

URL: <https://ecorner.stanford.edu/clips/decision-making-in-risky-spaces/>

Kiki Freedman, CEO and co-founder of Hey Jane, and Jerrica Kirkley, chief medical officer and co-founder of Plume, explain how their companies navigate risk when their services run into the limits of state laws and regulations. They give examples of times they've made difficult decisions while considering the needs of their patients, their employees, and their companies as a whole.



Transcript

- Our primary goal is to serve patients.. 00:00:06,030 Patients are at the center of every single thing we do.. We are not gonna be able to fulfill our goal if we get shut down.. So even if there are risks that individuals on the team may be comfortable taking, we have to keep that bigger picture in mind.. There was recently a really tough decision that we had to make, to relocate some members of our team.. For context on this, and I will say, this is one of the few sort of, bright spots, in the abortion regulatory space right now that's not getting a lot of press coverage, interestingly enough, so I like telling people about it.. There's these frameworks emerging called Shield Laws, that basically say, "We, as a progressive state, will not participate with cross-state lawsuits." So, extradition subpoenas.. From other hostile states, related to reproductive healthcare.. Obviously, this is really critical in a time like now where the, you know, the consequences can be extremely high for providing medical care.. So we made the decision to require all of our team members to move to these states with shield laws to protect the patients themselves, and the business as a whole..

There was pushback because a lot of people on the team come from a background of activism and they were comfortable getting arrested, but, ultimately, it's not about the individual's risk tolerance, it's about what we have to do as a business to continue striving towards our mission.. And so, we did have to make that tough call.. - Oh, interesting.. 00:01:28,833 Yeah.. Great example.. - I think Kiki hit the nail on the head.. 00:01:35,433 Yeah, you have these individual decisions, again, why they can be, we want people to feel in power, but like, we're talking about care for thousands of individuals here, you know, and we always have to keep that in mind.. And we haven't faced, I guess, like, a particular scenario yet to be put in a situation of, you know, do you do this or that.. I mean, we've made decisions early on trying to navigate the laws.. Like, for example, you know, there's states where we just can't prescribe testosterone virtually, right? And so that is, I guess, a decision that we did have to make early and say, like, yeah, we could do this, and we could wait for that slap on the wrist, which might turn into something, you know, much more, but we didn't..

And so, like, there's states where we prescribe, you know, more kind of estrogen only, or estrogen supportive medications and then find other ways to support folks, whether through mental health support, virtual peer support groups, and that kind of thing.. So that was something we did have to do early on.. And you know, now that I think about it, we did, you know, have to kind of hem and haw about that because we were worried, of course, we want people to get care, you know, worried about

what is that gonna look like, you know, from an image or reputation thing within the trans community.. And I think, I mean, folks have been, of course, very understanding, but that is something that, you know, we still don't do in some states.. And there's, with the PHE, you know, in effect, there's other exemptions that we're able to work under and there's a lot of unknowns that are, you know, with, if and when that PHE expires and what that's going to look like.. So.. But yeah, I think we always have to think about how are we, you know, doing the most good for the most people.. And then I've seen, yeah, like, hospital systems have to make incredibly hard decisions, especially when it comes to trans youth care.. You know, and hospital systems basically saying that they're not going to do that care or I'll still be shut down, right? Because of these just incredibly punitive laws that are coming from the states.. So, I mean, it's on our minds all the time..

But I guess that would be like, a specific example of something that we did have to do early on...