

## HOUSE RESOLUTION NO. 154

Reps. Pohutsky, Price, Rogers, McFall, Myers-Phillips, Byrnes, Weiss, Morgan and Scott offered the following resolution:

1       A resolution to urge Congress to uphold Medicaid patients'  
2   right to provider choice by establishing a private right of action  
3   under 42 U.S.C. §1983 and urge the Michigan Department of Health  
4   and Human Services to monitor state and federal actions affecting  
5   Medicaid's provider-choice policies.

6       Whereas, Medicaid's "any-qualified-provider" provision  
7   requires states to ensure that Medicaid beneficiaries may obtain  
8   health care services from any qualified provider. On June 26, 2025,  
9   the United States Supreme Court issued its decision in *Medina v.*  
10   *Planned Parenthood South Atlantic*, ruling that Medicaid  
11   beneficiaries lack a private cause of action under 42 U.S.C. §1983  
12   to enforce the "any-qualified-provider" provision. The majority

1 found the provision does not contain language that creates clear  
2 and unambiguous rights allowing individuals to bring suit against a  
3 state that does not follow the federally required provision. This  
4 limits enforcement to federal agencies, thereby removing judicial  
5 recourse for individuals and undermining protections intended by  
6 the “any-qualified-provider” provision; and

7       Whereas, The dissent warned this ruling effectively allows  
8 states to exclude qualified providers—including Planned Parenthood  
9 clinics—from Medicaid, even for non-abortion care such as cancer  
10 screenings, contraceptive services, and STI checks, imposing undue  
11 burdens on low-income, LGBTQ+, rural, and reproductive healthcare  
12 patients. States like Indiana and South Carolina have already used  
13 this ruling in defense of policies denying Medicaid provider  
14 access, and numerous other states are likely considering similar  
15 actions, threatening the health and autonomy of Medicaid  
16 recipients; and

17       Whereas, Federal policy recognizes that provider choice  
18 generally results in better health outcomes for patients, and  
19 judicial enforcement ensures compliance with policies where  
20 administrative remedies may fail. Securing provider-choice rights  
21 for the 2.2 million Michiganders enrolled in Medicaid is essential  
22 to Michigan’s commitment to public health; now, therefore, be it

23       Resolved by the House of Representatives, That we urge  
24 Congress to uphold Medicaid patients’ right to provider choice by  
25 establishing a private right of action under 42 U.S.C. §1983 and  
26 implement funding incentives and penalties to deter states from  
27 excluding qualified providers from Medicaid; and be it further

28       Resolved by the House of Representatives, That we urge the  
29 Michigan Department of Health and Human Services to monitor any

1 state or federal attempts to exclude providers like Planned  
2 Parenthood from Medicaid, assess impacts on access and equity, and  
3 report their findings annually to the Legislature; and be it  
4 further

5       Resolved, That copies of this resolution be transmitted to the  
6 President of the United States, the Speaker of the United States  
7 House of Representatives, the Majority Leader of the United States  
8 Senate, the Director of the Michigan Department of Health and Human  
9 Services, and the members of the Michigan congressional delegation.