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# Civil Liability Mechanisms and Physician Exodus in Women's Healthcare

Kaden Grace

February 28, 2025



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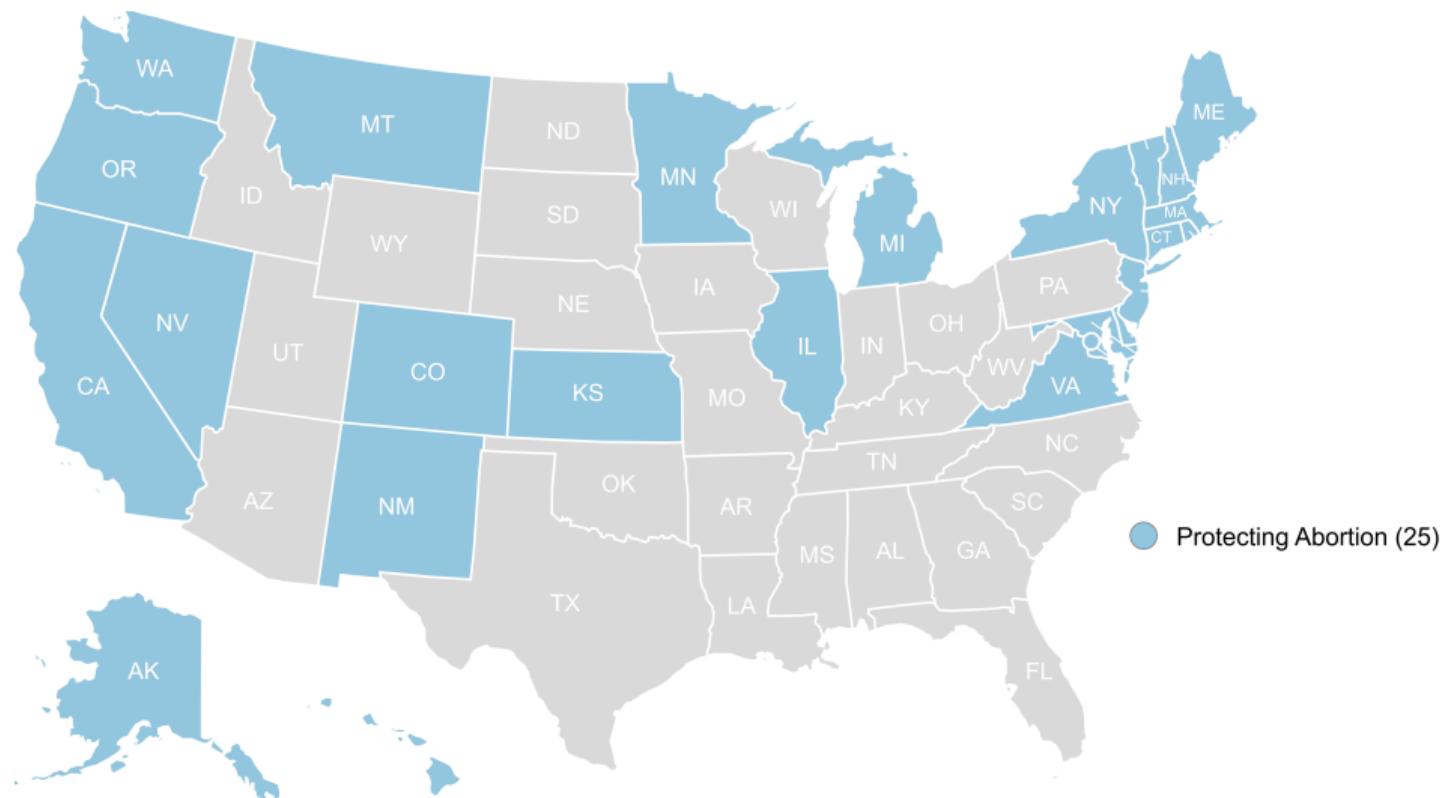
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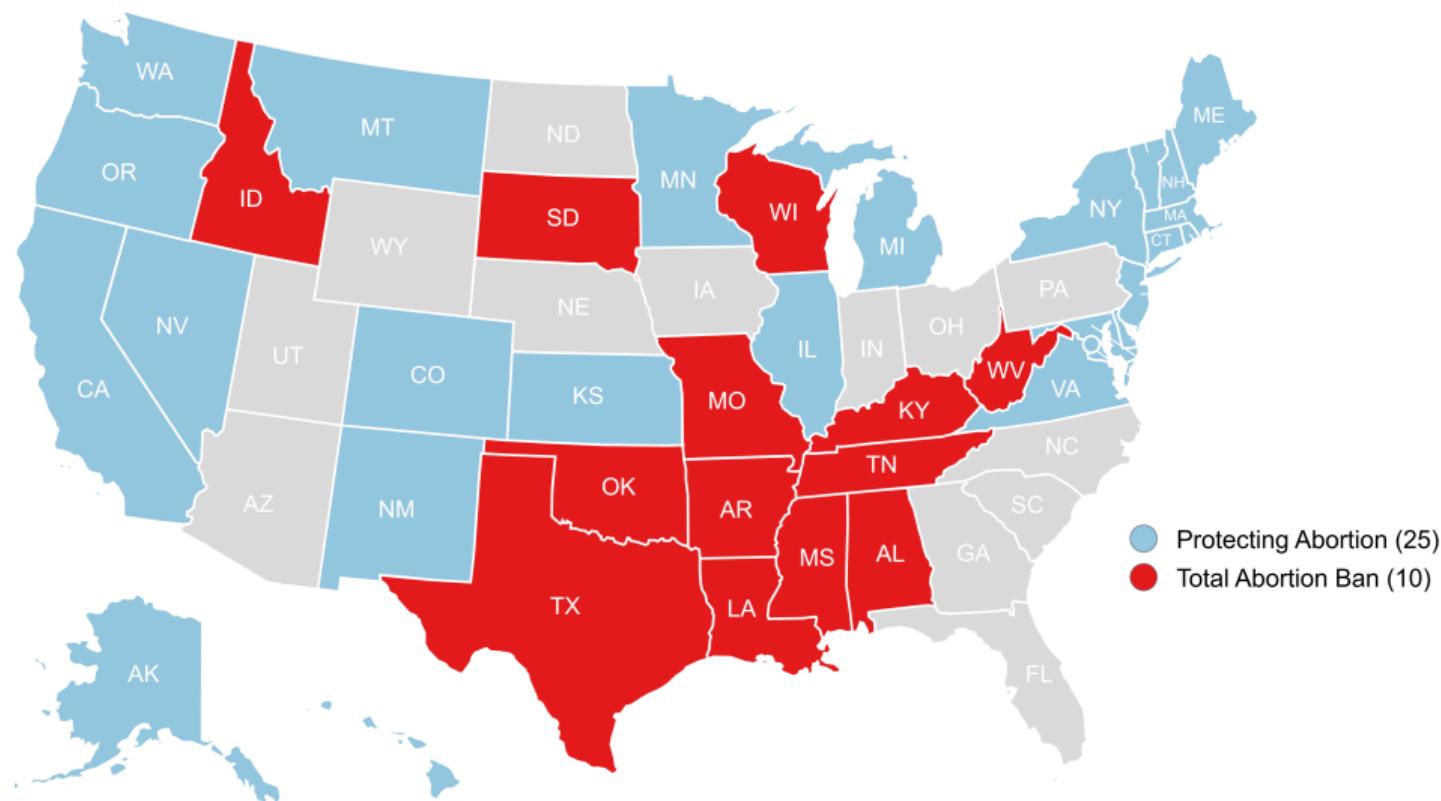
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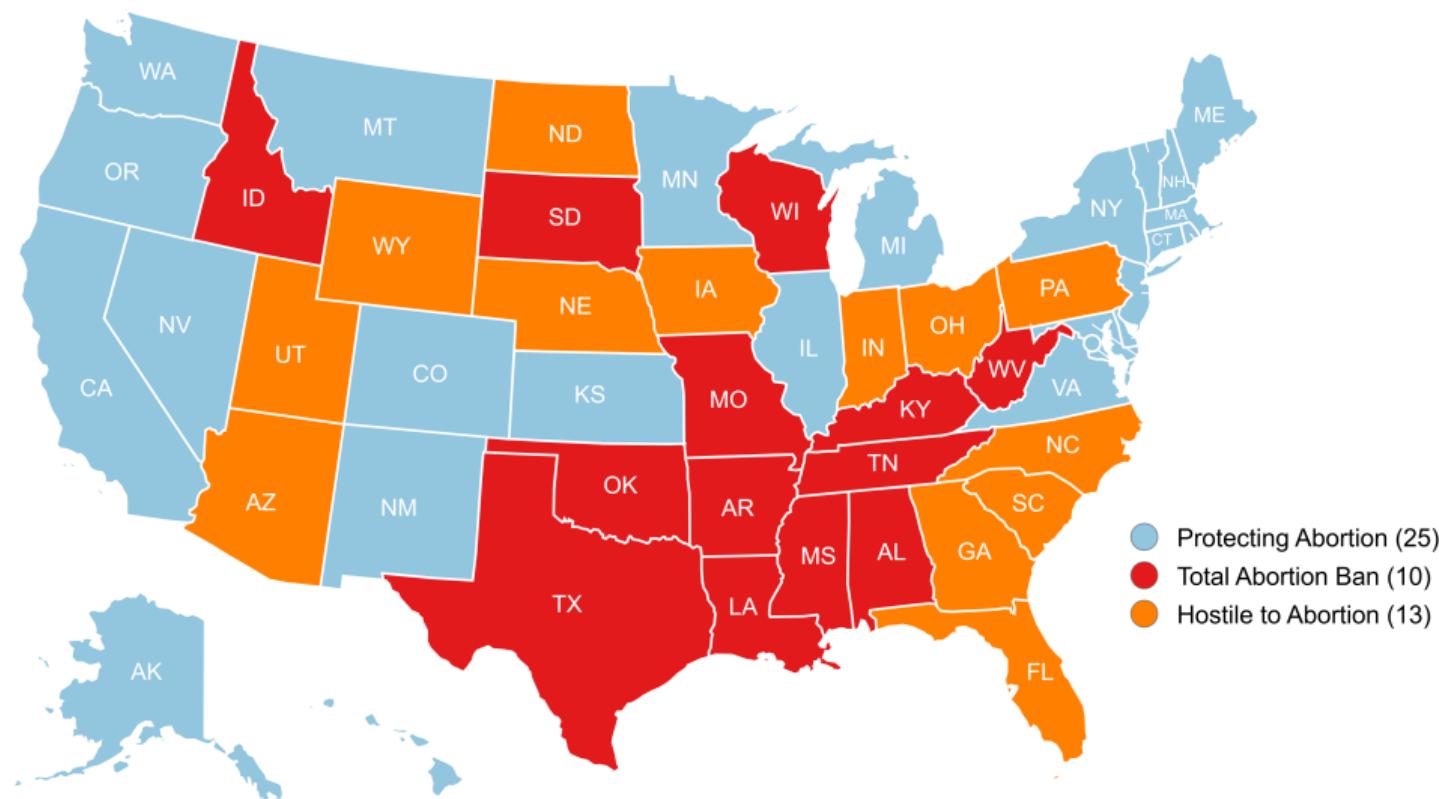
