

**Congress of the United States**  
**Washington, DC 20515**

May 10, 2022

Administrator Brooks-LaSure  
Centers for Medicare and Medicaid Services  
7500 Security Blvd., Mail Stop S2-01-16  
Baltimore, MD 21244-1850

Dear Administrator Brooks-LaSure,

As strong proponents of the Medicaid program, we wish to reaffirm our deep commitment to ensuring that all Medicaid patients have access to their choice of provider for sexual and reproductive health care services. We are deeply concerned that several states already have excluded qualified sexual and reproductive health care providers from their respective Medicaid programs in violation of federal Medicaid law. We request that the Centers for Medicare and Medicaid Services (CMS) fulfill its duty to ensure health care access for people with low incomes and enforce Medicaid's free choice of provider requirement immediately.

The "free choice of provider" guarantee of the federal Medicaid Act is a longstanding and fundamental protection that has afforded beneficiaries timely access to necessary health care services.<sup>1</sup> Despite this guarantee, Arkansas, Mississippi, Missouri, and Texas have terminated Planned Parenthood as a provider.<sup>2,3,4</sup> In some states, patients have been blocked from accessing Planned Parenthood health centers for more than a year. In Missouri, Planned Parenthood providers are absorbing all costs of care, which will become more and more financially burdensome as time goes on. Missouri and Mississippi have terminated other specialized reproductive health providers from their state programs. In addition, similar providers in Louisiana and South Carolina are only able to participate in the program because of the courts stepping in and blocking similar state efforts.

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<sup>1</sup> Social Security Act, 1902(a)(23).

<sup>2</sup> Najmabadi, Shannon. "Judge rejects bid by Planned Parenthood to stay in Medicaid, affecting health service for thousands of low-income Texans." The Texas Tribune, 10 March 2021, <https://www.texastribune.org/2021/03/10/planned-parenthood-medicare-texas/>. Accessed 12 Apr. 2022.

<sup>3</sup> Kennedy, Merrit. "Federal Appeals Court Says Arkansas Can Block Medicaid Payments To Planned Parenthood." NPR, 16 Aug. 2017, <https://www.npr.org/sections/thetwo-way/2017/08/16/543974021/federal-appeals-court-says-arkansas-can-block-medicare-payments-to-planned-paren>. Accessed 12 Apr. 2022.

<sup>4</sup> Parenthood, Planned. "Missouri Just Became Fourth State to Approve 'Defunding' Planned Parenthood; Biden Administration Must Take Action Immediately." Planned Parenthood of the St. Louis Region and Southwest Missouri, 24 Feb. 2022, <https://www.plannedparenthood.org/planned-parenthood-st-louis-region-southwest-missouri/who-we-are/press-releases/missouri-just-became-fourth-state-to-approve-defunding-planned-parenthood-biden-administration-must-take-action-immediately>.

These state actions have no basis other than an animus towards reproductive health providers and the patients with low incomes they serve. They represent a collective attack on the integrity of the Medicaid program and the people it serves. And since these providers have an outsized role in serving patients with low incomes, Medicaid patients and their families are the ones who are harmed as a result. For many patients of reproductive age in these and other states, Planned Parenthood providers are their only source of health care.<sup>5</sup> These state actions delay and impede timely access to critical health services.

We urge CMS to take action to protect the Medicaid program and expand access to sexual and reproductive health care services. What has happened in Arkansas, Texas, Mississippi, and Missouri will not end in these states. Without enforcement, even more states might see their reproductive health care severely restricted and pushed out of reach for communities most in need of the vital services provided by Planned Parenthood. The agency, under the Obama administration, has already warned that states cannot withhold Medicaid funding from Planned Parenthood and block people with Medicaid from accessing care at Planned Parenthood health centers. But more can and should be done to enforce the free choice of provider requirement.

We request that CMS ensure health care access for people with Medicaid—who are disproportionately people of color, LGBTQ+ people, women, and other marginalized groups who face systemic barriers to economic advancement— and enforce Medicaid’s free choice of provider requirement immediately.

We look forward to the opportunity to assist you in this effort and appreciate your attention to this matter.

Sincerely,



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Lizzie Fletcher  
Member of Congress



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Cori Bush  
Member of Congress

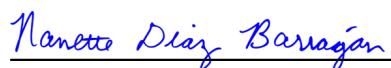
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<sup>5</sup> Frost, Jennifer J., et al. (2012). “Specialized Family Planning Clinics in the United States: Why Women Choose Them and Their Role in Meeting Women’s Health Care Needs,” Guttmacher Institute. New York, New York. [Online]. <https://www.guttmacher.org/sites/default/files/pdfs/pubs/journals/j.whi.2012.09.002.pdf>



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Lloyd Doggett  
Member of Congress



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Nanette Diaz Barragán  
Member of Congress



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Karen Bass  
Member of Congress



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Eleanor Holmes Norton  
Member of Congress



