Federal Law Compliance Requirements for Women's Reproductive Health

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Connecting Communities Who Care

Quick Overview of Situation

- OIG examining health center compliance regarding women's reproductive health services
- Need to educate health centers on restrictions around abortions and abortion-related services

Policy Education and Compliance

- Federal regulations regarding abortion/abortion-related services specific to health centers

HRSA 330

- Pursuant to existing law, and consistent with Executive Order 13535 (75 FR 15599), health centers are prohibited from using Federal funds to provide abortion services (except in cases of rape or incest, or when the life of the woman would be endangered) .

Title X

- No funds awarded for Title X family planning projects may be used for prohibited activities, including abortion as a method of family planning
- Title X grantees and sub-recipients must be in full compliance with Section 1008 of the Title X statute and 42 CFR 59.5(a)(5), which prohibit abortion as a method of family planning.

Policy Education and Compliance

- Health center staff or persons paid with federal monies (including those offering Title X services) CANNOT:
  - Provide direct abortion services (surgical or medication-induced)
  - Arrange or provide transportation to/from an abortion procedure
  - Schedule an appointment for the patient to have an abortion
  - Provide a *direct* referral to the patient in regards to an abortion provider
  - Arrange or provide interpretation services for patient during an abortion or relating to obtaining an abortion (setting up transportation; scheduling procedure; requesting information such as cost)
  - Assist the patient in negotiating a fee for the abortion to be performed
  - Provide emotional support during an abortion procedure
  - Accompany a patient to the abortion procedure
  - Perform labs or other 'pre-op' type services for the patient

Policy Education and Compliance

- Health center staff or persons (those offering Title X services must) CAN:
  - Provide counseling to pregnant women regarding all options per the *patient's request*
  - Provide a list of providers if the patient *voluntarily requests* the information
  - Access/provide interpretation services to counsel the patient on requested options
  - Schedule a follow-up appointment with the patient following the procedure to discuss family planning options/begin method if patient chooses
  - Provide behavioral health services to the patient to deal with an unintended pregnancy (cannot provide emotional support during the procedure itself)

Mifeprex/RU486 (Abortion Pill)

- Not allowed to be prescribed by health centers under federal funding regulations
- Is a prescription drug; however, not available to the public through pharmacies - available only through specifically trained medical provider
- Providers must be certified and meet certain qualifications to order and dispense RU486
- Used to terminate a pregnancy 70 days or less since the last day of the last menstrual cycle
- Not included on the Medicaid Preferred Drug list

Emergency Contraception (AKA Morning after Pill)

- Can be used as a backup plan that helps *prevent* pregnancy when taken with 72 hours after unprotected sex or birth control failure
- Available by prescription or over-the-counter
- It is NOT the abortion pill – it will not work if the woman is already pregnant and will not harm an existing pregnancy
- Not intended for routine use – not as effective as regular birth control methods
- Covered service under Medicaid, IFPN, and private insurances

Next Steps

- Develop policy/procedure outlining abortion restrictions
  - TPCA can assist with the development by providing a sample policy
- Ensure *all* staff have been trained on abortion restrictions
  - Recommendations
    - Add to new hire onboarding
    - Add to annual trainings/policy reviews for staff
    - Have all staff sign an acknowledgement form stating they have received such training and understand the restrictions
- If Title X site, ensure that all Title X requirements are maintained

Resources for Health Centers

Women's Reproductive Health Services Sample Policy and Procedures

- The authors of these materials include attorneys at the law firm of Feldesman Tucker Leifer Fidell LLP

The following material was authored by the Iowa Primary Care Association and has been adapted by TPCA. It is used with the permission of the Iowa PCA

- Employee Acknowledgement of Prohibition of Abortion Services
- FAQs Women's Reproductive Health Webinar
- Pregnancy Counseling Options
- Pregnancy Termination Regulations Overview
- Sample Policy Prohibition of Abortion

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