



Women's Sexual and Reproductive Health Coalition

A consensus statement calling for the removal of an advertising restriction for important Australian abortion care services via Google

Recommendations

- The SPHERE Coalition recommends Google revoke their revision to the healthcare and medicines policy and terminate the certification with LegitScript for Australian telehealth providers.

Summary

SPHERE is the National Health and Medical Research Council (NHMRC) Centre of Research Excellence in Women's Sexual and Reproductive Health in Primary Care, a collaborative research centre comprising national and international experts in sexual and reproductive health."

In May 2024, Google published an update to their healthcare and medicines policy (1), requiring Australian telehealth providers to pay for certification with the United States-based company LegitScript. Unless verified, healthcare providers will be unable to advertise vital services to the public. The intent of this policy is to safeguard people against illicit online pharmacies. However, Google has provided exemptions for registered pharmacies in Australia but not safe, accredited and registered health providers.

Since the Covid-19 pandemic, telehealth has become a critical part of our healthcare system and the delivery of sexual and reproductive healthcare, including access to contraception and abortion services.

The introduction of this certification:

- Contravenes existing advertising Australian regulations,
- Places an unnecessary financial burden on providers to pay to advertise, and
- Further inhibits women's access to contraception, and abortion services, particularly in rural and remote areas

Considering these implications, the SPHERE Women's Sexual and Reproductive Health Coalition strongly opposes this policy and urges Google to revoke mandatory certification for telehealth providers.

Ignores existing regulations

LegitScript - the company through which providers must certify - is a United States-based 'payments compliance company that provides services for merchant monitoring and certification in high-risk industries' (2). However, the advertising of health services in Australia is already highly regulated without added certification with LegitScript.

The provision of health services in Australia is closely monitored by state and territory regulatory bodies, and advertising of these services is regulated by relevant authorities including the Australian Health Practitioner Regulation Agency (AHPRA) and the Medical Board of Australia. The Guidelines

for advertising a regulated health service (3) provide registered health practitioners with clear instructions on their obligations when advertising a service, and ensure the public receives accurate information. The Google healthcare and medicines policy introduces an additional requirement that does not improve upon existing consumer protections. With upfront and annual fees, its implementation adds a costly administrative burden which may inhibit Australian healthcare providers from advertising their services.

Access to healthcare is a fundamental human right, and women need to be able to source information regarding services they need. The ability to promote these services is essential and should not be hindered by fees or unnecessary certification.

In breach of existing competition laws

Mandatory certification will result in the supply of extensive information to LegitScript about Australia's medical workforce and business partners. This is potentially in breach of Australia's competition laws, in particular, third-line forcing. Third-line forcing occurs when a company with market power forces its customers to use a specific third-party service as a condition of doing business with them. The Australian Competition and Consumer Commission is currently investigating whether Google's policy is in breach of competition laws.

Impacting rural and remote access to abortion

Women living in regional and remote areas are 1.4 times more likely to experience an unplanned pregnancy compared to those living in non-rural settings (4). Despite this, women's access to abortion care can be severely limited (5). The cost and availability of services varies greatly depending on geographic location, and due to the limited number of local providers, accessing care can mean travelling more than four hours (6,7).

To address this, the Federal Government announced that Telehealth MBS item numbers for GPs and prescribed medical practitioners providing sexual and reproductive health services will be made permanent. Initially introduced during Covid-19, these item numbers have been recognised as a core component of improving women's access to abortion care in regional and remote Australia. Government support highlights the value and critical role telehealth plays in ensuring equitable access to sexual and reproductive health services.

Telehealth is a safe, high-quality option for women living in rural and remote areas. However, many clinicians and patients are unaware of which services are available to them. It is therefore necessary to widely promote telehealth to increase awareness and facilitate access to care (8,9). Forcing telehealth providers to pay for certification may limit the promotion of services, and will in turn disproportionately impact women living in rural and remote areas and their right to sexual and reproductive healthcare.

Conclusion

All women are entitled to make informed, autonomous decisions regarding their sexual and reproductive health. Access to abortion and contraception care is a fundamental human right that must be safe, affordable and available to everyone. The Google healthcare and medicines policy infringes upon this right and compromises women's access to essential services. As the most popular

search engine in the world, Google is in a unique position to support women's choices by making health services information accessible to all who need it. The SPHERE Coalition recommends Google revoke their revision to the healthcare and medicines policy and terminate the certification with LegitScript for Australian telehealth providers.

References

- (1) Google. Updates to Healthcare and Medicines Policy [Internet]. May 2024. Available from: <https://www.google.com/ad/policies/healthcare-medicines-policy>
- (2) LegitScript. About [Internet]. Available from: <https://www.legitscript.com/about/>
- (3) Australian Health Practitioner Regulation Agency. Guidelines for advertising a regulated health service [Internet]. Available from: <https://www.ahpra.gov.au>
- (4) Rowe H, Holton S, Kirkman M, Bayly C, Jordan L, McNamee K, et al. Prevalence and distribution of unintended pregnancy: the Understanding Fertility Management in Australia National Survey. *Aust N Z J Public Health*. 2016 Apr;40(2):104-9. doi: 10.1111/1753-6405.12461.
- (5) Ireland S, Belton S, Doran F. I didn't feel judged: exploring women's access to telemedicine abortion in rural Australia. *J Prim Health Care*. 2020;12(1):49–56. doi:10.1071/HC19050.
- (6) Shankar M, Black KI, Goldstone P, Hussainy S, Mazza D, Petersen K, et al. Access, equity and costs of induced abortion services in Australia: a cross-sectional study. *Aust N Z J Public Health*. 2017 Jun;41(3):309-14. doi: 10.1111/1753-6405.12641.
- (7) Subasinghe AK, McGeechan K, Moulton JE, Grzeskowiak LE, Mazza D. Early medical abortion services provided in Australian primary care. *Med J Aust*. 2021 Sep 22. doi: 10.5694/mja2.51275.
- (8) Fix L, Seymour JW, Vaid Sandhu M, Melville C, Mazza D, Thompson TA. At-home telemedicine for medical abortion in Australia: a qualitative study of patient experiences and recommendations. *BMJ Sex Reprod Health*. 2020;47(3):200–6. doi: 10.1136/bmjsex-2020-200612.
- (9) Cashman C, Downing SG, Russell D. Women's experiences of accessing a medical termination of pregnancy through a Queensland regional sexual health service: a qualitative study. *Sex Health*. 2021 Jul;18(3):232-8. doi: 10.1071/SH20220.