

United States Senate

WASHINGTON, DC 20510

February 12, 2025

Dr. Mehmet Oz
Administrator-Designate
Centers for Medicare & Medicaid Services
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Dr. Oz:

We write with great concern regarding your views on women’s reproductive freedom and the grave risk you may pose to women’s reproductive health care access if you are confirmed as President Trump’s Administrator of the Centers for Medicare and Medicaid Services (CMS).

President Donald Trump nominated you to serve as the Administrator of CMS on November 19, 2024.¹ The CMS Administrator exercises broad authority over reproductive health care access because CMS oversees Medicare, Medicaid, and Affordable Care Act (ACA) coverage.² CMS sets the rules for and manages these programs that provide reproductive health care coverage to millions of women in America.³ The Administrator’s responsibilities include overseeing Medicare and Medicaid’s coverage of sexual and reproductive health services;⁴ ensuring access to contraceptive services through the ACA;⁵ and enforcing the Emergency Medical Treatment and Labor Act (EMTALA), which requires Medicare-participating hospitals to provide necessary emergency care, including abortions for patients when it is the necessary stabilizing treatment.⁶

¹ Reuters, “Trump picks TV’s Dr. Oz to run Medicare and Medicaid,” Ahmed Aboulenein, November 20, 2024, <https://www.reuters.com/world/us/trump-picks-dr-oz-serve-cms-administrator-2024-11-19/>.

² Centers for Medicare & Medicaid Services, “History,” <https://www.cms.gov/about-cms/who-we-are/history>.

³ The American College of Obstetricians and Gynecologists, “Medicaid,” <https://www.acog.org/advocacy/policy-priorities/medicaid>; KFF, “Coverage of Sexual and Reproductive Health Services in Medicare,” Meredith Freed, Juliette Cubanski, Michelle Long, Nancy Ochieng, and Alina Salganicoff, April 30, 2024, <https://www.kff.org/medicare/issue-brief/coverage-of-sexual-and-reproductive-health-services-in-medicare/>; Planned Parenthood Action Fund, “Affordable Care Act (ACA),” <https://www.plannedparenthoodaction.org/issues/health-care-equity/affordable-care-act-aca>.

⁴ Guttmacher Institute, “State Funding of Abortion Under Medicaid,” August 31, 2023, <https://www.guttmacher.org/state-policy/explore/state-funding-abortion-under-medicare>; KFF, “Coverage of Sexual and Reproductive Health Services in Medicare,” Meredith Freed, Juliette Cubanski, Michelle Long, Nancy Ochieng, and Alina Salganicoff, April 30, 2024, <https://www.kff.org/medicare/issue-brief/coverage-of-sexual-and-reproductive-health-services-in-medicare/>.

⁵ Planned Parenthood Action Fund, “Affordable Care Act (ACA),” <https://www.plannedparenthoodaction.org/issues/health-care-equity/affordable-care-act-aca>.

⁶ The 19th, “Trump picks Dr. Oz, the celebrity TV doctor, to run Medicare and Medicaid,” Shefali Luthra and Sara Luterman, November 19, 2024, <https://19thnews.org/2024/11/trump-picks-dr-oz-celebrity-tv-doctor-medicare-medicare/>; Centers for Medicare & Medicaid Services, “Emergency Medical Treatment & Labor Act (EMTALA),” <https://www.cms.gov/medicare/regulations-guidance/legislation/emergency-medical-treatment-labor-act>.

Your hostile record on abortion raises significant concerns about how you would use your role at CMS to limit or eliminate access to critical reproductive health care.⁷ In May 2022, you praised the Supreme Court’s *Dobbs* decision to overturn *Roe v. Wade* and lay the foundation for abortion bans across the country, saying, “Roe was wrongly decided.”⁸ During your 2022 campaign for the U.S. Senate, your campaign page described you as “100% Pro-Life,”⁹ and you said you looked “forward to supporting” anti-abortion policy.¹⁰ Though you once said you supported exceptions to abortion bans, including to allow women to seek an abortion in cases of rape, incest, or where the woman's health is at risk,¹¹ you have since reversed course, saying that abortion at any stage of pregnancy is “murder” because you “believe that life starts at conception”—a view known as fetal personhood.¹² Proponents of fetal personhood believe that a fetus or embryo should have the same rights as a person under the Constitution, which could lead to outlawing not only abortion without exceptions, but also medical treatments such as in vitro fertilization (IVF).¹³

