



Written by [Bob Adelman](#) on December 20, 2020

## Appeals Court: States Can Disqualify Abortionists From Receiving Medicaid Funds

[An unheralded decision](#) in the fight to defund Planned Parenthood (PP) represents a major victory in the decades-long war against the primary player involved in the abortion industry. Calling it a “critical blow to Planned Parenthood’s access to taxpayer funds,” the American Center for Law and Justice (ACLJ) reported last week that the decision by the Fifth Circuit Court of Appeals allows the three states under its jurisdiction — Texas, Louisiana and Mississippi — to rule such providers as “unqualified” to receive Medicaid funding for abortions. It also sets the stage for a review by the Supreme Court as PP announced its plans to appeal the decision.



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Planned Parenthood gets half of its funding from indigent patients who qualify for Medicaid. When Texas learned of the [eight-hour long montage of undercover videos](#) published by the Center for Medical Progress showing the abortion giant’s illegal selling of aborted body parts for “research,” the state terminated funding for the abortion provider.

PP immediately sued. The case is *Planned Parenthood of Greater Texas Family Planning and Preventative Health Services Inc. v. Kauffman*. A three-judge panel ruled in favor of PP. The full court reversed last week, setting the stage for an appeal to the Supreme Court.

Planned Parenthood called the ruling “a blatantly political attack that will jeopardize critical health care access for Texans with low incomes during a global pandemic.”

“Make no mistake — forcing Planned Parenthood out of the Texas Medicaid program would have a devastating impact on Texans,” said Alexis McGill Johnson, president and CEO of Planned Parenthood. “Accountability is coming, and we will fight back against any politician who doesn’t prioritize expanding accessible, affordable quality health care.”

Texas Attorney General Ken Paxton celebrated the Fifth Circuit Court’s decision:

The Fifth Circuit correctly rejected Planned Parenthood’s efforts to prevent Texas from excluding them from the state’s Medicaid program.

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.

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



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Writing for the ACLJ, Laura Hernandez called the ruling an “important victory,” but not the ultimate one. That will be decided when the Supreme Court takes the case on appeal and settles the matter for good:

Although the Fifth Circuit’s decision is an important victory in the battle to defund Planned Parenthood, it is also significant because it increases the likelihood that the Supreme Court will eventually grant review and finally resolve the disagreement among the Circuits....

The Supreme Court has declined twice within the past two years to hear cases raising identical issues. In 2018, the Court declined to hear the case over the dissent of three Justices.

With the addition of conservative Justices to the Court over the past two years, it is just a question of time before four Justices will vote to hear a case; and it is quite possible the Court will grant review in this case.



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