

New abortion laws take effect, questions loom on Medicaid funding

WASHINGTON - As two Kansas abortion clinics prepared to close their doors because of new licensing requirements that took effect July 1, a federal judge blocked enforcement of a South Dakota law mandating a 72-hour waiting period and setting several informed consent provisions.

The two actions came amid a flurry of activity on abortion in various states, with much of it focused on defunding Planned Parenthood in the joint federal-state Medicaid program.

The federal Centers for Medicaid and Medicare Services told the Indiana government in June that its restrictions on Planned Parenthood funding with Medicaid dollars would violate the “free choice of provider” provisions under Medicaid and thus put all Medicaid funding to the state in jeopardy.

In a 44-page opinion June 24, U.S. District Judge Tanya Walton Pratt ruled that because “the federal government has threatened partial or total withholding of federal Medicaid dollars to the state of Indiana,” it was in “the public interest” to continue funding Planned Parenthood.

The Indiana law prohibits any state health care contracts with or grants to organizations that perform abortions or operate a facility where abortions are performed. Similar laws directing state family planning funds away from Planned Parenthood have been passed in Tennessee, North Carolina, Wisconsin, Kansas, New Jersey, Texas and New Hampshire.

A scorecard prepared by the Susan B. Anthony List, an organization that raises campaign funds for pro-life women who are candidates for office, says more than \$60 million in Planned Parenthood funding is in play in the eight states.

The state laws are likely to be discussed in and out of courtrooms for many years,

but an analysis of Pratt's ruling by Americans United for Life said the "free choice of provider" argument "should fail upon appeal" because Indiana's law "respects the right of Medicaid patients to freely choose among qualified Medicaid providers" and federal law allows state to exclude any provider it deems not qualified.

In addition, the analysis notes, Indiana still has "approximately 800 qualified provider locations where Medicaid patients may receive family planning services."

"Who here is really endangering women?" wrote Charmaine Yoest and Denise M. Burke of Americans United for Life in an opinion piece for the June 27 issue of The Wall Street Journal. "Clearly, Planned Parenthood and the administration (of President Barack Obama) are willing to deny thousands of needy men, women and children health care in order to protect the bottom lines of Planned Parenthood and other abortion providers."

In addition to the Planned Parenthood legislation, Kansas lawmakers passed new regulations on abortion clinics, requiring rooms of certain sizes, the stocking of particular emergency equipment, medications and blood supplies, and affiliation with local hospitals.

Only one of Kansas' three abortion clinics - Planned Parenthood of Kansas and Mid-Missouri - had been licensed by the Kansas Department of Health and Environment to continue operating by the time the law took effect July 1.

The South Dakota law, which also had been scheduled to take effect July 1, requires women to receive counseling at a pregnancy crisis center, hear about possible abortion complications and wait 72 hours before an abortion. Doctors also must certify under the law that the woman receiving the abortion has not been coerced to do so.

U.S. District Court Chief Judge Karen Schreier said in a June 30 ruling, however, that the requirements "constitute a substantial obstacle to a woman's decision to obtain an abortion" and therefore violate Roe v. Wade, the U.S. Supreme Court decision lifting most state restrictions on abortion.

In Texas, where a bill to defund Planned Parenthood was awaiting the signature of

Gov. Rick Perry, the Republican governor had already signed legislation requiring women to have sonograms before deciding whether to have an abortion.

In New Hampshire, the Legislature overrode a veto by Gov. John Lynch, a Democrat, of a bill requiring parental notification before a minor can have an abortion.

Bishop John H. McCormack of Manchester, N.H., had urged an override, saying it would be “a grave mistake to divest parents of meaningful input into the health care of their minor children.”

“Opponents of this bill falsely assume that there is a conflict between the right and responsibility of parents to care for their children on the one hand, and the best interests of their children on the other,” the bishop said. “However, parents, who are responsible for their minor children and know them better than anyone else, have the best interests of their children at heart, even though their children do not always understand or appreciate it.”

In response to veto of an informed consent bill by North Carolina Gov. Beverly Perdue, Bishop Peter J. Jugis of Charlotte pledged that his “prayers and efforts” would be devoted in coming weeks to obtaining the two votes needed to override the veto.

“It is appalling to think that we even need legislation that requires a waiting period before a serious operation is performed,” the bishop wrote in The Charlotte Observer newspaper. “For nearly all medical procedures, consultation with a physician in the days or weeks before an operation is considered routine. Only with abortion can someone literally drive up to a clinic in the morning and go through a major surgical procedure within a matter of hours.”

In Alabama June 15, Gov. Robert J. Bentley, a Republican, signed into law the Pain-Capable Unborn Child Protection Act, which forbids abortions after 20 weeks of pregnancy, the point at which a fetus is believed to be capable of feeling pain.

Since Nebraska passed the first such law in 2010, Idaho, Indiana, Kansas and Oklahoma have followed suit.