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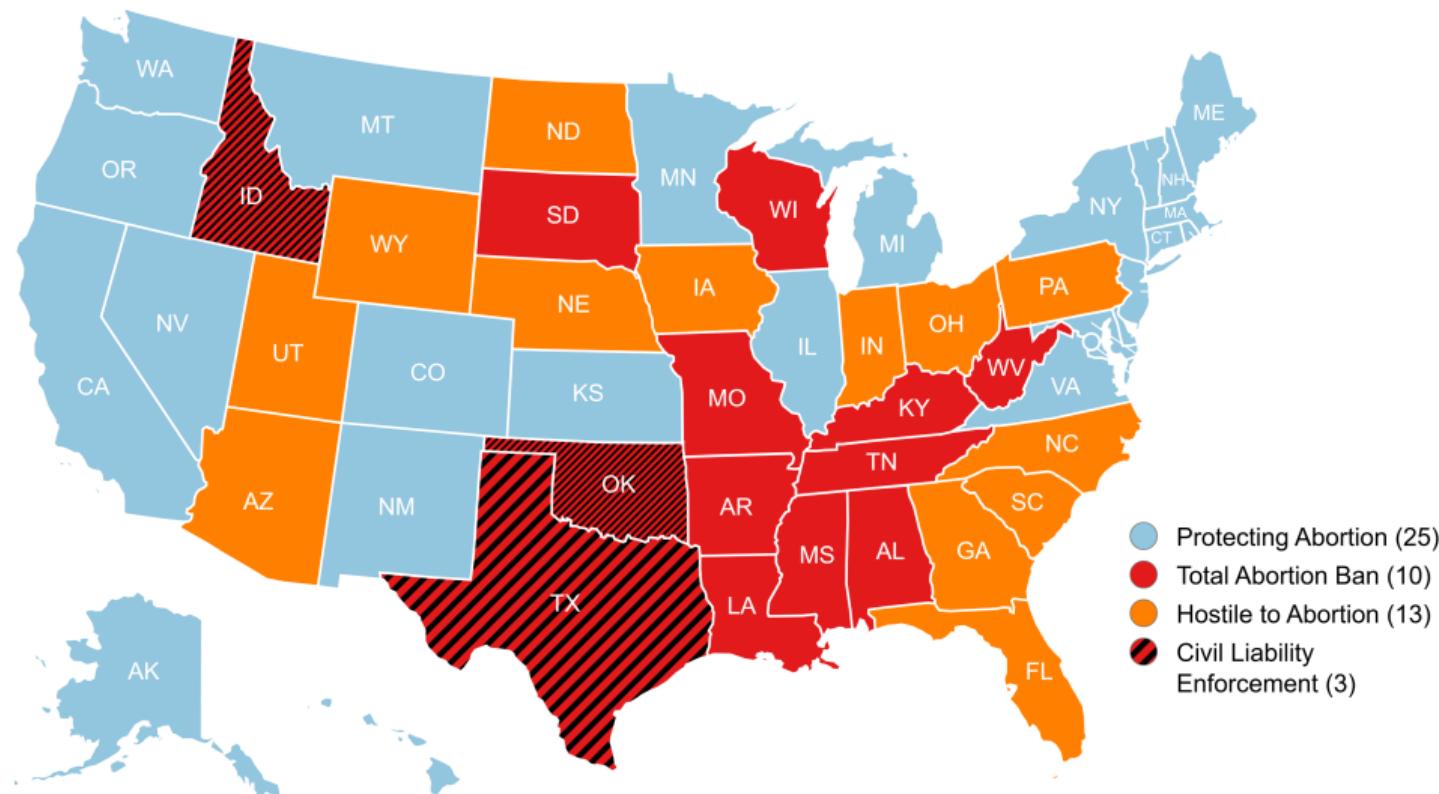
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# What is a Civil Liability Enforcement Mechanism (CLEM)?

