

October 7, 2016

Secretary Sylvia Burwell
U.S. Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Ave SW
Washington, DC 20201

RE: "Compliance with Title X Requirements by Project Recipients in Selecting Subrecipients" (RIN 937-AA04)

Dear Secretary Burwell:

As organizations committed to improving access to health care for all people, the undersigned groups commend the U.S. Department of Health and Human Services (HHS) for its proposal to update the regulations governing the Title X family planning program. We thank HHS in particular for proposing to clarify and reinforce the longstanding requirement that health care providers may not be excluded from the program for reasons unrelated to their qualifications to perform Title X-funded services. We ask that you expeditiously finalize these protections in their strongest possible form in order to safeguard access to the Title X program and continue its success.

The Title X family planning program is a vital source of family planning and related preventive care for low-income, uninsured, and young people across the country. Every year, more than 4 million men, women, and young people access life-saving care such as birth control, cancer screenings, and testing for sexually transmitted infections (STIs) including HIV at Title X-funded health centers.¹ Title X cannot succeed unless states and other Title X grantees include providers that are optimally qualified to furnish the range of Title X-funded services according to national standards of care. This task becomes all but impossible if experienced, reputable reproductive health care providers are arbitrarily barred from fair consideration.

An increasing number of states have nevertheless tried to block trusted reproductive health care providers, including abortion providers, from participating in Title X. To date, at least 14 states have taken official action to target and exclude otherwise eligible providers from the program.² Other states have threatened to follow suit. Mounting evidence shows that the exclusion of reproductive health care providers from publicly funded health programs harms health outcomes, widens disparities, and erects new barriers to care.³ When the very providers that are best suited to deliver Title X-funded services are targeted for exclusion based on factors

¹ Fowler et al., "Family Planning Annual Report: 2015 National Summary," RTI International, (Aug. 2016), available at <http://www.hhs.gov/opa/pdfs/title-x-fpar-2015.pdf>.

² E.g., AZ, AR, CO, FL, IN, KS, MI, NH, NC, OH, OK, TN, TX, WI.

³ See, e.g., Stephenson et al., "Effect of Removal of Planned Parenthood from the Texas Women's Health Program," *New England Journal of Medicine*, (March 2016), available at <http://www.nejm.org/doi/full/10.1056/NEJMsa1511902>; Lu, Yao and Slusky, David Jason Gershkoff, "The Impact of Family Planning Funding Cuts on Preventive Care," Princeton Center for Health and Wellbeing Working Paper, (May 20, 2014), available at <http://ssrn.com/abstract=2442148>; Texas Policy Evaluation Project, *Research Brief: Barriers to Family Planning Access in Texas*, (May 2015), available at http://www.utexas.edu/cola/orgs/txpep/_files/pdf/TxPEP-ResearchBrief_Barriers-to-Family-Planning-Access-in-Texas_May2015.pdf.

wholly unrelated to the program's objectives, federal health care resources are poorly and inefficiently distributed and care is less likely to reach individuals in need.

Ideological exclusions of trusted, highly qualified providers from federally supported health programs undermine health care access and jeopardize the health of the patients these programs serve. Title X patients deserve the opportunity to obtain high-quality family planning care from the providers that are best equipped to provide it. Thus, we support HHS's proposal to reinforce that grantees must select subrecipients based on their ability to provide care to Title X patients in an effective manner—not based on the political preferences of state lawmakers. HHS should additionally be prepared to educate and monitor grantees and swiftly secure compliance with this provision in order to minimize potential interruptions in family planning services and preserve the integrity of Title X.

We appreciate this opportunity to provide input on the agency's proposal. We look forward to supporting HHS's ongoing efforts to advance the goals of Title X in order to protect the health of all Americans.

Sincerely,

Advocates for Youth

American Association of University Women (AAUW)

American Civil Liberties Union

American Medical Student Association

American Public Health Association

American Sexual Health Association

Asian & Pacific Islander American Health Forum

Black Women's Health Imperative

Catholics for Choice

Center for Reproductive Rights

Feminist Majority Foundation

Hadassah, The Women's Zionist Organization of America, Inc.

In Our Own Voice: National Black Women's Reproductive Justice Agenda

Institute for Science and Human Values

Institute for Science and Human Values

Jacobs Institute of Women's Health

Jewish Women International (JWI)

MergerWatch

NA'AMAT USA

NARAL Pro-Choice America

National Abortion Federation
National Asian Pacific American Women's Forum
National Center for Lesbian Rights
National Council of Jewish Women
National Family Planning and Reproductive Health Association (NFPRHA)
National Health Law Program
National Latina Institute for Reproductive Health
National LGBTQ Task Force
National Organization for Women
National Partnership for Women & Families
National Women's Health Network
National Women's Law Center
Physicians for Reproductive Health
Planned Parenthood Federation of America
Population Institute
Raising Women's Voices for the Health Care We Need
Reproductive Health Access Project
Service Employees International Union (SEIU)
Sexuality Information and Education Council of the U.S. (SIECUS)
SisterReach
Social Workers for Reproductive Justice
The National Campaign to Prevent Teen and Unplanned Pregnancy
The Reproductive Health Technologies Project
Unitarian Universalist Women's Federation
URGE: Unite for Reproductive & Gender Equity