

[Allegheny Reproductive Health Ctr., et al. v. PA DHS, et al. \(2021\)](#). Judge Wojcik joined the Court's opinion.

Holding: The Commonwealth Court dismissed a challenge to Pennsylvania's abortion coverage ban under Medicaid (Medical Assistance), sustaining preliminary objections. The court held that reproductive health providers lacked standing to assert constitutional rights on behalf of patients, and that even if standing existed, the Pennsylvania Supreme Court's precedent in *Fischer v. DPW* (1985) already rejected identical constitutional claims.

Analysis: The Court reasoned that the providers' alleged financial and administrative burdens (subsidizing abortions, diverting staff time) did not give them a direct, substantial, and immediate interest protected under the Pennsylvania Constitution. Patients themselves could bring claims, so third-party standing was inappropriate. Even if standing existed, *Fischer IV* squarely held that Pennsylvania's Medicaid abortion funding ban does not violate equal protection or the state's Equal Rights Amendment because the state may constitutionally choose to fund childbirth but not abortion. As *Fischer* controlled, the Court concluded no claim could succeed.

Background: Abortion providers (Planned Parenthood and others) challenged Pennsylvania's Abortion Control Act and related DHS regulations that deny Medicaid funding for abortions except in cases of rape, incest, or life endangerment. They argued the "coverage ban" discriminates against low-income women and violates Pennsylvania's Equal Rights Amendment and equal protection guarantees. The state and legislative intervenors countered that providers lacked standing and that the claims were foreclosed by precedent.