



FORA FERTILITY CLINIC STATEMENT ON THE SUPREME COURT RULING OF JUNE 24, 2022

We understand that the Supreme Court Ruling ("THE RULING") of June 24, 2022 (ie., "overturning Roe v. Wade") has many of our patients confused and afraid, wondering how it may affect their treatment at Fora Fertility.

Below you will find our current knowledge about how THE RULING impacts fertility care in the state of Texas as of June 27, 2022. This is not a political statement, but rather factual information directed specifically to our fertility patient population at Fora in an effort to assist with decision making as it pertains to their treatment.

1. THE RULING DOES NOT AFFECT YOUR ABILITY TO UNDERGO FERTILITY TREATMENT, INCLUDING IVF AND FROZEN EMBRYO TRANSFERS

All planned cycles are proceeding as planned and we will continue to offer new treatment cycles uninterrupted.

[Section 2.003 of Texas HB 1623 enacted Sept 1, 2021 amending "personhood rights" specifically states, "This chapter may not be construed to prohibit... (3) in vitro fertilization or other assisted reproduction."]

2. THE RULING WILL BAN ALL PREGNANCY TERMINATIONS FROM THE MOMENT OF CONCEPTION STARTING 30 DAYS FROM JUNE 24, 2022 (ie., the so-called Texas "trigger law" will go into effect 30 days from THE RULING).

Fortunately, greater than 99% of our embryo transfers at Fora are single embryo transfers and > 90% of our treatment cycles involve preimplantation genetic testing for aneuploidy (PGT-A) thus optimizing the chances of a healthy singleton pregnancy. THIS IS NOT THE CASE AT ALL CLINICS. Thus, the treatment decisions we have ALWAYS made with our patients at Fora Fertility to minimize both multiple gestations and pregnancies affected by genetic/anatomic issues will become even MORE important in this new climate.

3. THE RULING DOES NOT IMPACT OUR ABILITY TO MANAGE NONVIABLE PREGNANCIES (MISCARRIAGE OR ECTOPIC PREGNANCY)

All NONVIABLE pregnancies (pregnancies that cannot go on to a live birth such as miscarriages or ectopic pregnancies) will continue to be managed in the best manner for the patient after medical evaluation and counseling. THE RULING will not change the way we manage these NONVIABLE pregnancies.

4. THE RULING WILL AFFECT EMBRYO DISPOSITION IN SOME WAYS:

a. Transferring Cryopreserved Embryos. THE RULING WILL NOT affect our ability to select which cryopreserved embryos to transfer or affect our ability to proceed with frozen embryo transfers.

IF YOU HAVE EMBRYOS IN CRYOPRESERVATION THAT YOU INTEND TO TRANSFER IN THE FUTURE, WE DO NOT RECOMMEND MOVING THEM AT THIS TIME. THERE IS RISK TO THE EMBRYOS TO SHIP THEM BACK AND FORTH AND THEY ARE NOT IN JEOPARDY AT THIS TIME.

b. Discarding Embryos We expect THE RULING to prohibit discarding embryos which are cryopreserved when the "trigger law" takes effect in 30 days (this has not yet been explicitly stated but is a "best estimation" based on available evidence). One possible result may be storage facilities requiring additional fees upfront to cover multiple years of storage so they do not end up with embryos they cannot legally discard when storage is unpaid by patients who do not desire said embryos.

IF YOU HAVE EMBRYOS IN CRYOPRESERVATION THAT YOU DO NOT EVER INTEND TO TRANSFER (YOU ARE 100% SURE), WE RECOMMEND DISPOSITIONING THOSE EMBRYOS NOW. CONTACT THE FACILITY DIRECTLY WHERE YOUR EMBRYOS ARE STORED (CRYO FACILITY OR EMBRYOLOGY LAB WHERE YOUR EGG RETRIEVAL OCCURRED). FORA FERTILITY CANNOT ASSIST IN THE DISPOSITION OF YOUR EMBRYOS AS THEY ARE NOT STORED ONSITE AT FORA.

c. Disputed Embryos [According to Section 2.053 of Texas HB 1623 enacted Sept 1, 2021 EMBRYO DISPUTE STANDARDS. "In a dispute between any persons regarding an unimplanted human embryo created using assisted reproduction, the court shall resolve the dispute in accordance with the best interests of the embryo."]

One example of this would be a couple who divorced after creating embryos in which one party desires to pursue a pregnancy with remaining embryos and the other does not. This would indicate that the embryos would be awarded to the party that desires the pregnancy in such a dispute. This has already been enacted as of September 1, 2021 (not new since THE RULING, but we expect this to be enforced moving forward).

Note that it will remain the clinic policy of Fora Fertility to require the consent of BOTH parties involved in the creation of embryos to proceed with any embryo transfer.

This statement summarizes our best understanding based on available information at this time. As we navigate these uncharted waters, please know that your team at Fora Fertility remains fierce advocates for our patients. We understand that many patients may have specific questions beyond this, but at this time anything beyond this statement is purely speculative. We appreciate your patience and understanding as we proceed into this new era together. We will continue to keep a close watch on any new developments and will update this statement as additional information becomes available. We appreciate your ongoing trust in Fora Fertility as we continue our mission of providing inclusive and personalized fertility care.

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