



# Women's Law Project

## **WLP Statement on Commonwealth Court Ruling in *Allegheny Reproductive Health Center v. Pennsylvania Department of Human Services***

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**March 26, 2020** - This morning, the Commonwealth Court of Pennsylvania issued a long-awaited ruling in *Allegheny Reproductive Health Center v. Pennsylvania Department of Human Services*.

In this case, Pennsylvania-based abortion providers are challenging the Commonwealth's discriminatory ban of abortion coverage in the state Medicaid program. The central claim is that this ban, enforced since 1985, violates the Equal Rights Amendment and equal protection provisions of the Pennsylvania Constitution.

"As fully expected, we did not win before this court, but the ruling clears the way for our appeal to the Supreme Court of Pennsylvania, which is the only state court with the power to end the coverage ban," says director of the Western Pennsylvania office of Women's Law Project Susan J. Frietsche, who argued the case in October 2020.

While the outcome was expected, a deeply disturbing aspect of today's ruling was that the Wolf Administration had challenged the abortion providers' standing to bring this litigation, and the court agreed. The court determined that abortion providers cannot challenge abortion restrictions on behalf of their patients; in other words, the court asserted that pregnant patients must be the ones to go to court.

This ruling on the legal doctrine of "standing" defies well-established precedent in state and federal law going back decades, before *Roe v. Wade*. We are profoundly disappointed that the Wolf Administration is pushing to eliminate medical providers' ability to go to court to challenge abortion restrictions.

Judge Ellen Ceisler dissented from this portion of the ruling.

Currently, Medicaid covers abortion in sixteen states, including the neighboring states of New Jersey, New York, and Delaware.

We look forward to arguing the merits of this case.

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