

Indiana, Planned Parenthood to argue abortion law

June 6 2011, By KEN KUSMER , Associated Press

(AP) -- The battle over Indiana's tough new abortion law cutting off much of the public funding for Planned Parenthood because it provides abortions moved back to the courts Monday where attorneys prepared to argue over the organization's request for a preliminary injunction blocking the statute.

Planned Parenthood and its attorneys, led by the American Civil Liberties Union of Indiana, contend that the statute signed by Republican Gov. Mitch Daniels last month is unconstitutional and violates rules governing the Medicaid program, which serves low-income people. The ACLU's Ken Falk said the law made Indiana the first state to deny Medicaid funds to Planned Parenthood for general health services such as breast exams and Pap smears.

The Indiana attorney general's office contends that federal law forbids Medicaid to cover abortions in most circumstances and that the joint federal-state health insurance program indirectly funds abortions because the organization's financial statements show it commingles Medicaid funds with other revenues.

The total amount of Medicaid funding at stake is about \$1.4 million.

The hearing before U.S. District Judge Tanya Walton Pratt comes days after federal Medicaid Administrator Donald Berwick rejected changes in Indiana's state Medicaid plan because federal law says beneficiaries can obtain services from any qualified provider. Planned Parenthood

provides general health care services to 9,300 Medicaid patients at its 28 health centers across Indiana.

Indiana has 60 days from Berwick's June 1 notice to appeal his decision, but state officials have not indicated whether they will do that. Indiana Medicaid spokesman Marcus Barlow has said the state's attorneys have advised the program to continue complying with the law passed by the Indiana General Assembly. Attorney general spokesman Bryan Corbin said Berwick's letter was being reviewed.

Pratt has said she will rule on the injunction request by July 1.

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