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- Makes an otherwise *unconstitutional* law nearly *invincible*
- “Not only unusual, but unprecedented” - SCOTUS Chief Justice John Roberts
- Commonly called “bounty laws”
- Abortion CLEM laws pose threat to women’s healthcare providers

## Research Question

What is the effect of *Civil Liability Enforcement Mechanisms (CLEMs)* in  
abortion laws on *physician migration?*

## Goals for This Talk

- This is very early-stage research
- Gather feedback on framing contribution & choosing methodology

# Why is Texas Senate Bill 8 Different from Other Abortion Laws?

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- Successfully survived pre-enforcement lawsuits
- Copies proposed in many red states, passed by **Oklahoma & Idaho**

# Why would CLEM Cause Migration? A Tale of Two Ob/Gyn's

	Tennessee	Texas
Lucy (Abortion Provider)	Affected	Affected
Barbara (Not Abortion Provider)	Not Affected	Affected

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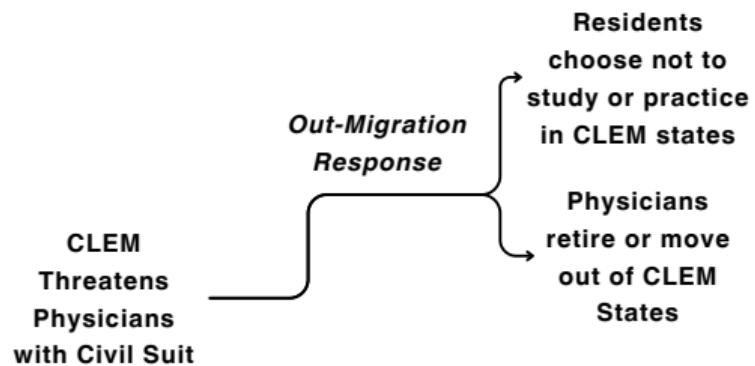
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# Proposed Causal Chain

