HLB's Health Equity Essentials Blog

Insights 10.23.26

On behalf of the Hooper, Lundy & Bookman, PC Health Equity Task Force, here is our most recent HLB Health Equity Essentials.

ACLU and Researchers Challenge Trump's NIH Grant Terminations in Class Action

Last month, 17 former recipients of National Institutes of Health (NIH) funding filed a proposed class-action lawsuit in a California federal court against the NIH, Department of Health and Human Services (HHS), and others. The complaint targets recent administrative policies and mid-cycle grant terminations which they claim were intended to realign research funding with the Trump administration's political priorities by restricting or defunding projects related to topics such as climate change, diversity, and LGBTQ issues. Represented by several organizations, including the American Civil Liberties Union (ACLU), plaintiffs allege that these directives violate the First Amendment and the federal Administrative Procedure Act (APA) by imposing unconstitutional viewpoint-based restrictions on scientific research.

Recent Litigation Challenges Abortion Bans Affecting Access to Care in Oklahoma, Idaho, and Texas

A lawsuit filed in Oklahoma on September 16 challenging the state's stringent 22-week and total abortion bans is the latest in a series of similar challenges nationwide. Brought forward by affected patients, medical professionals, and advocacy groups, the complaint argues that forcing individuals to carry unviable pregnancies involving fatal fetal diagnoses violates fundamental state constitutional rights to life, liberty, equal protection, and substantive due process. Plaintiffs seek declaratory and injunctive relief barring enforcement of the restrictions where fetuses will not survive.

In *Seyb v. Members of the Idaho Board of Medicine*, maternal-fetal medicine specialist, Dr. Stacy Seyb, filed a federal lawsuit challenging Idaho's near-total abortion bans under the U.S. Constitution's Due Process and Equal Protection Clauses. In August, the district court ruled that Idaho's abortion ban is unconstitutional to the extent it prevents Dr. Seyb from providing care necessary to protect a patient's health or prevent suicide, but declined to block enforcement in cases involving life-limiting fetal conditions. The ruling applies only to Dr. Seyb. The case is now before the Ninth Circuit, which issued a temporary administrative stay while the appeal proceeds.

Separately, last month, the family of a San Antonio woman who died from preeclampsia in December 2024 filed suit alleging that Texas's strict abortion ban and the state officials who enforce it contributed to her death. The petition alleges that medical professionals delayed or denied necessary care out of fear of prosecution under Texas's near-total abortion ban.

PROFESSIONAL



MARTHA P. CRAMER
Associate
Washington, D.C.



ALICIA MACKLIN
Partner
Los Angeles



SANDI KRUL
Partner
Los Angeles



MONICA MASSARO
Principal, Government Relations & Public Policy
Washington, D.C.



KERRY K. SAKIMOTO
Associate
Los Angeles

Attorneys General File Coordinated Lawsuits Challenging Telehealth Abortion Providers and State Shield Laws

Three Republican-led states (Alabama, Arkansas, and Louisiana) have filed a lawsuit in the U.S. Supreme Court challenging the "shield laws" enacted by three Democratic-led states (California, Massachusetts, and New York) that protect out-of-state medical providers from prosecution for prescribing and mailing abortion pills. The Republican Attorneys General argue that these protections infringe upon their own state sovereignty and undermine their states' strict abortion bans. Concurrently, these same Republican-led states filed a separate lawsuit against 30 out-of-state medication abortion providers, pharmacies, and other organizations, alleging false advertising and other practices impacting patients in restricted states, setting up an significant dispute over mail-order and interstate telehealth abortion access following the overturn of *Roe v. Wade* in 2022.

New Research Highlights Widening Racial Disparities in Sudden Infant Deaths

A recent study published in *JAMA Network Open* examining federal birth and mortality records found that sudden unexpected infant death (SUID) rates have increased among Black infants since 2020 while remaining relatively stable for White infants, reflecting a growing racial disparity. Although preterm births continue to account for a significant share of the overall mortality gap between the two groups, researchers emphasized that the recent surge in SUID is driving an acute public health crisis that persists independently of preterm birth rates. While the exact causes remain under investigation, experts suggest that pandemic-era factors, overlapping respiratory illness surges, and widened health care barriers all may have contributed to the troubling upward trend.

CDC Proposes Removing Disability Questions from Annual Health, Raising Concerns About Disability Data

A proposed overhaul of the National Health Interview Survey by the Centers for Disease Control and Prevention (CDC) involves significantly shortening the questionnaire and eliminating several disability-related inquiries, such as those regarding cognitive function, use of hearing and mobility aids, and fatigue. Advocacy groups and researchers have criticized these changes, warning that they could lead to a substantial undercounting of individuals with intellectual and developmental disabilities – a group that already experiences high rates of chronic health conditions and severe health disparities. While a Department of Health and Human Services (HHS) spokesperson indicated that the changes are aimed at lowering data collection costs, critics argue that truncating this data will impair the government's ability to monitor health outcomes and provide adequate support programs.

New Federal Policy Strips Certain Legal Immigrants and Refugees of Medicaid

Effective October 1, a federal policy change under the Trump administration eliminated Medicaid eligibility for certain lawfully present immigrants, including some refugees, asylum seekers, and victims of human trafficking and domestic violence. The Congressional Budget Office projects that the policy change, together with other coverage provisions, will contribute to an increase in the number of uninsured individuals over the coming decade.

Study Reveals American Indian and Alaska Native Medicare Patients Face Nearly Double the Cancer Mortality Rate

According to a recent study published in *JAMA Network Open*, American Indian and Alaska Native Medicare beneficiaries with cancer had nearly twice the all-cause mortality rate of the broader traditional Medicare population, as well as higher inpatient and emergency care utilization and per-person spending. The study also found lower rates of breast and colorectal cancer screening, while accompanying analysis identified access to specialty care, travel burdens, and other structural factors as potential contributors to these disparities.

Senator Baldwin Led Restoration of 988 LGBTQ+ Youth Mental Health Services

Following bipartisan legislative action, including passage of the 988 LGBTQ+ Youth Access Act and the Fiscal Year 2026 funding bill, the 988 Suicide and Crisis Lifeline restored its specialized "Press 3" services for LGBTQ+ youth. The service had been discontinued under the Trump administration and was unavailable for approximately 14 months before being reinstated.

Health Equity Blog – Hooper Lundy & Bookman