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— News From The States —

EVENING WRAP



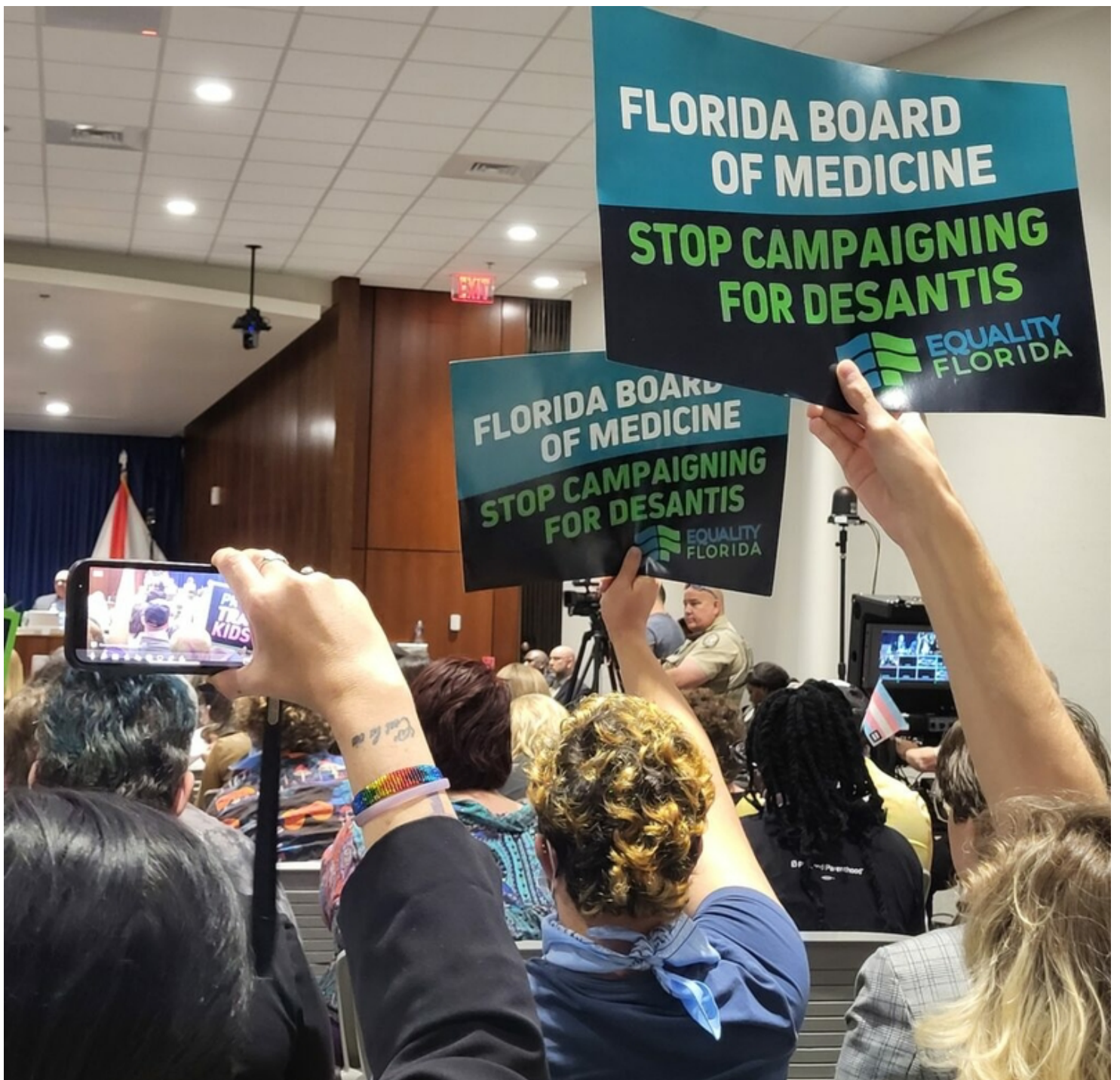
By [Kate Queram](#)

From a distance, it's absurd that politicians are allowed to weigh in on the minutiae of health care. Because: *Nobody* wants a politician to weigh in on the minutiae of their health care. I can't think of anything I'd enjoy less than having my state or congressional representative offer their opinion while I'm sitting in an exam room, picking up prescriptions or arguing with my insurance company — and yet, here we are, scouring the news to determine what treatment they'll ban or which privacy they'll decide we're no longer afforded. As with most things in this country, your risk of political intrusion depends almost entirely on where you live. In a blue state, you're probably free to manage your own medical care. In a red state, lawmakers almost certainly want to curtail that autonomy.



The Big Takeaway

I'm speaking in generalities because this is the general truth of things, though for now, Republicans are focused mostly on meddling with gender-affirming care. Last week, GOP attorneys general in 18 states signed onto Florida's defense of [a state law](#) banning Medicaid coverage for gender-affirming care, [the Florida Phoenix reported](#). The brief, filed Friday with the 11th U.S. Circuit Court of Appeals, framed the [broad medical support](#) for gender-affirming care as baseless posturing from medical organizations besieged by outside pressure.



Florida: Decidedly red.

