



## Appeals Court Allows Texas and Louisiana to Deny Planned Parenthood Medicaid Funds

The United States Court of Appeals for the Fifth Circuit — which has jurisdiction over district courts in Louisiana, Mississippi, and Texas — ruled on November 23 that Texas and Louisiana can cut off Medicaid funding to Planned Parenthood clinics. The case pitted several Texas Planned Parenthood corporations against the Executive Commissioner of the Texas Health and Human Services Commission (HHSC), and that Commission’s Inspector General (OIG), in their respective official capacities. While the ruling expressly reversed lower court decisions in Texas and Louisiana, it also affects Mississippi.



The 11-5 decision of the Fifth U.S. Circuit Court of Appeals overrules an earlier ruling by a three-judge panel of the court that blocked Texas from enforcing its ban on Medicaid funding of Planned Parenthood. It also expressly overruled a ruling in a separate case — *Planned Parenthood of Gulf Coast, Inc. v. Gee* — that blocked Louisiana from banning Planned Parenthood Medicaid funding.

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Chief Judge Priscilla Owen wrote for the majority: “Medicaid beneficiaries have an ‘absolute right’ ... to receive services from a provider whom the State has determined is ‘qualified,’ but beneficiaries have no right under the statute to challenge a State’s determination that a provider is unqualified.”

Texas attorney general Ken Paxton, along with pro-life groups, praised the decision.

“The Fifth Circuit correctly rejected Planned Parenthood’s efforts to prevent Texas from excluding them from the state’s Medicaid program,” Paxton said. “Undercover video plainly showed Planned Parenthood admitting to morally bankrupt and unlawful conduct, including violations of federal law by manipulating the timing and methods of abortions to obtain fetal tissue for their own research.”

Paxton continued, “Planned Parenthood is not a ‘qualified’ provider under the Medicaid Act, and it should not receive public funding through the Medicaid program.”

The videos to which Paxton referred, produced by the Center for Medical Progress, were largely responsible for Texas Governor Greg Abbott’s 2015 decision to terminate all state Medicaid funding of Planned Parenthood and its affiliates. Abbott listed several points — based on the videos — in support of the decision to terminate funding, including that Planned Parenthood “follow[s] a policy of agreeing to



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procure fetal tissue even if it means altering the timing or method of abortion” in violation of federal law, Texas administrative law, and Medicaid program guidelines.

The videos were a major factor in both Texas and Louisiana removing Medicaid funding from abortion clinics in 2015. However, in 2017, Judge Sam Sparks of the U.S. District Court for the Western Division of Texas ruled that Texas health officials could not remove Planned Parenthood from the state’s Medicaid program and, as noted above, a separate case in Louisiana also blocked that state from banning Planned Parenthood funding.

Monday’s ruling by the entire Court of Appeals for the Fifth Circuit overturns those lower court decisions.

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