

SCOTUS Denies Petition to Hear 5th Circuit Abortion Case

Health Equity

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On October 7, the Supreme Court of the United States (SCOTUS) released a [long list of cases](#) for which it was either granting or denying a petitioner's request for certiorari. Among the denials was a [petition from the Department of Health and Human Services \(HHS\)](#), seeking the Court's review of a 5th Circuit decision that Emergency Medical Treatment and Active Labor Act's (EMTALA's) federal requirements with regard to when a pregnant individual's life is in danger or is at serious risk of harm do not conflict with Texas state law that severely restricts access to abortions. The case began as a challenge by Texas and two medical groups to HHS guidance, which advised hospitals that EMTALA may require hospitals to provide abortions as stabilizing treatment, despite situations in which state law would otherwise prohibit the abortion. The 5th Circuit disagreed with HHS's guidance, thus prohibiting its enforcement against Texas.