

Grumet: Paxton seeks to crush Planned Parenthood's ability to provide nonabortion care

At the risk of generalizing, lawsuits over Medicaid fraud typically involve ... well, fraud.

Drug companies engaged in misleading marketing. Pharmaceutical companies reporting inflated drug prices. An orthodontist providing braces to a bunch of kids who didn't need them.

So it might surprise you to hear that Texas Attorney General Ken Paxton has asked the courts for an astonishing sum — more than \$1 billion in penalties, on top of nearly \$10 million in disputed payments — in a civil lawsuit over Medicaid services that involve no such wrongdoing.

The case does, however, involve Planned Parenthood.

A generous reading of Paxton's lawsuit, filed last year and slated for trial this spring, is that this is a billing dispute. Planned Parenthood provided thousands of Medicaid-approved services, such as birth control and cancer screenings, to patients during the time Texas was trying to expel the provider from Medicaid, which ultimately happened in 2021.

Notably, the state *continued to pay* Planned Parenthood for those services while the matter was under appeal, until 2021.

But now, Paxton is saying Planned Parenthood should not only refund the state for services provided between 2017 and 2021, but also pay penalties north of \$1 billion for having the audacity to provide real care to real patients during those years.

This case is a bare-knuckled attempt by Paxton to use the courts to financially crush a health care provider — even as our state ranks among the worst in the country for women trying to access quality, affordable care.

Because, well, it's Planned Parenthood.

“This is not about correcting a wrong, because we didn't do anything wrong,” Melaney A. Linton, president and CEO of Planned Parenthood Gulf Coast, told

reporters this week, as the organization filed new briefs in the case. “This is about intentionally trying to shut down Planned Parenthood.”

And if that happens, Linton added, “it could have a devastating impact on the ability of Texans to access basic health care services.”

Paxton’s office did not respond to my requests for comment.

To be clear, this case is not about abortion. Medicaid never covered that, and Planned Parenthood didn’t seek Medicaid payments for it. Plus, Texas laws now ban the procedure.

This case is about the other care that women need — and Paxton’s indifference to those patients as he continues his scorched-earth campaign against some of the clinics that serve them.

Sara Rosenbaum, professor emerita of health law and policy and George Washington University, told me the lawsuit and the “incredible” penalties it seeks are “without any basis in law or fact.”

Planned Parenthood provides wellness exams, contraception, testing and treatment for sexually transmitted infections, and other nonabortion health care services for more than 100,000 Texans a year — not through Medicaid, but on a sliding-fee scale to anyone who needs care.

And in many communities, it’s not easy for patients to find care elsewhere.

After the state booted Planned Parenthood from Medicaid in 2021, researchers at the University of Texas called a sample of nearly 200 providers listed on the state’s website, to see how easy it would be for patients to get contraception from another provider.

According to a report by the Texas Policy Evaluation Project at UT, a quarter of the phone numbers were invalid or provided no response. Only a third of the providers said they accepted Medicaid and could provide the type of long-acting reversible contraception that callers requested.

Worse, only 14% of providers could provide an appointment for that contraception within the next two weeks. Only 6% could provide that care in the convenience of a single visit.

Access isn’t much better for those who don’t have health care coverage in Texas, which leads the nation in the number and percentage of uninsured residents.

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For about two decades before becoming a nurse in Austin, Natalie Vallot worked in the service industry and as a nanny, jobs that didn't provide health care. Planned Parenthood provided affordable care when she was uninsured — and, crucially, provided support and referrals when she had a breast cancer scare.

“There are so many young people now just getting started in life, who are working hard and still can't afford the health care they need,” Vallot said. “And today it's even harder to find affordable, accessible health care than it was when I was a young woman.”

It's arguably more urgent, too: Easy access to contraception is essential for women who don't want to become pregnant in a state that has outlawed abortion.

Vallot said the state's effort to shut down Planned Parenthood is personal to her: It's the place that provided care in her hour of need, and continues to provide care to thousands of others.

I wish the stakes felt equally personal to Paxton. But he's got a political battle to wage, with taxpayer dollars, for the glory of his party. Never mind the patients who suffer the collateral damage.

Grumet is the Statesman's Metro columnist. Her column, ATX in Context, contains her opinions. Share yours via email at bgrumet@statesman.com or via Twitter at @bgrumet. Find her previous work at statesman.com/news/columns.