(Photo by Issac Morgan/Florida Phoenix)

“As with other institutions, American medical organizations have become increasingly ‘performative,’ treated by their leaders as platforms for advancing the current moment’s cause célèbre,” the brief said. “Add to this a replication crisis in scientific literature and the ability of researchers to use statistics to make findings appear significant when they are not, and it is no wonder that medical organizations find it easier to just go with the zeitgeist. Science is hard, and there is no reward in the current climate for any organization that questions the safety and

efficacy of using sterilizing gender-transition procedures on children.”

The brief applies to two appeals filed by Florida Attorney General Ashley Moody, both seeking to overturn [lower court rulings](#) that invalidated the ban on Medicaid coverage for gender-affirming care and blocked a rule that would have prohibited minors from receiving or continuing treatment. In a scathing opinion, U.S. District Court Judge Robert Hinkle said the “statute and the rules were an exercise in politics, not good medicine” and cited clinical evidence supporting the use of puberty blockers and hormone treatments for minors diagnosed with gender dysphoria.

“Gender identity,” he added, “is real.”



Hear, hear.

(Photo by Getty Images)

More than 20 medical societies reiterated the science in their own brief last week, stressing that medical treatment for gender dysphoria is life-saving care that has been linked to lower rates of suicide among transgender youth.

“Empirical evidence indicates that gender-affirming care, including gender-affirming medical interventions provided to carefully evaluated patients who meet diagnostic criteria, can alleviate

clinically significant distress and lead to significant improvements in the mental health and overall well-being of adolescents with gender dysphoria,” said the brief. “The health care ban disregards this medical evidence by precluding health care providers from providing patients with treatments for gender dysphoria in accordance with the accepted standard of care.”

The lone “medical” voice of dissension came from the American College of Pediatricians, an [LGBTQ+ hate group](#) attempting ([poorly](#)) to masquerade as a consortium of medical providers. But Florida doesn’t care about any of that, because the ban on a specific course of health care is not about the evidence behind that health care (which, Florida would have you know, is “low-quality”) — it’s about what you *do* with that knowledge, which should not include “wield it as a weapon to make us pay for it.”

“It’s a health and welfare question; it’s a medical policy issue,” Moody wrote in a brief. “It’s an area where the state gets to draw the line between what’s permissible and what isn’t.”



IF THEY WERE GOOD DOCTORS THEY WOULD BE DOCTORS

(Photo by Graham Stokes/for the Ohio Capital Journal)

Voters will decide the future of abortion rights in Ohio next month via [a ballot referendum](#)

that would amend the state constitution to protect the right to “make and carry out one’s own reproductive decisions.” If the measure fails to garner a majority of votes, abortion policy would likely be decided by the Ohio Supreme Court, which has yet to issue a decision [in a case](#) challenging the state’s existing six-week ban, [the Ohio Capital Journal reported](#).

The proposed amendment goes beyond just abortion, guaranteeing Ohioans the right to contraception, fertility treatments and miscarriage care (which often includes [the abortion pill](#)). Under the policy, the state could not “burden, penalize, prohibit, interfere with or discriminate against” pregnant people or anyone who assists with their care “unless the state demonstrates that it is using the least restrictive means to advance the individual’s health in accordance with widely accepted and evidence-based standards of care.”

Notably, the amendment would not legalize all abortion. The procedure could still be banned “after fetal viability,” defined as “the point in a pregnancy when, in the professional judgment of the pregnant patient’s treating physician, the fetus has a significant likelihood of survival outside the uterus with reasonable measures.”

The language does not specify who, exactly, could propose those prohibitions, which in the current climate seems destined to leave the door open for state lawmakers to enact additional restrictions based on gestation or [junk science](#) or their own personal feelings about pregnancies that have no bearing on their lives. But additional language in the amendment guards against that possibility. [In a legal analysis](#), Ohio Attorney General Dave Yost noted that the language appears to protect post-viability abortions “under certain circumstances,” both by giving doctors the sole authority to determine viability *and* determine whether a patient’s health justifies the procedure.

“The Amendment does not define ‘health,” wrote Yost, a Republican. “And previous court cases have said health, when not otherwise defined, can include other concerns, including mental health and ‘familial’ factors (such as how many children someone has) and maternal age.”

Health, defined: [Four more rural Arkansas hospitals set to receive federal pandemic relief funds](#) ... [Connecticut to issue decision on Prospect hospital deal as talks with Yale Health break down](#) ... [Iowa has lost more than 10% of pharmacies since 2008, Drake professor finds](#) ... [Lawmakers examine Louisiana’s festering mental health care system](#) ... [South Baltimore medical waste incinerator will pay one of largest environmental fines in state history after improper disposal](#) ... [100+ Michigan doctors back legislation to create prescription drug board](#) ... [Minnesota’s overdose crisis, in charts](#) ... [Rural Delta counties have highest infant mortality rates in Mississippi, new report shows](#) ... [Final draft regulations for Nebraska gender care law released ahead of November hearing](#) ... [Parents of children with disabilities want North Carolina legislators to learn about their “hidden world”](#) ... [Sick of insurance providers dropping coverage of](#)