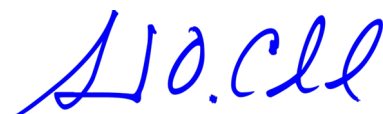
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Nikema Williams  
Member of Congress



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Adam Smith  
Member of Congress



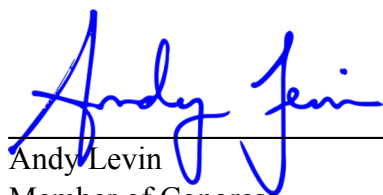
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Salud Carbajal  
Member of Congress



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Tony Cárdenas  
Member of Congress



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Andy Levin  
Member of Congress



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Barbara Lee  
Member of Congress



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Mike Quigley  
Member of Congress



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Veronica Escobar  
Member of Congress



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Julia Brownley  
Member of Congress



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Bonnie Watson Coleman  
Member of Congress



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Ayanna Pressley  
Member of Congress



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Dwight Evans  
Member of Congress



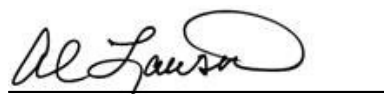
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Mark Takano  
Member of Congress



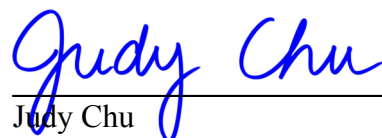
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Adriano Espaillat  
Member of Congress



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Al Lawson  
Member of Congress



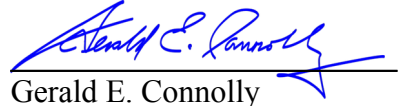
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Judy Chu  
Member of Congress



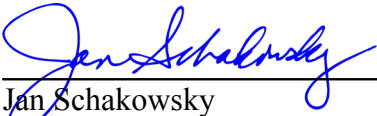
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Lois Frankel  
Member of Congress



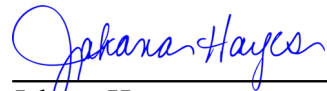
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Gerald E. Connolly  
Member of Congress



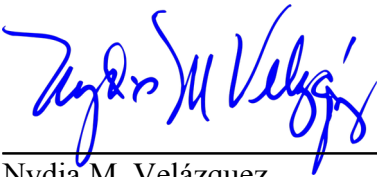
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Jan Schakowsky  
Member of Congress



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Jahana Hayes  
Member of Congress



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Nydia M. Velázquez  
Member of Congress



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Mike Doyle  
Member of Congress



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Mark DeSaulnier  
Member of Congress



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Diana DeGette  
Member of Congress



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Frederica S. Wilson  
Member of Congress



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Katie Porter  
Member of Congress



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Jamaal Bowman, Ed.D.  
Member of Congress



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Colin Z. Allred  
Member of Congress



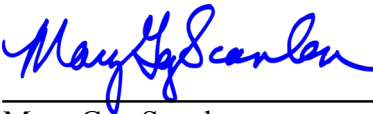
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Earl Blumenauer  
Member of Congress



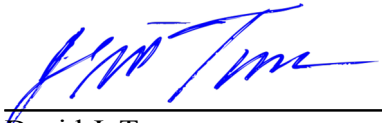
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Henry C. "Hank" Johnson, Jr.  
Member of Congress



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Mary Gay Scanlon  
Member of Congress



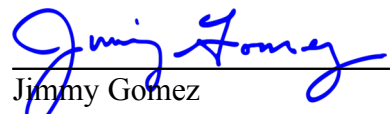
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David J. Trone  
Member of Congress



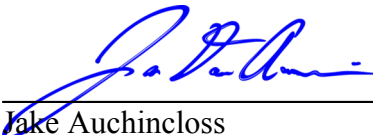
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Eddie Bernice Johnson  
Member of Congress



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Jimmy Gomez  
Member of Congress



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Jake Auchincloss  
Member of Congress



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Ami Bera, M.D.  
Member of Congress



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Ro Khanna  
Member of Congress



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Marilyn Strickland  
Member of Congress



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Sheila Jackson Lee  
Member of Congress



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Joseph D. Morelle  
Member of Congress



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Marc A. Veasey  
Member of Congress



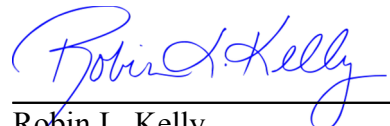
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Tom O'Halleran  
Member of Congress



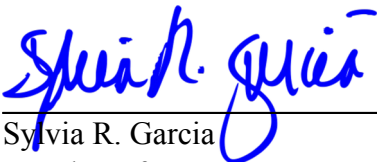
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Jamie Raskin  
Member of Congress



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Robin L. Kelly  
Member of Congress



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Sylvia R. Garcia  
Member of Congress



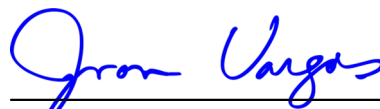
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Jackie Speier  
Member of Congress



