Abortion dilemma faces state

By DOUG MYERS
Capitol News Bureau

The abortion debate returned to Louisiana as both sides of the issue clashed Wednesday over new federal guidelines that require states to fund abortions for poor women who are victims of rape and incest.

Pro-life leaders argued that government has no business spending tax money for abortions. Pro-choice leaders said poor women deserve the same access to abortions whenever necessary as others have.

All arguments aside, state health officials are concerned about the potential effect the Clinton administration's edict could have on the state budget. At risk is about $2.9 billion annually in Medicaid funding.

State law prohibits the use of public funds for abortions except when the life of the mother is at stake. The federal government requires that states conform to its new regulations and agree to also fund abortions for poor women who are victims of rape or incest or face the loss of that money.

Medicaid, a program providing medical services for the poor, relies on funds from the federal government but is administered by the states, which must follow federal rules.

“We’re caught between this federal edict that says pay for rape and incest abortions and the state law that says do not,” said John Putrell, deputy director of the state Department of Health and Hospitals.

“We could risk the entire Medicaid program by not following federal rules,” Putrell said.

Louisiana isn’t alone. Other states that may have trouble with the new federal requirement include Arizona, Missouri, New Hampshire, Rhode Island, South Dakota, Utah, Virginia and Idaho.

Consequently, DHH attorneys are researching options available to the state “short of losing the Medicaid funds,” Putrell said.

Another problem is that the Legislature cannot change the abortion law during the 1994 regular session because of a new constitutional

INSIDE

CONTROVERSIAL ISSUE

Mike Branch brought back the issue of term limits for board members.

FOR THE LATEST IN LOCAL AND STATE NEWS.
amendment limiting discussions to fiscal matters during even-numbered years, he said.
A special session would have to be called to make that change, Futrell said.
Meanwhile, pro-life and pro-choice leaders squared off over the pros and cons of using tax dollars and the state's charity hospitals to perform abortions for poor women who are rape or incest victims.
Previously, federal Medicaid funds, which must be partially matched by states, had been provided only in cases where a woman's life was threatened.
Last week, the administration said it now deems abortions in rape and incest cases as "medically necessary," which means states must provide Medicaid funding in those cases.
The edict was retroactive to Oct. 1, 1993, and ordered states to bring their own rules into compliance by March 31.
On Wednesday, Louisiana pro-choice activists applauded Clinton's decision "to place some equity in the issue of reproductive choice."
"If you're going to have full reproductive choice, regardless of one's economic standing, the government should not be in the position of making those decisions for women and families," said Terri Bartlett, executive director of Planned Parenthood of Louisiana.
"That is at the core of reproductive choice. There is no denying that lack of access, due to lack of money, is a crucial issue."
However, Bartlett was quick to point out that the "door has not been swung wide open," and noted that the change will affect only a few people.
To save the life of the mother, federal funds were used to pay for only 185 abortions nationwide in 1992.
Only four such abortions were performed at government cost in Louisiana during the fiscal year that ended June 30, 1993.
However, Futrell said, the state has no estimate of how many government-funded abortions will have to be performed annually if the state conforms to the federal edict.
Regardless of the change, "it still limits a poor woman's options," Bartlett said. "There's still a disparity between those of us who can pay and those of us without any money."
State Rep. Louis "Woody" Jenkins, who supports outlawing all abortions in Louisiana, said taxpayers should not be asked to fund the "killing of a human life."
"A very large portion of our population believes that and certainly would not want to see their tax dollars be used for that purpose," the Baton Rouge lawmaker said.
Jenkins said he would rather see the state lose Medicaid funds than allow tax dollars to be spent for abortions, but said he doubts it will come to that.
"I think they'll back down," he said. "It involves very small numbers (of potential abortions). It's more of the principle involved."
Agreeing with Jenkins was Rep. Sam Theriot, D-Abbeville, who got the Legislature to pass legislation in 1991 to ban abortions except in cases of rape, incest or to save the life of the mother.
The U.S. Supreme Court struck down that anti-abortion law in early 1993. Since then, there has been little discussion by lawmakers on the divisive issue.
"It's not right. We shouldn't be doing it that way," Theriot said, arguing that the perpetrator of the rape or incest should pay for the abortion.
"It's not the government's place to be spending tax dollars on abortion," Theriot said.