Perhaps most concerning are your comments that a woman’s decision to have an abortion should be up to “women, doctors, [and] *local political leaders* [emphasis added].”¹⁴ The implication that elected officials should be involved in a woman’s personal health treatment decision is terrifying and antithetical to patient health. Furthermore, leaving the issue of women’s reproductive freedom to the whims of local officials—a position you have consistently expressed¹⁵—is dangerous and has already produced a patchwork of abortion laws across the country, creating legal confusion, harms to public health, and vast disparities in access to care.¹⁶ While you expressed support for some forms of contraception over a decade ago,¹⁷ your current position on contraception access is unclear. This ambiguity is concerning given CMS’s

⁷ Reproductive Freedom for All, “Reproductive Freedom for All Responds to Trump’s Nomination of Mehmet Oz for Centers for Medicaid and Medicare Services Administrator,” press release, November 19, 2024, <https://reproductivefreedomforall.org/news/reproductive-freedom-for-all-responds-to-trumps-nomination-of-mehmet-oz-for-centers-for-medicare-and-medicare-services-administrator/>.

⁸ Tweet by Dr. Mehmet Oz, May 3, 2022, <https://twitter.com/DrOz/status/1521493490449928193>.

⁹ NBC News, “Mehmet Oz in May audio: Abortion is ‘murder’ at any stage of pregnancy,” Sahil Kapur, August 31, 2022, <https://www.nbcnews.com/politics/2022-election/mehmet-oz-may-audio-abortion-murder-stage-pregnancy-rcna45621>.

¹⁰ The Independent, “Dr Oz says all abortion is ‘murder’ in audio resurfaced days after he publicly opposed federal ban,” Johanna Chisholm, August 31, 2022, <https://www.the-independent.com/news/world/americas/us-politics/dr-oz-abortion-conception-pennsylvania-b2156860.html>.

¹¹ Newsweek, “Dr. Oz Struggles to Answer Abortion Question on Fox News,” Ewan Palmer, December 16, 2021, <https://www.newsweek.com/dr-oz-abortion-fox-news-pennsylvania-1659989>.

¹² NBC News, “Mehmet Oz in May audio: Abortion is ‘murder’ at any stage of pregnancy,” Sahil Kapur, August 31, 2022, <https://www.nbcnews.com/politics/2022-election/mehmet-oz-may-audio-abortion-murder-stage-pregnancy-rcna45621>.

¹³ TIME, “Fetal Personhood Laws Are a New Frontier in the Battle Over Reproductive Rights,” Madeleine Carlisle, June 28, 2022, <https://time.com/6191886/fetal-personhood-laws-roe-abortion/>.

¹⁴ CNN, “Dr. Oz’s awful answer on abortion,” Chris Cillizza, October 26, 2022, <https://www.cnn.com/2022/10/26/politics/oz-abortion-debate-pennsylvania-senate/index.html>.

¹⁵ Tweet by Dr. Mehmet Oz, May 3, 2022, <https://twitter.com/DrOz/status/1521493490449928193>.

¹⁶ Guttmacher Institute, “The State Abortion Policy Landscape One Year Post-Roe,” Kelly Baden and Jennifer Driver, June 15, 2023, <https://www.guttmacher.org/2023/06/state-abortion-policy-landscape-one-year-post-roe>.

¹⁷ Oprah Winfrey Network, “Dr. Phil and Dr. Oz on Birth Control | Ask Oprah's All Stars | Oprah Winfrey Network,” October 24, 2011, <https://www.youtube.com/watch?v=CVS3ZrqVWoU>.

responsibility for promulgating and enforcing rules on contraception access¹⁸ and providing guidance on administering and expanding contraception benefits.¹⁹

