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Title: Healthcare Reform for Women in Texas

Texas has a long history of conflict with the federal government over laws and policies, particularly when dealing with environmental, social, and educational issues. Texas has conservative right-wing views and has been in conflict more often with the federal government since President Obama has been in office. The dilemma generally arises from a clash in opposing political and social views. One major issue that has arisen in over the course of the last two years has been a battle over funding for Planned Parenthood. Although the courts have deemed that this quarrel is not about abortion rights or access to abortion, the truth of the matter is that it really is. Texas leaders are against abortion and are trying to skirt federal law that allows abortion by imposing their personal agenda opposing abortion or anything that seemingly supports abortion on the Texas people. The problem is that in the midst of this chaos, low-income women of Texas are the ones who are suffering through the loss of basic and preventative healthcare.

Texas, working in conjunction with the federal government, in 2005 created the Medicaid Women's Health Program (WHP) under the senate bill 747 and house bill 2663 of the 79th Legislature, executed and overseen by the Health and Human Services Commission (Planned Parenthood). This program allocated funds for low-income women's healthcare for a duration of five years. The program began on January 1, 2007. For every dollar spent by the state, the federal government would contribute nine, which makes 90% of the funding for this program federal. In January 2012, the federal government was set to renew the program and award Texas 40 million dollars (Aaronson et al.). Unfortunately for many women in Texas, the funds did not arrive. In a bad move on the Texas Legislature's part, Texas decided to place restrictions on which facilities could receive funding. Included in the bill from its inception was a stipulation that no facility that promoted abortion or was associated with abortion services could receive funding. According to

David Zoppo in the *Vermont Law Review*, “Despite the benefits that federally funded family planning clinics provide to both indigent women and society as a whole, they have recently become the target of Republican-controlled state legislatures...Planned Parenthood has been the popular target of these laws because it provides—or associates with affiliates that provide—abortion services, even though federal law already forbids entities such as Planned Parenthood from spending federal funds on abortion” (Zoppo P. 496). What Zoppo has identified is the real conflict, opposing political agendas and social views. Traditionally, Republicans are anti-abortion and are willing to do whatever it takes to promote laws or policies that encourage a pro-life stance, even if it is at the expense of the health of women or future children.

In April 30, 2012 the stipulation banning funding to Planned Parenthood was put into effect. Once put in effect, Planned Parenthood of America lost all funding from the state of Texas. Immediately, nine Planned Parenthood clinics appealed the ruling of the state of Texas and the Texas Health and Human Services Commission (THHSC) claiming “that the THHSC regulations violate their constitutional rights of free speech and association, and deny them the equal protection of the laws” (Planned Parenthood). In August of 2012, the appeals court headed by Circuit Judges Jolly, Demoss, and Stewart denied Planned Parenthood’s injunction arguing there was no bases for an appeal based on freedom of speech or equal protection under the law; however, they did determine that there was a case for denying funding to clinics that did not perform elective abortions but were associated with those who do through name or insignia. Therefore, the judges ruled that the case be remanded and retried in the lower courts again (Planned Parenthood).

Regrettably in January of 2013 when the case was retried, Judge Stephen Yelenosky denied Planned Parenthood’s request for an injunction to include them in the funding stating “If,

as plaintiffs argue, a successor program must be Medicaid-funded then the only legal remedy would be for this court to shut down the state-funded women's health program, not to order the inclusion of Planned Parenthood” (Kuo). Basically, this ruling made it acceptable for Texas to cut off funding to Planned Parenthood; however, it also allowed the federal government the right to deny funding to the state of Texas if they continued to deny funding to Planned Parenthood clinics that do not provide abortion services. After the court’s decision, Texas Governor Rick Perry said that he “would shut down the program altogether if the state was forced to include clinics affiliated with abortion providers” (Grady). In addition, Perry applauded the ruling stating “Texas will continue providing important health services for women through this program in spite of the Obama Administration’s disregard for our state law and unilateral decision to defund this program” (Grady). Governor Perry and the state of Texas are in direct conflict with the ruling of the federal government, but the only ones who will suffer will essentially be the low-income women of Texas.

In a bizarre turn of events the state of Texas moved to sue the federal government in an attempt to force the government to appropriate the 40 million dollars in lost funding for WHP. Attorney General Gregg Abbott sued the federal government claiming that the state has the right to determine who get funding for Medicaid (Grady). “State lawmakers say the federal government should not be allowed to put strings on federal dollars that violate the state’s will” (Aaronson et al). Governor Perry has gone so far as to claim it was simply a political move on the part of the Obama administration to cut the state’s funding (Aaronson et al.). On the other hand, “Federal officials say that by accepting funding for the Women’s Health Program, states agree to follow federal Medicaid law — which stipulates that states may not enforce rules that limit a patient’s choice of doctor” (Aaronson et al.). Since over half of the women on Medicaid

use Planned Parenthood, defunding them would essentially restrict those women's choices of doctors, violating their constitutional rights. Therefore, the federal government denied Texas' request for federal funding. According to the office of the Governor Rick Perry, "The Obama Administration rejected the state's waiver application because Texas law excludes abortion providers and their affiliates, like Planned Parenthood, from a list of qualified providers." In other words, Texas has placed politics over the health of hundreds of thousands of women across Texas.