**CLEM**  
**Threatens**  
**Physicians**  
**with Civil Suit**

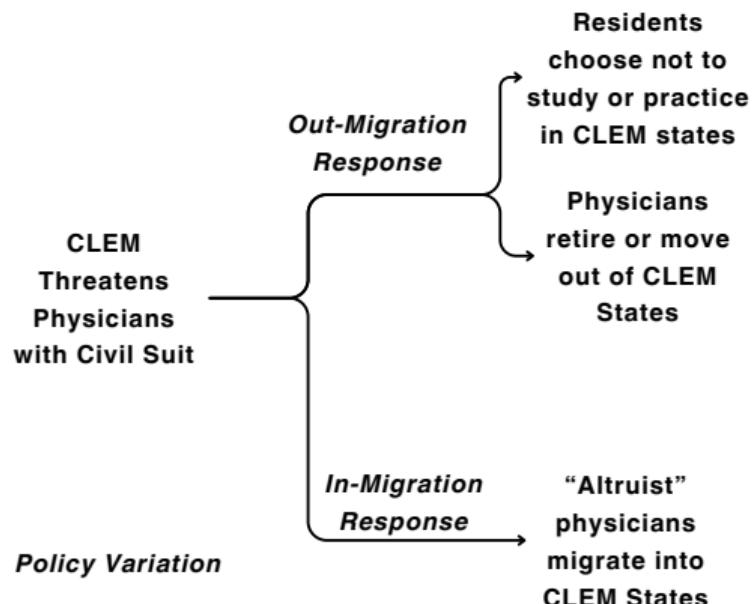
***Policy Variation***

## Proposed Causal Chain

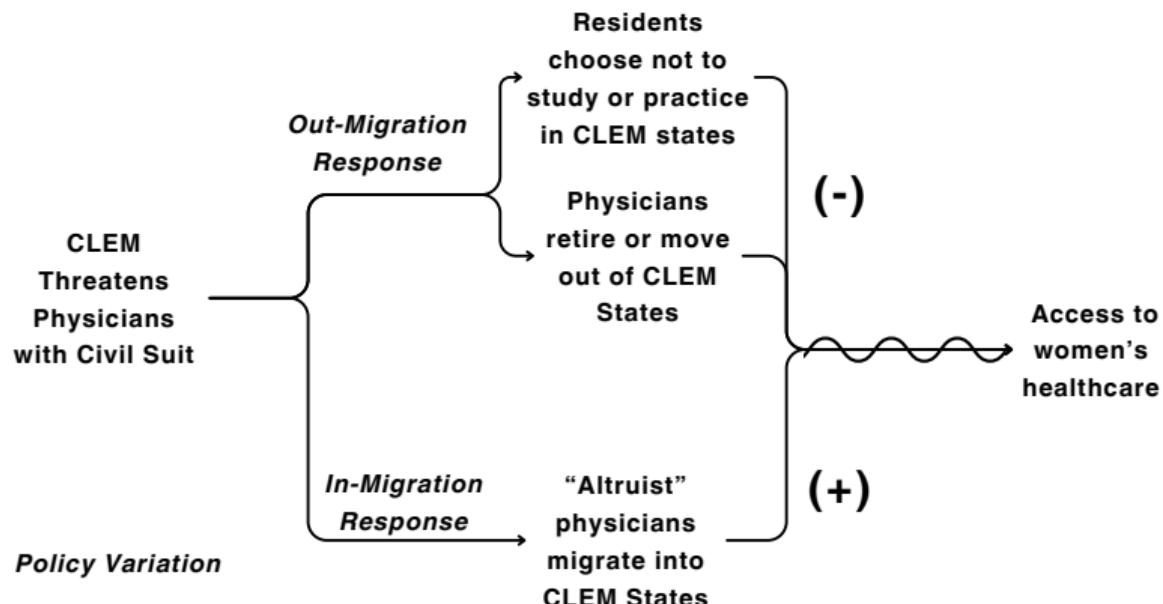


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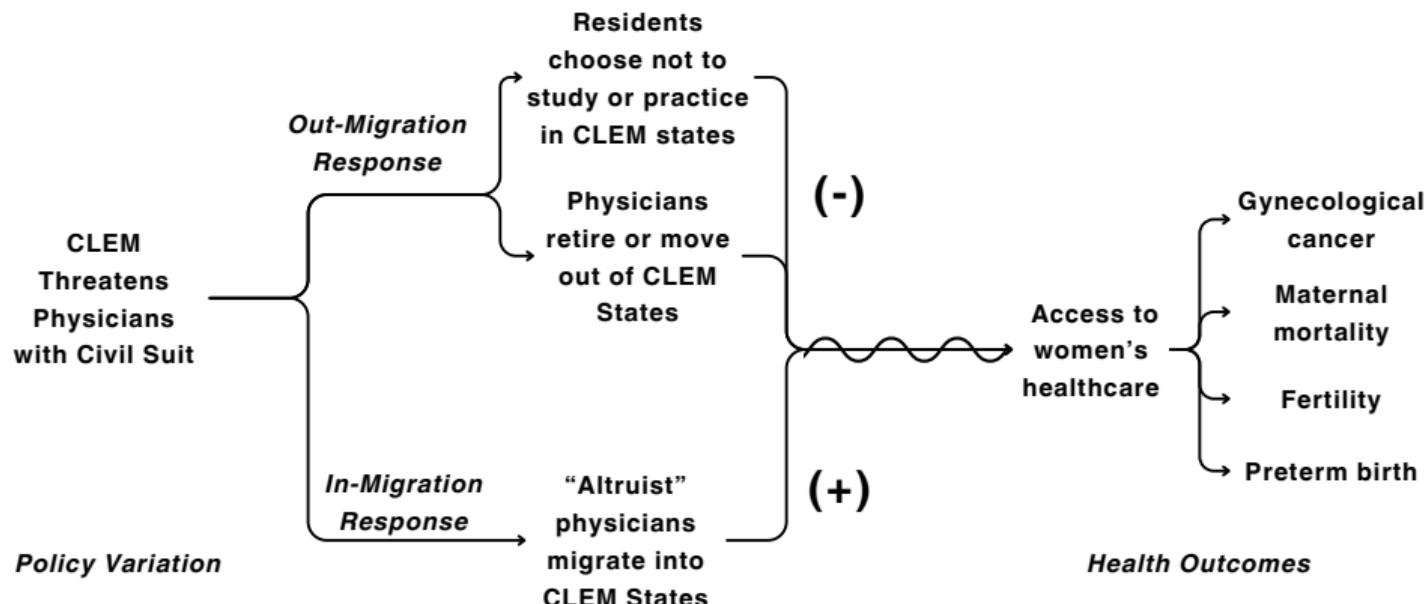