Only a few weeks into the second Trump Administration, women’s reproductive health care in the United States is in danger. The Administration has scrubbed information about abortion care from government websites,²⁰ eliminated the Department of Health and Human Services’ (HHS) Interagency Task Force on Reproductive Healthcare Access,²¹ revoked guidance that directed CMS and HHS to explore ways to increase access to abortion services,²² and reversed Biden-era efforts to prosecute demonstrators who interfere with patient access to reproductive health clinics.²³ Women’s access to reproductive health care also continues to be under attack at the state level. For example, prosecutors in Texas and Louisiana have recently brought suit against a New York physician, alleging she broke their states’ laws by mailing medication to a woman in each state.²⁴

Given the role CMS plays in shaping reproductive health care access, the CMS Administrator will cause grave damage if they do not stand firmly in defense of women’s reproductive rights. Yet throughout your career, you have staunchly opposed abortion, which makes it difficult to believe you would take women’s sexual and reproductive health seriously.²⁵ Your record is alarming, and it is important that Congress and the public understand how you would use CMS authorities to impact reproductive care access if confirmed to serve as CMS Administrator. With this in mind, we request you provide the following information by February 19, 2025:

¹⁸ Centers for Medicare & Medicaid Services, “Biden-Harris Administration Proposes Expanding Coverage of Birth Control and Other Preventive Services,” press release, October 21, 2024, <https://www.cms.gov/newsroom/press-releases/biden-harris-administration-proposes-expanding-coverage-birth-control-and-other-preventive-services>; Centers for Medicare & Medicaid Services, “2021–2024 CMS Accomplishments,” October 2024, p. 9, <https://www.cms.gov/files/document/cms-accomplishments-2021-2024.pdf>.

¹⁹ Centers for Medicare & Medicaid Services, “2021–2024 CMS Accomplishments,” October 2024, p. 9, <https://www.cms.gov/files/document/cms-accomplishments-2021-2024.pdf>.

²⁰ NPR, “Trump’s federal health website scrubs ‘abortion’ search results,” Selena Simmons-Duffin, January 21, 2025, <https://www.npr.org/sections/shots-health-news/2025/01/21/nx-s1-5269875/trump-abortion-hhs-reproductive-rights>.

²¹ Center for Reproductive Rights, “Revoking Biden-era executive orders protecting access to reproductive healthcare,” January 24, 2025, <https://reproductiverights.org/revoking-biden-era-executive-orders-protecting-access-to-reproductive-healthcare/>.

²² The Washington Post, “Trump reverses Biden actions intended to protect abortion access,” Maegan Vazquez and Sammy Westfall, January 24, 2025, <https://www.washingtonpost.com/politics/2025/01/24/trump-abortion/>.

²³ CBS News, “Trump Justice Dept. limits enforcement of FACE Act, which protects reproductive health facilities,” Nicole Sganga and Robert Legare, January 24, 2025, <https://www.cbsnews.com/amp/news/trump-face-act-abortion-related-actions-justice-department/>.

²⁴ State Court Report, “Texas Suit Against New York Doctor Ushers in New Era of Abortion Litigation,” Mary Ziegler, January 14, 2025, <https://statecourtreport.org/our-work/analysis-opinion/texas-suit-against-new-york-doctor-ushers-new-era-abortion-litigation>; The New York Times, “New York Doctor Indicted in Louisiana for Sending Abortion Pills There,” Pam Belluck and Emily Cochrane, January 31, 2025, <https://www.nytimes.com/2025/01/31/health/abortion-louisiana-new-york-prosecution-shield-law.html>.

²⁵ The 19th, “Trump picks Dr. Oz, the celebrity TV doctor, to run Medicare and Medicaid,” Shefali Luthra and Sara Luterman, November 19, 2024, <https://19thnews.org/2024/11/trump-picks-dr-oz-celebrity-tv-doctor-medicare-medicaid/>; Democratic Senatorial Campaign Committee, “ICYMI: Dr. Oz Has a Long History of Being Extremely Creepy to—and About—Women [Jezebel],” press release, August 2, 2022, <https://www.dscc.org/news/icymi-dr-oz-has-a-long-history-of-being-extremely-creepy-to-and-about-women-jezebel/>.