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Brenda L. Lawrence  
Member of Congress



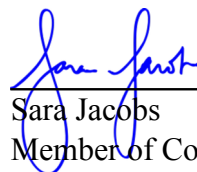
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Juan Vargas  
Member of Congress



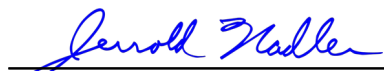
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Dina Titus  
Member of Congress



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Sara Jacobs  
Member of Congress



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Jerrold Nadler  
Member of Congress



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Rosa L. DeLauro  
Member of Congress



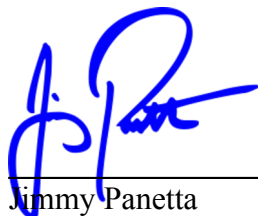
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Lori Trahan  
Member of Congress



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Madeleine Dean  
Member of Congress



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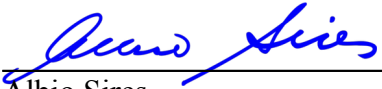
Jimmy Panetta  
Member of Congress



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Marie Newman  
Member of Congress

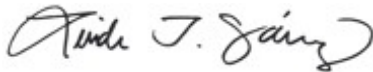




Albio Sires  
Member of Congress



Emanuel Cleaver, II  
Member of Congress



Linda T. Sánchez  
Member of Congress



Sean Casten  
Member of Congress



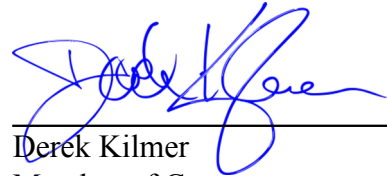
Ann McLane Kuster  
Member of Congress



Kathy Manning  
Member of Congress



A. Donald McEachin  
Member of Congress



Derek Kilmer  
Member of Congress



Kathleen M. Rice  
Member of Congress




Eric Swalwell  
Member of Congress



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Ruben Gallego  
Member of Congress



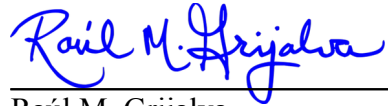
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Kim Schrier, M.D.  
Member of Congress



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Jason Crow  
Member of Congress



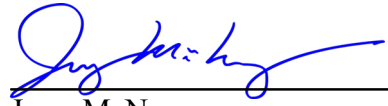
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Raúl M. Grijalva  
Member of Congress



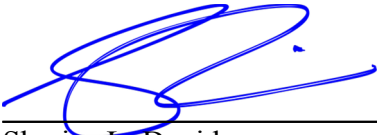
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Danny K. Davis  
Member of Congress



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Jerry McNerney  
Member of Congress



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Sharice L. Davids  
Member of Congress



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David N. Cicilline  
Member of Congress



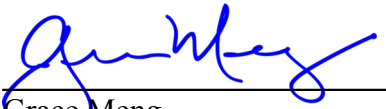
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Mark Pocan  
Member of Congress

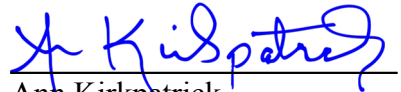


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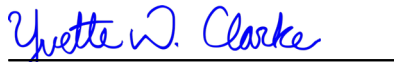
Chrissy Houlahan  
Member of Congress



Grace Meng  
Member of Congress



Ann Kirkpatrick  
Member of Congress



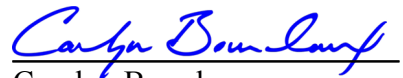
Yvette D. Clarke  
Member of Congress



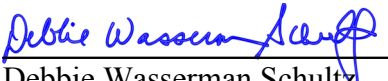
Alan Lowenthal  
Member of Congress



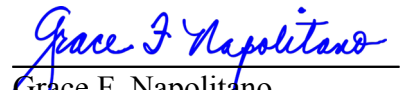
Gwen S. Moore  
Member of Congress



Carolyn Bourdeaux  
Member of Congress



Debbie Wasserman Schultz  
Member of Congress



Grace F. Napolitano  
Member of Congress



Jared Huffman  
Member of Congress




John Garamendi  
Member of Congress



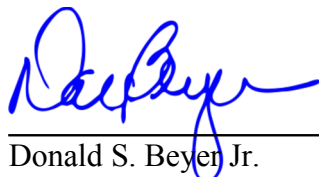
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James P. McGovern  
Member of Congress



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Alma S. Adams, Ph.D.  
Member of Congress



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Donald S. Beyer Jr.  
Member of Congress



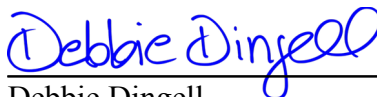
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Peter A. DeFazio  
Member of Congress



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Rick Larsen  
Member of Congress



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Debbie Dingell  
Member of Congress



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Susie Lee  
Member of Congress



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Steve Cohen  
Member of Congress



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Al Green  
Member of Congress