La. nixes Medicaid abortions

By LESLIE ZGANJAR
Associated Press writer

Louisiana is among the states that refused to comply with a federal order to begin paying for abortions for poor women who are victims of rape or incest.

"As a state agency we don't have a choice. Louisiana law says we can't do it," Joe Wagner, spokesman for the Louisiana Department of Health and Hospitals, said Friday, the day the order took effect.

Wagner said the Legislature could change the law, but he did not know if it would even consider the issue this year.

In December, the Clinton administration ordered states to begin paying for Medicaid abortions in cases of rape or incest after March 31 or risk losing billions in Medicaid funding. Medicaid is a joint federal-state program.

"Louisiana law says we can't pay for abortions for rape and incest victims in any way. We spoke to HCFA (Health Care Financing Administration), the feds, and they're not going to push us. They're not going to push us now. They're going to work on states that

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don’t have laws that are refusing to go along with their instruction... It will give time for the Legislature to study the legislation.”

Using Medicaid to pay for abortions for rape and incest victims was “part of the federal budget act for this fiscal year. It has to be renewed in September. States like Louisiana that have laws that prohibit abortions are not going to be pushed immediately. It will give time for the Legislature to study the legislation.”

Many states intend to ignore the Clinton administration order, said Ray Hanley, chairman of the State Medicaid Directors’ Association. Some states have said that their own laws, regulations or constitutions prevent them from complying. But the Clinton administration maintains that a federal order takes precedence.

On Thursday night, an administration official said no immediate penalties will be imposed. “You can’t go straight to an enforcement action without a process of negotiating and allowing them to understand the full consequences of their actions,” said Avis Lake, an assistant secretary of health and human services.