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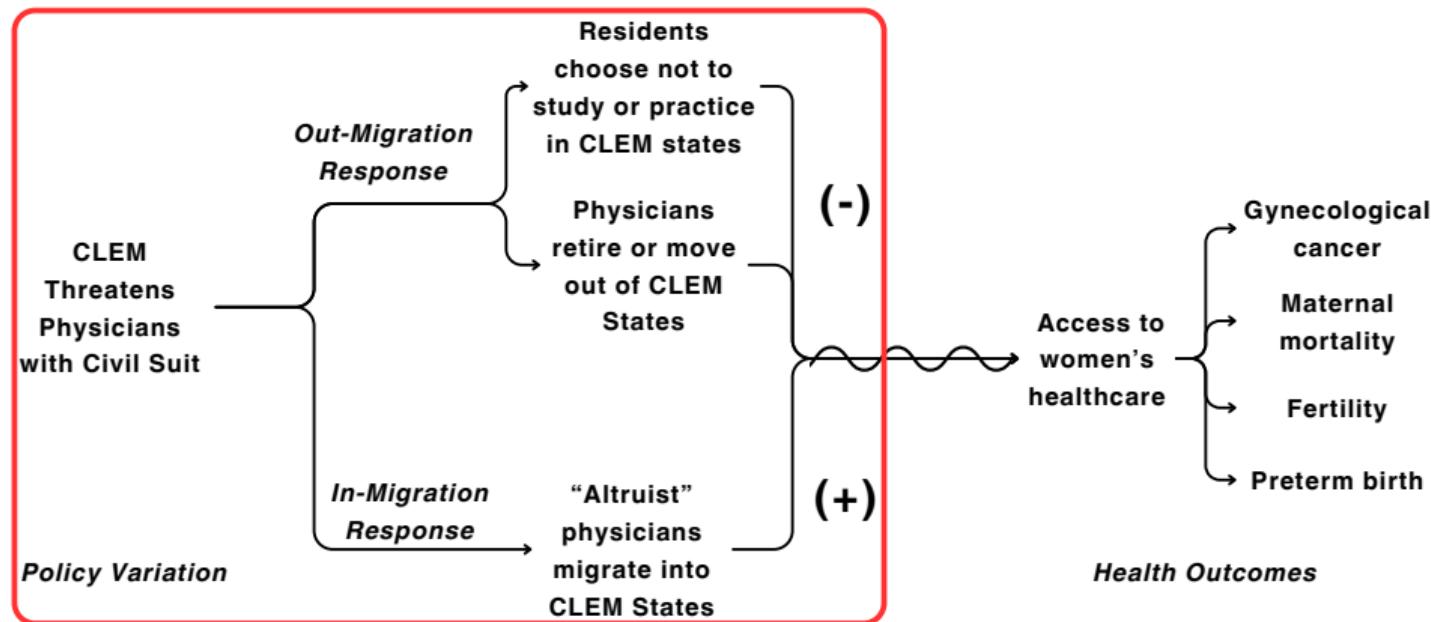
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## Proposed Causal Chain



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# Why do I Think This is Happening?