The US government is addressing this issue by offering the renewal of the Women's Health Program. All Texas has to do is follow the rules dictated by the federal government and allow Planned Parenthood their share of the money. This is fair because it is the government's money, and they can place any restrictions or regulations on how the money can be used. The Women's Health program has worked well for the states that use it for many years. The fact that Texas will not take advantage of this program and funding anymore is sad and a waste of millions of dollar that could be used to help women in Texas. Logically, there are no negative factors about the program. By law, federal money cannot be used to fund abortions anyway, so it is illogical that Governor Perry wants to close the program rather than fund Planned Parenthood. This is free money and a substantial amount at that. It is ridiculous that due to the conservative views of Governor Perry and other conservatives, Texas is not allotted these funds.

The Texas government is addressing this issue by creating their own program known as the Texas Women's Health Program (TWHP) which is solely funded by the state. But, the fact remains that 50% of low-income women in Texas who receive Medicaid benefits have used Planned Parenthood as their main health providers for cancer screenings, birth control, and basic and preventative care (Lee), and they will not be able to use those doctors anymore unless they

pay out of their own pockets for these services. Some rural areas have minimal options for women already. It makes no sense to limit their provider network even more. With the removal of Planned Parenthood, women are forced to find new doctors that they are unfamiliar and therefore less comfortable with. Some might even have to make a longer commute to the nearest doctor; that is if the doctor is even accepting new patients, not to mention the added cost of more gas and more time wasted driving. The TWHP website has tools to help women find new doctors and clinics, but the search results when using the tool have only yielded negative results making it troublesome for women to find a new provider. For example, the search results return duplicates doctors and clinics, list doctors who are no longer accepting new patients, and healthcare providers that have nothing to do with basic women's healthcare needs like oncologists (Texas). In addition, since Texas has lost millions in funding from the federal government, other programs are being cut to help fund the TWHP.

In order to gather funds for the new program, Texas is also cutting funding to other important services like family planning. "Last year, the Republican-controlled Legislature slashed \$74 million from the Family Planning Program, resulting in the closings of 155 clinics across the state" (Jervis). Texas is now providing less women with healthcare at a higher cost to the state. According to the Texas Legislative Budget Board, 300,000 low-income women are losing health services annually across Texas (Jervis). But Governor Perry believes that excluding Planned Parenthood from funding is a win for Texas because it will reduce abortions. "Today's ruling [Fifth Circuit Court of Appeals] affirms that Texas' Women's Health Program has no obligation to fund organizations that promote abortion – including Planned Parenthood. The 5th Circuit's decision is a win for Texas women, our rule of law and our state's priority to protect life" (qtd in Grady). Governor Perry's statement is almost too ironic to bare since using federal

funds to support abortion is against federal law (Zoppo P. 496). All the money that Planned Parenthood uses for the small minority of abortions it provides comes from private funding, and “approximately only three percent of Planned Parenthood clinic resources go to abortions” (Gordon 64), but that fact seems to elude the governor. Since abortions will no longer be affordable, women may have unplanned pregnancies.

Since Governor Perry has stated that cutting funding to Planned Parenthood is really about eliminating access to abortion, the state will also have to be prepared to pay for the unplanned child births that will ultimately occur. According Senior Public Policy Associate at the Guttmacher Institute, Washington, DC, Adam Sonfield and associates, it costs the federal government approximately \$10,000 for each publically funded child birth in 2006. For just Texas alone, Medicaid births cost the state and federal government roughly 1.3 billion dollars in 2006. Texas only paid for 500 million dollars, leaving the federal government to cover the majority of the costs, 800 million dollars (Sonfield et al. 97). Now that Texas has decided to absorb the entire cost of public women’s healthcare issues without federal assistance, Texas’ costs for unplanned publically funded births will more than double. This is another massive debt that Texas cannot afford to incur. Since this study was completed in 2006, the amount per birth will likely rise significantly in 2013 and forward. As the population of Texas continues to increase over the years, so too will the state’s debt with regards to unplanned births.

Another problem with cutting off funding to Planned Parenthood is that it causes the lack of affordable and preventative birth control for low-income women. Since the majority of low-income women in Texas have used Planned Parenthood through Medicaid funding up until now (Lee), they will no longer have access to affordable birth control when the funding is cut. It is an attack by the extreme right to control reproduction rights and sexual activity. Extremists do not

separate reproduction from sexual activity that should be considered normal and healthy. If it is about anti-abortion with no access to birth control, it is really about sex. The inability to access affordable birth control is almost like arguing that low-income people should not be allowed to have sex. Only people who can afford contraceptives should be able to have sex without procreation. This argument is not logical, but it is the only one that seems to match with Perry's plan to eliminate access to birth control and abortions. According to Linda Gordon Professor of History and the Humanities at New York University, "Planned Parenthood claims that its services avoided 973,000 unplanned pregnancies in 2008 alone, which prevented many abortions—figures based on its studies of typical consequences of unprotected sex" (64). In other words, without Planned Parenthood and access to affordable birth control, unplanned pregnancies will increase, which may in turn do the complete opposite of what Perry intended, increase abortions.

Texas cannot tackle the health needs of low-income women alone and needs the support of the federal government. From a business standpoint, none of these decisions make any sense and are only effecting Texas in a negative way, specifically financially. The way in which the Texas government is choosing to handle the issue of women's healthcare reform is only causing more problems. Everyone has his or her own view on abortion, but this should not play any role when making smart business decisions for the state, especially when abortion is still legal on a federal level. The Medicaid Women's Health Program is a better program that should have never been turned down by Texas in the first place. Texas needs to put its conservative views to the side and do what is right for the state financially and for its women's welfare socially. There is no need to create new problems for the state when dealing with Medicaid healthcare reform. The federal government should consider enacting the Supremacy Clause and force Texas to include

Planned Parenthood for funding. The scope of the problem at hand is too large for Texas to handle on its own; the federal government needs to step in before more irreparable damage occurs to Texas.

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