

December 21, 2021

Oklahoma Doctors Issue Public Letter Denouncing Prosecutions Involving Pregnancy and Allegations of Drug Use

OKLAHOMA - Oklahoma doctors specializing in Obstetrics and Gynecology, Maternal-Fetal Medicine, Women's Health, and Substance Use Disorders in Pregnancy signed a joint letter condemning the criminalization of pregnancy and drug use.

37 Oklahoma-based doctors signed the following letter.

"We understand the urgency felt by our fellow Oklahomans to help ensure every delivery results in a healthy mother and a healthy baby. We wholeheartedly share that urgency. We have dedicated our professional lives to keeping every patient in our care in the best health possible. But the prosecution of expecting and new mothers who use substances is terrible public policy for both babies and moms.

"On October 5, 2021, 21-year-old Brittney Poolaw was convicted of manslaughter in the first degree for experiencing a 15-17 week miscarriage. She was sentenced to four years in prison. We recently learned of two other women in Oklahoma who, just like Ms. Poolaw, have been charged with manslaughter for experiencing the loss of a pregnancy - and without any scientific evidence proving their drug use caused their unfortunate pregnancy losses. A manslaughter conviction can potentially result in a life sentence.

"Additionally, there are at least several dozen women charged with various crimes in relation to their pregnancies throughout our state in recent years. Many women have been charged with felony child neglect - a crime that carries a potential life sentence.

"Oklahoma child neglect laws do not even require that prosecutors allege that any harm to the baby occurred, and many of the mothers being prosecuted have given birth to healthy babies. As we saw in the prosecution of Ms. Poolaw, these prosecutions rely on the claim that pregnancy and its outcomes are criminal issues instead of public health issues.

"As medical doctors, we are committed to reducing potential drug-related harms at every reasonable opportunity and do not endorse the non-medical use of controlled substances—including alcohol or tobacco—during pregnancy. Further, our commitment to maternal and child health and the ethical mandates regarding the provision of medical care requires us to speak out when medical misinformation is used to influence public policy and criminal prosecutions. We are gravely concerned that prosecutors willfully ignore medical science in pursuit of these harmful prosecutions.

"Prosecuting moms in need of therapeutic support for drug use is harmful. Every leading medical and public health organization in the United States has reached this same conclusion. Data show that criminalization of substance use in pregnancy deters mothers from seeking

healthcare for themselves and their children. Scaring pregnant patients away from the doctor's office will not move us closer to healthier pregnancies and deliveries in Oklahoma. How can our patients trust us if they fear we may call the police and have them arrested when we leave the exam room?

"Together, we call on all Oklahoma district attorneys to end the prosecution of women with substance abuse disorders that didn't cease to exist once they became pregnant. In particular, we demand that Comanche County District Attorney Kyle Calbeka, who is prosecuting the majority of these cases, stop this harmful practice.

"If the purpose of these prosecutions is to improve the health and safety of Oklahoma babies and their mothers, the effect is the exact opposite. These prosecutions make it difficult to ensure our patients get the healthcare and support they need because they may reasonably fear criminal prosecution. If this optional prosecution stance persists, the negative health outcomes for mothers and babies in our state can only grow more dire."

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Signed by:

Stephanie Pierce, MD

Marvin Williams, DO

Lieschen Quiroz, MD, FACOG

Bryan Christopher Roehl, DO, FACOG

David Gahn, MD, FACOG

Lora Larson, MD, FACOG

Andrew Broselow, MD, FACOG

Hugh Nadeau, MD, FACOG

Katherine A. Smith, MD, FACOG

Cameron Michelle Halsell, DO

Kathryn Lindsay, MD

Danielle Allen Herried DO, MBA

Ann Tran, DO

Lee P. Frye MD, FACOG

Thomas Lane, MD, FACOG

D. Nicholas Wilson, MD, FACOG

Erin Alward, MD

Robert Mannel, MD, FACOG

Mukesh T. Parekg, MD. FACOG

John Alan Fuller, MD, FACOG

Kenneth G. Thompson, MD, (ret.)

Grant Cox, MD, FACOG

Michael Seikel, MD

John R. Stanley, MD

Blake Porter, MD, FACOG

Jennifer W. Gibbens, MD

Tracey Lakin, MD

Jameca Price, MD, MPH, FACOG

Ghazaleh Moayedi, DO, MPH, FACOG

Kate C. Arnold, MD

Joshua Yap, MD, MPH

Dena O'Leary, MD

Shawn Strain, MD

Dana Stone, MD

Lydia Nightingale, MD

Caroline Flint, MD

Michael Collins, MD