

Congress of the United States
Washington, DC 20515

February 5, 2021

The Honorable Greg Abbott
Office of the Texas Governor
1100 Congress Ave.
Austin, TX 78701

Governor Abbott,

As members of the Texas Congressional Delegation, we are deeply concerned by the Fifth Circuit Court of Appeals' recent decision to exclude Planned Parenthood providers from the Texas Medicaid program after February 3, 2021. Together, we represent over 9.4 million Texans and, although we don't always agree on policies, we are all working to meet the needs of the people we serve. This includes 8,000 Texans with Medicaid coverage who rely on Planned Parenthood for health care.¹ While we are glad a Travis County Judge issued a temporary order preventing this action from being implemented for 14 days, we ask you to reverse your decision to pursue this ill-conceived policy.

In light of the COVID-19 public health crisis facing Texas, our state needs more providers. This is not the time to cut access to care, especially for people with low incomes, many of whom are essential workers and single parents. Planned Parenthood of Greater Texas, Planned Parenthood Gulf Coast, and Planned Parenthood South Texas (collectively, "Planned Parenthood providers") play a vital role in the health care landscape and provide necessary care to Texans with low incomes. Specialized sexual and reproductive health providers, such as Planned Parenthood affiliates, are uniquely positioned to meet the health needs of their patients, and ensuring that people with Medicaid are able to seek care at Planned Parenthood health centers will improve health outcomes and increase access to care, especially at a time when people need it most. The initial grace period of 30 days was, as expected, wholly inadequate in comparison to the six months that Planned Parenthood requested. That time has come and gone and Texans are on the verge of going without a health care provider altogether in the middle of an unprecedented global pandemic.

As elected leaders, we know the overwhelming majority of Americans have rejected Trump-era attacks on health care, and elected President Joe Biden and Vice President Kamala Harris who are committed to ending attacks on health care, including critical programs like Medicaid. Just last week, the Biden-Harris administration promised to strengthen Medicaid and end Trump's legacy of attacking people with low incomes, women, people of color, and immigrants. The country is watching and it is incumbent upon all of us, as elected leaders representing Texas, to do right by our most vulnerable constituents.

¹ <https://www.houstonchronicle.com/politics/texas/article/8-000-Medicaid-patients-in-limbo-as-Texas-boots-15814363.php>

COVID-19 has left our community and health care systems vulnerable and Texans who rely on Medicaid cannot lose health care providers at this time. More than 2 million Texans have been infected with COVID-19, and more than 36,000 have died from it. As you have repeatedly recognized, including as recently as December 6, 2020, COVID-19 “poses an imminent threat of disaster for all counties in the State of Texas.”² Indeed, on January 31, 2021, 15,191 new coronavirus cases were reported in Texas—a figure exceeding July’s record high. The virus has had a disproportionate toll on Black and Latino Texans, many of whom rely on Medicaid for health care, who have died at rates higher than their share of the state’s population.

Planned Parenthood providers play an outsized role in serving Medicaid patients in Texas and across the country. The idea that other providers could absorb Planned Parenthood providers’ family planning patients has been resoundingly dismissed by experts — in fact, the American Public Health Association called the idea “ludicrous.”³ Across the nation, a majority of Medicaid programs have consistently experienced provider shortages, with the Government Accountability Office (GAO) previously uncovering that over two-thirds of states were reporting difficulty in ensuring enough providers, including specialty care (OB/GYN care in particular) for Medicaid enrollees. Moreover, COVID-19 has exacerbated already existing provider shortages, with health care providers experiencing an increased infection risk. These shortage issues underscore the need for more safety net providers like Planned Parenthood in the Medicaid program.

The Fifth Circuit Court of Appeals’ ruling further risks placing health care out of reach for Texans with low incomes during a pandemic. 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 grave barriers to health care such as child care 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 nonjudgmental, high-quality and accessible care.

For the past 10 years the state of Texas has systematically removed Planned Parenthood providers from all aspects of state funding to disastrous results, with Texans experiencing substantially decreased access to care and poor health outcomes. Planned Parenthood was removed from the state’s family planning program, Title X, and from the Breast and Cervical Cancer Screening program. All of these actions limit Texans’ access to care. Before being removed from Texas’s family planning program, Planned Parenthood health centers provided care to more than 40 percent of the program’s clients. As result of their removal from the state’s family planning program, there was 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 Moreover, Every Texan (formerly Center for Public Policy Priorities) found that nearly 45,000 fewer women were getting services from the program.⁵ The data is clear: access to care has been

² <https://gov.texas.gov/news/post/governor-abbott-extends-state-disaster-declaration-for-covid-19-in-december-2020>

³ <https://www.usatoday.com/story/news/2015/07/30/family-planning-budgets-crisis-before-planned-parenthood-controversy/30861853/>

⁴ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5129844/>

⁵ https://everytexan.org/images/HW_2017_08_PlannedParenthoodExclusion.pdf

jeopardized and Texans have experienced worse health outcomes, affecting their independence and economic well-being.

Governor Abbott, your decisions to restrict access to health care providers while our health care system continues to be overloaded with COVID-19 patients is negligent and will cost even more lives. Access to care should not be treated as a political weapon. We urge you to stop playing politics with Texans' health care.

Sincerely,



Veronica Escobar
Member of Congress

Sheila Jackson Lee
Member of Congress

Al Green
Member of Congress

Lloyd Doggett
Member of Congress

Eddie Bernice Johnson
Member of Congress

Henry Cuellar
Member of Congress

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