CFAS Connects: A Conversation with AAMC Chief Legal Officer Frank Trinity, JD

Frank Trinity has served as the AAMC’s Chief Legal Officer since 2010 and manages the AAMC’s legal function, oversees the AAMC’s intellectual property portfolio, and coordinates AAMC litigation activity and enterprise risk management.

Mr. Trinity led the AAMC in submitting an amicus brief along with 45 other health and higher education organizations supporting race conscious admissions in the *Students for Fair Admissions vs. Harvard* and the *Students for Fair Admissions vs. UNC* cases that were argued before the Supreme Court last fall. The Supreme Court has since ruled that Harvard and UNC’s race-conscious admissions programs are unconstitutional.

Legal Update from Mr. Trinity

Doctors are having to navigate challenging times as there has been an increase in litigation and policymaking involving certain areas of medicine, such as abortion and bans on gender-affirming care. The AAMC is engaged in a number of legal efforts related to DEI: race conscious admissions, the *Dobbs* decision that overturned *Roe v. Wade*, bans on gender-affirming care, and the Deferred Action for Childhood Arrivals (DACA) program.

The post-Dobbs health care landscape:

*Dobbs v. Jackson Women’s Health* overturned *Roe v. Wade*, which had established a constitutional right to abortion. The debate over abortion is now being played out in legislative battles at the state level and in governors’ races. Physicians in certain states that have enacted restrictions around abortion are having to navigate a degree of uncertainty, since things are still in flux.

- On the federal level, the AAMC is engaging around EMTALA (Emergency Medical Treatment & Labor Act), which mandates that a hospital that takes Medicare funding must provide stabilizing care to a patient in an emergency situation. The AAMC previously submitted an amicus brief with the American Hospital Association in favor of the Justice Department’s position that opposed an Idaho state abortion ban that conflicted with EMTALA. This issue might end up in front of the Supreme Court.

- The AAMC is also monitoring court cases regarding the availability of mifepristone. These cases could have wide-ranging impact on the authority of the Food and Drug Administration (FDA) to set national standards on the efficacy and availability of medications. This issue is also likely to go to the Supreme Court.

- There are some early indications that the *Dobbs* decision is influencing the location preferences of some OBGYN residents, who are applying to positions in states with abortion bans in lower numbers than in the past. The AAMC is hosting webinars to help constituents navigate the new landscape.

Gender-affirming care:

The AAMC has joined with more than 20 other health organizations in amicus briefs filed to support legal challenges to State bans on gender-affirming care for adolescents with gender dysphoria. The
amicus briefs detail the health risks associated with gender dysphoria and the proven health benefits of gender-affirming care, as well as the multi-year process by which medical standards for gender-affirming care are established.

More than 20 states have enacted, or are considering enacting, bans on gender transition services for minors up to age 18. The AAMC has filed an amicus brief objecting to laws that would ban gender transition services for minors.

**DACA:**

On the issue of DACA, the question of whether the president had the authority to create the program is still a live legal question and the answer will probably unfold in the court system over the next couple years. The courts have kicked the can down the road for the past decade because they can’t resolve the citizenship question – only Congress can pass a law to grant citizenship. Once the courts settle this question, Congress will need to decide whether to pass a law that allows DACA recipients to remain in the country.

**Q&A Topics Surfaced**

- For constituents looking for help in advocating on these issues at the local level, the AAMC is restricted to the federal level in terms of its own advocacy. The best place to start is probably the government relations staff at a constituent’s institution, because they can bring issues to the state legislature. The AAMC can help indirectly by providing data and messaging points and connecting people with one another.

- CFAS society executives and reps seem to be more interested in engaging with the AAMC on advocacy issues around DEI than in the past.

- There was a question on how the AAMC decides what position to take on certain issues. Not everyone has the same opinion about how court cases concerning DEI should go, even though the AAMC speaks as if it’s one voice. The AAMC’s Board of Directors provides high-level input into the AAMC’s advocacy agenda and the AAMC is also informed on its advocacy decisions by its strategic plan. Access to health care is one of the action plans. The AAMC doesn’t expect uniformity across its membership and wants to hear different views.

- There was discussion on how other countries are navigating issues around gender transition care and what the best resources are to inform on this issue.

- There were some concerns that gender ideology is being taught too aggressively to younger children, with parents being excluded from the discussion and that this is having negative consequences for those children.

- There was discussion on how to advocate for more GME slots.