

"St. Luke's has seen firsthand the need for patients to have the full range of emergency medical care available to them in Idaho, and I am grateful for their commitment to ensuring that women across the state receive the care they need," said Partner Lindsay Harrison.

EMTALA requires hospitals that receive Medicare funding to offer stabilizing treatment to protect a pregnant woman's health, including, in rare cases, the termination of a pregnancy. In contrast, Idaho's Defense of Life Act only allows a physician to offer stabilizing care in the form of terminating a pregnancy if it is necessary to prevent the pregnant woman's death. Physicians are not able to comply with both laws when the pregnant woman's emergency condition threatens severe health consequences short of death. The lawsuit seeks to rectify this conflict so that federal law preempts state law, consistent with the Constitution's Supremacy Clause.

In addition to Lindsay, the Jenner team includes Partner Jessica Ring Amunson, Associates Sophie Montgomery and Ruby Giaquinto, and Junior Paralegal Kenyon North.

In March 2024, Lindsay and Associate Maria LaBella filed an amicus brief in the US Supreme Court on behalf of St. Luke's, asking the Court to find that Idaho's near-total ban on abortions is preempted by EMTALA. In December 2024, Lindsay argued on behalf of St. Luke's before the 9th Circuit, sitting en banc, in support of the United States.

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