## Why do I Think This is Happening?

- “*How Texas’s Abortion Laws are Driving Doctors out of the State.*”  
(CBS News, Nov. 2024)
- “*Abortion Ruling Keeps Texas Doctors Afraid of Prosecution.*”  
(New York Times Dec. 2023)

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# Why Should We Care?

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- “*Pregnant Women are Less and Less Able to Access Maternity Care.*”  
(NBC, Sep. 2024)
- “*Texas Banned Abortion. Then Sepsis Rates Soared.*”  
(ProPublica, Feb. 2025)
- “*Hispanic and Teen Fertility Rates Increase after Abortion Restrictions.*”  
(Texas Tribune, Jan. 2024)

## Economics Literature & Contribution

- Location Choice: How do political climates affect migration? Dench, Lifchez, Lindo & Liu (*NBER Working Paper*, 2025)

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**This Paper:** I examine changes in physician migration caused by inclusion of CLEM in abortion restrictions.

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**This Paper:** I examine changes in physician migration caused by inclusion of CLEM in abortion restrictions.

Note: Literature is emerging quickly.

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# Areas for Feedback

# Data

- I assemble a novel monthly panel of the universe of U.S. physicians (CMS):
  - Physician name & NPI
  - Practice street address
  - Specialty
  - Merge with education & residency placement (quality proxy)

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  - Physician name & NPI
  - Practice street address
  - Specialty
  - Merge with education & residency placement (quality proxy)
- Includes existing physicians and new physicians coming from residency
- Narrow to specialties: Ob/Gyn, Family Doctor, Midwife, Obstetric NP
- Period: 2019 to 2025, N = 191,199 [Table: N by Specialty](#)

# Data

- Calculate net physician migration flows by state by month
- Result: monthly 50x50 matrix of pairwise net physician migration flows

## What treatment effect am I trying to estimate?

- Conditional on a state having a restrictive abortion law, what is the effect of including civil liability enforcement?
- Identifies the marginal effect of civil liability relative to more “standard” abortion restrictions with criminal penalties

## Defining Treatment & Control

Treated State	Begin Treatment	End Treatment
Texas	Sep. 1, 2021	-
Idaho	April 22, 2022	-
Oklahoma	May 25, 2022	May 31, 2023

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- Control states: Other states that “Restrict Abortion” or are “Hostile to Abortion” as defined by Dench et al. (*Working Paper*, 2025)

[Table: State Classifications](#)[Map: State Classifications](#)

## Possible Methodology: Synthetic DiD (Arkhangelsky et al. (AER, 2021))

- SC: weights on pre-exposure *trends*, weakens reliance on parallel trends
- DiD: invariant to additive unit-level shifts
- Minimizes researcher degrees of freedom

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- SC: weights on pre-exposure *trends*, weakens reliance on parallel trends
- DiD: invariant to additive unit-level shifts
- Minimizes researcher degrees of freedom
- Dench et al. (*NBER Working Paper*, 2025) estimate net population outflows post-*Dobbs*
- Dench, Myers, & Pineda-Torres (*J-Pub*, 2024) estimate fertility post-*Dobbs*

## Conclusion

- CLEMs are designed to circumvent constitutionality
- In an abortion context, CLEMs could threaten women's healthcare providers
- Threat could affect migration choices

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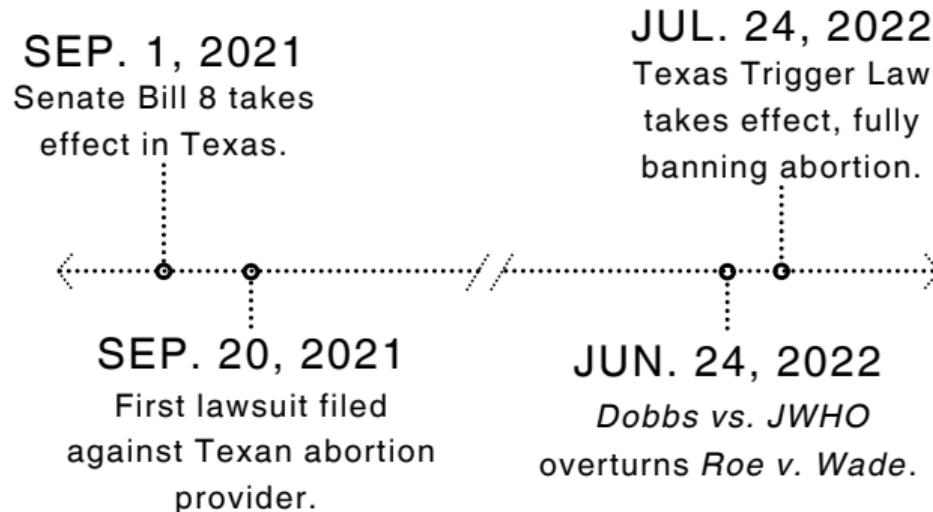
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# Thank You!

