

LIZZIE FLETCHER
7TH DISTRICT, TEXAS

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March 21, 2022

The Honorable Chiquita Brooks-LaSure
Administrator
Centers for Medicare and Medicaid Services
200 Independence Avenue, SW
Washington, DC 20201

The Honorable Daniel Tsai
CMCS Deputy Administrator and Director
Centers for Medicare and Medicaid Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Administrator Brooks-LaSure and Deputy Administrator and Director Tsai,

As you are aware, patients in Texas who use Medicaid have been unable to access basic and critical reproductive health care at Planned Parenthood for almost a year because of the baseless and continued termination of Planned Parenthood Texas affiliates (“Planned Parenthood providers”) from the Texas Medicaid program. As members of the Texas Congressional delegation, we are deeply concerned and alarmed by this unlawful action by the State of Texas, and 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.

We appreciate the Biden-Harris administration’s efforts to address the ongoing attacks on sexual and reproductive health care access in Texas. This includes Senate Bill 8 (S.B. 8), which has made abortion virtually inaccessible for patients across Texas for more than five months, as well as our state’s continued refusal to expand Medicaid. The steps that the administration has taken in response have been critical and needed, including suing the state to enforce the Constitution, and working to get additional Title X family planning funds to sexual and reproductive health providers. In addition, we appreciate the Biden-Harris administration championing efforts to increase access to health care coverage, including incentivizing states to take up Medicaid expansion and extending Medicaid coverage for a full year postpartum. If Texas were to expand

Medicaid, hundreds of thousands of women of reproductive age are estimated to receive comprehensive sexual and reproductive health services in the first few years of expansion alone.¹

Much more can and must be done, however, including enforcing Medicaid's free choice of provider requirement. This action can guarantee people access to care, including more than 8,000 Texans who used Planned Parenthood health centers to access critical services through the Medicaid program. Planned Parenthood providers play an outsized role in serving patients with low incomes in Texas and across the country — one that cannot be replaced by other providers. The idea that other providers could absorb Planned Parenthood providers' family planning patients has been resoundingly dismissed by experts. Across the nation, a majority of Medicaid programs have consistently experienced provider shortages, with the Government Accountability Office (GAO) previously uncovering that more than two-thirds of states were reporting difficulty in ensuring enough providers, including specialty care (OB/GYN care in particular), for people with Medicaid.²

For many patients of reproductive age in Texas, Planned Parenthood providers are their only source of health care. Planned Parenthood providers design their services around the reality that patients with low incomes face significant barriers to health care--such as childcare and work obligations, limited transportation, and inflexible work schedules--and strive to accommodate these restrictions by offering evening and weekend hours, walk-in appointments, short wait times, bilingual staff or translation services, telehealth services, and same-day contraceptive services. Patients choose Planned Parenthood providers for their accessible, affordable, nonjudgmental, and high-quality care.

For the past ten years, the State of Texas has systematically removed Planned Parenthood providers from all aspects of federal and state funding. This removal has had a disastrous impact, with Texans experiencing substantially decreased access to care and poor health outcomes. For example, before being removed from Texas's Medicaid family planning program, Planned Parenthood health centers provided care to more than 40 percent of the program's members.³ The removal led to a 35 percent decline in the provision of long-acting reversible contraception (LARC's), a 31 percent decline in injectable contraception, and a 27 percent increase in Medicaid-supported births within 18 months of the program ending.⁴ Additionally, nearly 45,000 fewer women were getting services from the program.⁵ As a result of Texas's policies, 82 women's health clinics (one out of four) closed or eliminated family planning

¹ "Closing the Medicaid Coverage Gap in Texas Would Increase Access to Necessary Sexual and Reproductive Health Care." Planned Parenthood Federation of America (2021). https://www.plannedparenthood.org/uploads/filer_public/bc/1e/bc1e38b2-3925-49f9-b5f9-0646e7dbb340/texas-state-stats-medicaid-expansion.pdf.

² "Medicaid: States Made Multiple Program Changes, and Beneficiaries Generally Reported Access Comparable to Private Insurance." United States Government Accountability Office (Nov. 2012). <https://www.gao.gov/assets/gao-13-55.pdf>.

³ Joseph E. Potter and Kari White, "Defunding Planned Parenthood was a disaster in Texas. Congress shouldn't do it nationally." The Washington Post (Feb. 7, 2017). <https://www.washingtonpost.com/posteverything/wp/2017/02/07/defunding-planned-parenthood-was-a-disaster-in-texas-congress-shouldnt-do-it-nationally/>.

⁴ Amanda Jean Stevenson, et al, "The Impact of Removing Planned Parenthood from the Texas Women's Health Program." The New England Journal of Medicine (Mar. 3, 2016). <https://www.nejm.org/doi/full/10.1056/nejmsa1511902>.

⁵ Stacey Pogue, "Excluding Planned Parenthood has been Terrible for Texas Women and Texas Still Wants Medicaid to Pay for it's Bad Idea." Every Texan, formally the Center for Public Policy Priorities (Aug. 2017). https://everytexan.org/images/HW_2017_08_PlannedParenthoodExclusion.pdf.

services. One-third of those were Planned Parenthood health centers.⁶ Most recently through S.B. 8, Texas has banned most abortions in the state. The impact of this abortion ban cannot be understated, overwhelmingly harming Black and Latinx Texans, Texans with low incomes (including those who use Medicaid), and Texans in rural areas who already face immense barriers to health care access.

Other states are following Texas's lead and violating Medicaid's free choice of provider requirement, decreasing access to care for people with Medicaid. Patients with Medicaid in Arkansas have been unable to access care at Planned Parenthood since 2017 and in Mississippi since 2021. South Carolina and Louisiana are also attempting to block access, which has only been stopped, for now, by court injunctions. Finally, as Congresswoman Cori Bush wrote to you in November 2021, there have been ongoing attempts in Missouri to cut off access to Planned Parenthood services,⁷ which recently succeeded, as Planned Parenthood in Missouri is unable to participate in Medicaid after March 11.

The White House has made clear it is committed to protecting and expanding access to sexual and reproductive health care, as well as ensuring that Medicaid patients are able to use their health coverage without discriminatory barriers that undermine the program and health care access. It has also warned that states cannot withhold Medicaid funding from Planned Parenthood or block people with Medicaid from accessing care at Planned Parenthood health centers. Now, we are asking you to act. Public health should not be a political weapon.


We respectfully urge you to enforce Medicaid's free choice of provider requirement and require the State of Texas to reinstate Planned Parenthood as a qualified Medicaid provider. The people of Texas need your help to ensure the most vulnerable Texans can access quality health care from providers of their choice. The law is clear that every patient in Medicaid has the freedom to choose a qualified and willing provider of family planning services, and it is time for CMS to take action to ensure Medicaid patients in Texas can access care at Planned Parenthood health centers.

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

Sincerely,



Lizzie Fletcher
Member of Congress



Lloyd Doggett
Member of Congress

⁶ Wade Goodwyn, "Texans Try To Repair Damage Wreaked Upon Family Planning Clinics." National Public Radio (Jan. 28, 2016). <https://www.npr.org/2016/01/28/464728393/texas-tries-to-repair-damage-wrought-upon-family-planning-clinics>.

⁷ Representative Cori Bush, Letter from Congresswoman Bush to CMS Administrator Brooks-LaSure. United States House of Representatives (Nov. 30, 2021). https://bush.house.gov/sites/evo-subsites/bush.house.gov/files/evo-media-document/Bush_Letter%20CMS%2C%20Freedom%20of%20Choice.pdf.



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