



**STATE OF HAWAI'I**  
*KA MOKU 'ĀINA O HAWAI'I*

**DEPARTMENT OF THE ATTORNEY GENERAL**  
*KA 'OIHANA O KA LOIO KUHINA*

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*KE KIA'ĀINA*

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**ATTORNEY GENERAL ANNE LOPEZ URGES U.S. SUPREME COURT  
TO DEFEND MEDICAID RECIPIENTS' FREEDOM TO CHOSE THEIR  
PROVIDER**

News Release 2025-39

**FOR IMMEDIATE RELEASE**

March 12, 2025

HONOLULU – Attorney General Anne Lopez today joined a coalition of 17 attorneys general in filing an [amicus brief](#) urging the U.S. Supreme Court to affirm a lower court's decision recognizing Medicaid recipients' federally guaranteed right to receive care from the qualified providers of their choice, including Planned Parenthood.

In 2018, South Carolina Governor Henry McMaster issued an executive order directing the South Carolina Department of Health and Human Services to remove any organization that provides abortion services, including Planned Parenthood, from the state's Medicaid provider list. A South Carolina Medicaid recipient challenged the state's decision, and a federal district court ruled that the state's exclusion of Planned Parenthood was unlawful. In March 2024, the U.S. Court of Appeals for the Fourth Circuit affirmed the trial court's decision, holding that the Medicaid Act gives patients the freedom to choose their own qualified healthcare providers, notwithstanding the Governor's action. South Carolina sought review in the U.S. Supreme Court, which will hear the case on Wednesday, April 2.

“The Medicaid program has a ‘free choice of provider’ provision that guarantees beneficiaries the right to see any qualified provider of their choice. This means no one can deny them the freedom to choose a health care provider they feel best suits their medical needs,” said Attorney General Lopez.

“This case is politics at its worst and never should have been taken up by the U.S. Supreme Court,” said Paige Johnson, interim CEO and president, Planned Parenthood South Atlantic. “Anti-abortion politicians are so intent on attacking Planned Parenthood health centers that they want to block people enrolled in Medicaid from getting essential health care like cancer screenings, birth control, STI testing and treatment, and more. Make no mistake: every person should be able to access health care from a provider they trust — no matter their income or insurance status. We’re thankful to state attorneys general for defending patients’ right to choose their own doctor and we hope the U.S. Supreme Court does the same.”

As the coalition’s amicus brief explains, Medicaid ensures that vulnerable populations can access safe, affordable, and quality healthcare. In order for the Medicaid program to function effectively, patients must be able to access a wide variety of medical providers, including reproductive healthcare providers. In addition to providing abortion care, Planned Parenthood also provides birth control, screenings for sexually transmitted infections, and educational services.

The coalition’s brief argues that while states have considerable discretion in implementing Medicaid programs, specific safeguards – like the free choice of provider provision – are in place to specifically counter state policies that restrict Medicaid recipients to a narrow subset of healthcare providers, protecting patients’ healthcare decisions from government micromanagement. The free choice of provider provision gives individual patients – and not state government – the freedom to choose their own healthcare providers. The coalition argues that South Carolina’s efforts to stymie patient choice illustrate exactly why Congress thought it was necessary to safeguard individual rights in the healthcare context.

Joining Attorney General Lopez in submitting the brief are the attorneys general from California, Colorado, Delaware, District of Columbia, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island and Washington.

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