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## ① Appendix

## Timeline of Recent Abortion Law in Texas



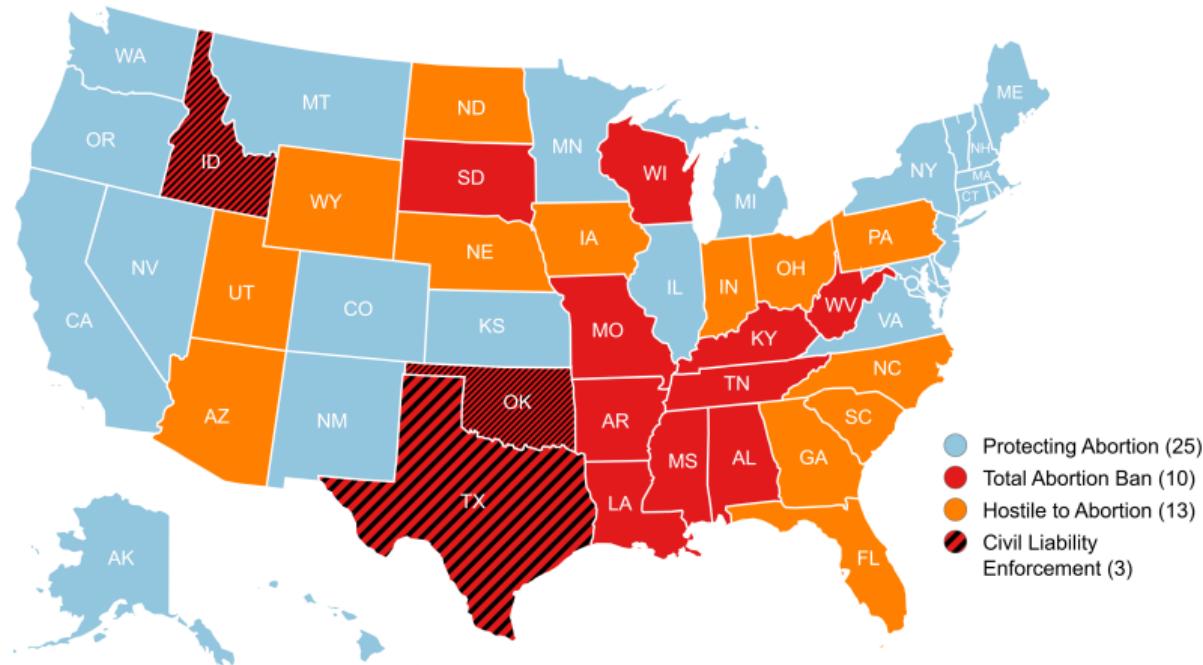
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Specialty	N	Taxonomy Code
Ob/Gyn	45,480	207V00000X
Family Medicine	145,651	207Q00000X
Midwife, Lay	358	175M00000X
Midwife	4,317	176B00000X
Midwife, Advanced	9,791	367A00000X
RN - Ob/Gyn	96	163WX0002X
RN - Ob, High-Risk	280	163WX0003X
NP - Ob/Gyn	3,288	363LX0001X
Total	191,199	

Note: Some providers list more than one specialty. [Back](#)

Total Ban		Hostile to Abortion	
Alabama	Arkansas	Arizona	Florida
Idaho	Kentucky	Georgia	Indiana
Louisiana	Mississippi	Iowa	Nebraska
Missouri	Oklahoma	North Carolina	North Dakota
South Dakota	Tennessee	Ohio	Pennsylvania
Texas	West Virginia	South Carolina	Utah
	Wisconsin		Wyoming

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- Protecting Abortion (25)
- Total Abortion Ban (10)
- Hostile to Abortion (13)
- Civil Liability Enforcement (3)

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