

Licensed Hospitals in Oregon Must Provide Emergency Obstetric Services to Pregnant People

Emergency medical care has long been a protected right in Oregon. Hospitals in Oregon must continue to provide emergency obstetric services to pregnant people, including emergency abortion care. On May 29, 2025, Centers for Medicare and Medicaid Services (CMS) rescinded federal guidance which reminded hospitals that the Emergency Medical Treatment and Labor Act (EMTALA) requires hospitals to provide abortion care to pregnant patients for whom such care is necessary to stabilize an emergency medical condition they are experiencing, irrespective of any contrary state laws. The rescission of the federal guidance does not change EMTALA nor does it change Oregon laws.

History of EMTALA

EMTALA was passed by Congress in 1986 to ensure patients receive emergency medical care regardless of ability to pay. EMTALA requires that patients presenting at a hospital with a possible emergency medical condition receive a medical screening exam and requires the hospital to provide stabilizing care to any patients with an emergency medical condition within the capability and capacity of the hospital. EMTALA provisions have historically required stabilizing treatment to include termination of pregnancy and CMS has recognized that providing that course of treatment would be determined by a physician or other qualified medical personnel based on the applicable standard of care.

The recently rescinded federal guidance was a reminder issued in the wake of *Dobbs v. Jackson Women's Health Organization* (2022), which effectively ended a federal constitutional right to terminate a pregnancy.

Obstetric Services in Oregon

In Oregon an individual has “a fundamental right to make decisions about the individual’s reproductive health, including the right to make decisions about the individual’s reproductive health care, to use or refuse contraception, to continue the individual’s pregnancy and give birth or to terminate the individual’s pregnancy.” See [ORS 435.210](#).

In 1987, the Oregon legislature passed Oregon's own version of EMTALA in [ORS 441.094](#). Patterned on the federal law, Oregon-EMTALA similarly prohibits denial of screening and emergency care based on insurance coverage, or lack thereof, or the inability to pay. The Oregon Health Authority (OHA) licenses hospitals and oversees the enforcement of Oregon-EMTALA. Hospitals with an emergency department are required to provide emergency services 24/7 and to provide immediate lifesaving intervention, and stabilization. [OAR 333-520-0070\(3\)\(a\)](#).

Hospitals with emergency departments must continue to ensure they comply with all the requirements in OHA's administrative rules that govern hospital licensure and hospital emergency medical services. To learn more about emergency medical services in Oregon, please visit [OHA's website](#) and the [requirements for hospital emergency medical services](#).