1. If confirmed as Administrator of CMS, do you commit to using your role to restore and advance sexual and reproductive health equity?
2. The Biden Administration challenged Idaho’s abortion ban under the Emergency Medical Treatment and Labor Act (EMTALA), arguing that Idaho’s ban is preempted to the extent that it restricts providers from providing stabilizing care that is federally required under EMTALA.²⁶ Project 2025 directs HHS to take several steps to limit EMTALA’s protections, including but not limited to withdrawing the Biden Administration’s July 2022 guidance on EMTALA’s preemption of state-level abortion bans, ending investigations into alleged EMTALA violations, and eliminating existing injunctions and withdrawing or settling existing lawsuits under EMTALA.²⁷
 - a. If confirmed as Administrator of CMS, would you work to ensure access to emergency abortion under EMTALA, including continuing the current Department of Justice (DOJ) lawsuits, and to help enforce the rights of women under this life-saving law?
3. In August 2022, the Biden Administration encouraged states to apply for Medicaid funding under Section 1115 demonstration authority to expand access to reproductive care.²⁸ Project 2025 directs the HHS Secretary to withdraw that guidance and any Section 1115 waivers issued thereunder.²⁹
 - a. If confirmed as Administrator of CMS, would you commit to protecting states’ right to use Section 1115 waivers for programs to help women access reproductive care?
 - b. Will you commit to encouraging CMS to approve such waivers?
4. Project 2025 directs HHS to issue guidance or regulations stating that states can exclude Planned Parenthood health centers and other providers of abortions from their state Medicaid plans.³⁰
 - a. If confirmed as Administrator of CMS, would you issue guidance that could lead to the defunding of Planned Parenthood and other providers of abortions?
5. Project 2025 directs CMS to “resolve pending Section 1115 waivers from Idaho, South Carolina, and Tennessee, which...are seeking...to prohibit abortion providers from participating in state-run Medicaid programs.”³¹ Additionally, Texas has a pending waiver seeking to exclude abortion providers from the Healthy Texas Women family planning program.³²
 - a. If confirmed as Administrator of CMS, would you commit to direct HHS to deny states from excluding abortion providers from participating in Medicaid programs as seen in these waivers?

²⁶ FIERCE Healthcare, “SCOTUS restores emergency abortions in Idaho, hands EMTALA challenge back to lower courts,” Dave Muoio, June 27, 2024, <https://www.fiercehealthcare.com/providers/scotus-restores-emergency-abortion-idaho-emtala-challenge-plays-out-lower-courts>.

²⁷ Heritage Foundation, “Mandate for Leadership: The Conservative Promise,” 2023, pp. 473-474, https://static.project2025.org/2025_MandateForLeadership_FULL.pdf.

²⁸ Centers for Medicare & Medicaid Services, “HHS Takes Action to Strengthen Access to Reproductive Health Care, Including Abortion Care,” August 26, 2022, <https://www.cms.gov/newsroom/press-releases/hhs-takes-action-strengthen-access-reproductive-health-care-including-abortion-care>.

²⁹ Heritage Foundation, “Mandate for Leadership: The Conservative Promise,” 2023, p. 471.

³⁰ *Id.*, p. 472.

³¹ *Id.*

³² Texas Health and Human Services, “Healthy Texas Women 1115 Demonstration,” <https://www.hhs.texas.gov/regulations/policies-rules/waivers/healthy-texas-women-1115-demonstration>.

6. Project 2025 directs CMS to withdraw up to 10 percent of Medicaid funds from states that require private health insurance plans to cover abortion care or that terminate state contracts with pharmacies that do not carry abortion medication.³³
 - a. Do you commit to oppose any such attempts to withdraw Medicaid funds from such states?

In addition to these questions on whether you would follow Project 2025’s roadmap to gut reproductive health access at CMS, we have additional questions about your past statements and current views on women’s reproductive rights:

1. In December 2011, you said you support women’s access to a range of contraception, including forms of Long-Acting Reversible Contraception (LARC) like Intrauterine devices (IUDs).³⁴
 - a. Do you support women’s access to a full range of contraception, including LARCs and emergency contraception?
 - b. How would you use CMS authorities to expand women’s access to, and coverage of, FDA-approved forms of contraception?
2. Planned Parenthood health centers help women across the country access birth control methods.³⁵ In 2015, you wrote on your column in the Idaho Statesman, “If You Want To Find The Best Birth Control For You And Yours, Go To The Planned Parenthood Website (Plannedparenthood.Org) And Talk To Your Doctor.”³⁶
 - a. Do you still support a woman’s right to seek out the best birth control treatment option at Planned Parenthood health centers or other abortion providers?
3. In December 2021, you said that you are “pro-life,” except in three situations: rape, incest and cases in which the woman’s health is at risk.³⁷
 - a. Do you still support exceptions to abortion bans in these three situations?
 - b. Do you believe women should have access to abortion care outside of these three situations?
4. In May 2022, you said that abortion at any stage of pregnancy is “still murder” because you believe that life begins at conception.³⁸ This also could indicate a view that a fetus or embryo should be considered a “person” under the U.S. Constitution, a view known as fetal personhood.³⁹ This concept could be used to outlaw not only abortion but also fertility treatments such as in vitro fertilization (IVF).⁴⁰ Indeed, over a dozen states have

³³ Heritage Foundation, “Mandate for Leadership: The Conservative Promise,” 2023, p. 472, https://static.project2025.org/2025_MandateForLeadership_FULLL.pdf.

³⁴ Oprah Winfrey Network, “Dr. Phil and Dr. Oz on Birth Control | Ask Oprah’s All Stars | Oprah Winfrey Network,” October 24, 2011, <https://www.youtube.com/watch?v=CVS3ZrqVWoU>.

³⁵ Planned Parenthood, “Birth Control,” <https://www.plannedparenthood.org/get-care/our-services/birth-control>.

³⁶ American Bridge 21st Century: Repro Files, “Mehmet Oz on Contraception,” October 24, 2024, <https://repro-files.com/candidates/mehmetoz/issues/abortion/contraception>.

³⁷ Newsweek, “Dr. Oz Struggles to Answer Abortion Question on Fox News,” Ewan Palmer, December 16, 2021, <https://www.newsweek.com/dr-oz-abortion-fox-news-pennsylvania-1659989>.

³⁸ NBC News, “Mehmet Oz in May audio: Abortion is ‘murder’ at any stage of pregnancy,” Sahil Kapur, August 31, 2022, <https://www.nbcnews.com/politics/2022-election/mehmet-oz-may-audio-abortion-murder-stage-pregnancy-rcna45621>.

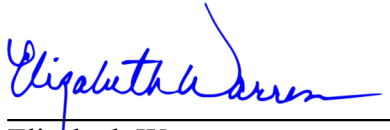
³⁹ TIME, “Fetal Personhood Laws Are a New Frontier in the Battle Over Reproductive Rights,” Madeleine Carlisle, June 28, 2022, <https://time.com/6191886/fetal-personhood-laws-roe-abortion/>.


⁴⁰ *Id.*

Wrongful Death and/or Fetal Personhood laws or statutes that could encompass frozen embryos.⁴¹

- a. Do you still stand by the statement that abortion at any stage of pregnancy is “still murder”?
 - b. Do you believe that a fetus or embryo should be considered a “person” under the U.S. Constitution and have the same rights as a person who is currently alive?
 - c. Do you believe that health care, like IVF, which when performed in accordance with widely accepted and evidence-based medical standards of care involves the creation, cryopreservation, and sometimes the discarding of embryos is “murder”?
 - d. Would you support access to IVF if appointed Administrator of CMS?
5. In October 2022, you said that a woman’s decision to have an abortion should be left to “women, doctors, [and] local political leaders.”⁴²
- a. Do you still hold this view? Which political leaders do you believe should have a say in women’s decisions about abortions?
 - b. More broadly, who do you believe should be involved in a women’s reproductive choice and why?

Sincerely,


Elizabeth Warren
United States Senator


Tammy Duckworth
United States Senator

⁴¹ Pregnancy Justice, “Fetal Personhood Legal Landscape,” September 24, 2024, <https://www.pregnancyjusticeus.org/legal-landscape/>.

⁴² CNN, “Dr. Oz’s awful answer on abortion,” Chris Cillizza, October 26, 2022, <https://www.cnn.com/2022/10/26/politics/oz-abortion-debate-pennsylvania-senate/index.html>.