

The Supreme Court - February 22, 2021

Today, the Supreme Court of the United States granted certiorari in the following cases:

American Medical Assn. v. Cochran, No. 20-429; **Cochran v. Mayor and City Council Baltimore**, No. 20-454; and **Oregon v. Cochran**, No. 20-539: In 2019, the Department of Health and Human Services (“HHS”) promulgated a rule that, among other things, prohibits Title X providers from communicating certain abortion-related information to their patients, and requires physical separation of Title X-funded care from healthcare facilities that provide abortion services or certain abortion-related information. These three consolidated cases present the following questions: 1) Is the Final Rule arbitrary and capricious, in violation of the Administrative Procedure Act, including by failing to respond adequately to concerns that (a) the rule requires medical professionals to violate medical ethics and (b) the counseling restrictions and physical-separation requirement impose significant costs and impair access to care? 2) Does the Final Rule violate appropriations statutes requiring that “all pregnancy counseling” in the Title X program “shall be nondirective”? 3) Does the Final Rule violate §1554 of the Affordable Care Act, which prohibits HHS from promulgating “any regulation” that creates “unreasonable barriers” to obtaining appropriate medical care; impedes “timely access” to such care; interferes with patient-provider communications “regarding a full range of treatment options”; restricts providers from disclosing “all relevant information to patients making health care decisions”; or violates providers’ ethical standards? 4) Does the rule fall within the agency’s statutory authority.

Dept. of Homeland Security v. New York, No. 20-449: The Court granted review on two questions related to the Department of Homeland Security’s issuance of a final rule interpreting and applying the statutory term “public charge” in the Immigration and Nationality Act, 8 U.S.C. §1182(a)(4)(A), under which an alien is “inadmissible” if, “in the opinion of the [Secretary of Homeland Security] at the time of his application for admission or adjustment of status, [the alien] is likely at any time to become a public charge”: 1) Whether entities that are not subject to the public-charge ground of inadmissibility contained in 8 U.S.C. §1182(a)(4)(A), and which seek to expand benefits

Related Capabilities

- Appellate
- Immigration

usage by aliens who are potentially subject to that provision, are proper parties to challenge the final rule. 2) Whether the final rule is likely contrary to law or arbitrary and capricious.

Wooden v. United States, No. 20-5279: Did the Sixth Circuit err by expanding the scope of 18 U.S.C. §924(e)(1) of the Armed Career Criminal Act in the absence of a clear statutory definition with regard to the vague term “committed on occasions different from one another”?