[your meds? This Ohio bill would stop that ... Forthcoming Pennsylvania legislation would increase interagency coordination for mental health crises ... 'This is arrogance' lawmaker says of West Virginia's school vaccine laws ... Wisconsin Senate GOP passes tax cut, abortion bills and transgender restrictions in contentious floor session](#)



State of Our Democracy

Congress remained paralyzed Wednesday as House Republicans continued to disagree on which of their members is the least terrible and should therefore be elevated to lead the chamber. In their defense, there are no good options, because there is only one option, and that option is U.S. Rep. Jim Jordan (R-Ohio), per reporting from [our bureau in D.C.](#)



U.S. Rep. Jim Jordan (R-Ohio) and U.S. Rep. Patrick McHenry (R-N.C.), who could possibly save us (albeit temporarily) from Jim Jordan.

(Photo by Win McNamee/Getty Images)

Jordan, an [election-denying Christian nationalist](#), lost his second bid to become speaker on Wednesday, garnering 199 votes — 18 short of the majority needed to win, and one fewer than [the day before](#). Twenty-two Republicans voted against Jordan, including four lawmakers who voted for him on the first ballot. Some face tough re-election bids in purple districts, while others are still angry at Jordan and his far-right cohorts for [refusing to back](#) Rep. Steve Scalise (R-La.), the party's first choice for speaker.

Jordan did not appear to have a strategy to win over his defectors beyond forcing them into submission by refusing to concede his candidacy. In remarks to reporters after the vote, Jordan compared himself (aspirationally, I think, which ... woof) to ousted speaker Kevin McCarthy (“We’re right where he was and his numbers”), failed to do basic math (“We picked up three votes today”) and basically shrugged when asked how he might secure support from Republican holdouts who are exasperated with his precise brand of MAGA obstructionism.

“Those people we lost ... they voted for us before,” he said. “So we just gotta continue.”

It’s possible the nonchalance is a strategic choice after efforts to threaten Republicans into submission mostly just angered lawmakers who were already plenty angry at Jordan and his far-right friends. Either way, it’s likely too late. Republicans remained deeply divided after Wednesday’s vote, with hardliners insisting that Jordan is the only possible candidate and pretty much everyone else exploring other options. Some broached the possibility of working with Democrats to find a compromise candidate (one who is not Jim Jordan), while others favored a plan to bestow additional authority upon Rep. Patrick McHenry, who’s currently serving in the largely ceremonial role of speaker pro tempore.

McHenry, a North Carolina Republican, was tapped for the role after McCarthy’s ouster under a post-9/11 continuity of government plan. House rules [are fairly vague](#) on his actual role, though it’s generally believed that he can do little beyond calling the House into session for endless speaker votes. [A resolution introduced Monday](#) would broaden those powers by electing McHenry to the position through Nov. 17 or until Republicans can get their act together, which would theoretically allow him to do exciting things like “bring legislation to the floor for a vote, thus allowing these people to do the thing we pay them to do.”

House Minority Leader Hakeem Jeffries (D-N.Y.) said Tuesday that his caucus could probably deal with McHenry, who, unlike Jordan, is “respected on our side of the aisle.” Even Jordan seemed open to the idea, though that likely has more to do with his plans to keep running for speaker until everyone either dies or gives in than with any desire to help the chamber actually function as an arm of government.

“There’s that resolution,” he said. “I think at some point that question should be called, but

obviously that's up to Patrick McHenry.”

OBVIOUSLY: [In Alabama, some potential 2nd District candidates don't live there. That's allowed by the U.S. Constitution.](#) ... [Former Navajo Nation president launches bid to flip Arizona's largest congressional district](#) ... [Retired Army colonel to run as Democrat for Central Arkansas congressional seat](#) ... [Democrats vying for Boebert's seat see higher share of donations from Colorado](#) ... [Absentee ballot numbers show election fraud in Bridge, Connecticut, attorney says](#) ... [As state lawmakers tout their Hispanic heritage, the Florida Hispanic Caucus remains inactive](#) ... [Beware: National reporters, here to cover Mississippi governor's race, are out for blood](#) ... [Only hope for Mississippi's legislative Democrats in November: ending Republican supermajorities](#) ... [Kehoe leads fundraising for Missouri governor in latest campaign filings](#) ... [House Democrats seek to codify both same-sex and interracial marriage in Ohio](#) ... [Passing Ohio's Issue 2 doesn't come with automatic expungement for marijuana offenses](#) ... [2024 Senate: FEC reports show Tennessee Republican Marsha Blackburn raised \\$7M in nine months, Democratic challenger \\$1.3M in six weeks](#) ... [Paxton defense attorney to challenge Texas House Republican who voted for impeachment](#) ... [Defend Texas Liberty PAC names new president after leader met with white supremacist Nick Fuentes](#)



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One Last Thing

Researchers at Rice University are [reanimating spider corpses](#) for reasons I can't tell you because there are GIFs at the link and there are some things a person cannot unsee.



Absolutely not.

(via Giphy)

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1414 Raleigh Rd #127 | Chapel Hill, North Carolina 27517

info@newsfromthestates.com

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