

A1.4 – PROHIBITION OF PREGNANCY TERMINATION SERVICES

Purpose

The purpose of this policy is to describe the Iowa HHS process for ensuring compliance (including SRs and service sites) that the project: 1.) will offer the pregnant clients the opportunity to be provided information and counseling regarding: prenatal care and delivery: infant care, foster care, or adoption; and pregnancy termination, and 2.) prohibit pregnancy termination (also called abortion) as a method of FP as part of the Title X project. (Section 1008, PHS Act; Consolidated Appropriations Act, 2022, Pub. L. No. 117-103, 136 Stat. 49, 444 (2022); 42 CFR § 59.5(a)(5)).

Policy

- Pregnancy termination procedures are not provided as a method of family planning as part of the Title X project.
- Contracts with SRs will include language on the prohibition against providing pregnancy termination as a method of family planning as part of the Title X project.
- SRs have written policies and procedures that address this requirement.
- A referral system to another provider is in place for a person when a pregnancy termination is medically indicated because of the client's condition or the condition of the fetus.
- All SRs are required to provide non-directive, factual, and patient-centered counseling about pregnancy options and offer options of prenatal care and delivery: infant care, foster care, or adoption; and pregnancy termination

Procedure

Iowa HHS Title X Program will ensure that each SR/service site complies with the following:

- Pregnancy termination is not provided as a method of family planning as part of the Title X project.
 - Each SR is responsible for signing an attestation as part of the RFP/RFA application.
- Offer pregnant clients the opportunity to be provided information and counseling regarding each of the following options:
 - Prenatal care and pregnancy
 - Parenting or adoption and
 - Pregnancy termination.
- If requested, each SR CSP shall provide such information and counseling, to provide neutral, factual information, and nondirective counseling on each of the options, as well as referral upon request, except with respect to any option(s) about which the pregnant client indicates they do not wish to receive such information and counseling. (42 CFR § 59.5(a)(5), Consolidated Appropriations Act, 2022, Pub. L. No. 117-103, 136 Stat. 49, 444.
 - Referral for additional services (e.g., for prenatal care, delivery, infant care, foster care, adoption, or pregnancy termination) will be made upon request (42 CFR § 59.5(a)(5)).
 - When a client requests referral for pregnancy termination, they may be given a name and relevant factual information.
 - Staff will not take further affirmative action (such as negotiating a fee reduction, making an appointment, providing transportation) to secure abortion services for the client (65 Fed. Reg. 41281 (July 3, 2000)).
 - Where a referral to another provider who might perform a pregnancy termination is medically indicated because of the client's condition or the condition of the fetus (such as where the woman's life would be

endangered), such a referral by a Title X project is not prohibited by section 1008 of the Public Health Service Act and is required by 42 CFR § 59.5(b)(1). The limitations on referrals do not apply in cases in which a referral is made for medical indications (65 Fed. Reg. 41281 (July 3, 2000)).

- Ensure each SR is in compliance with the Title X Federal Review Tool, specific to the prohibition of abortion services. This will be monitored by Iowa HHS on an annual basis.
- For further guidance regarding state laws and legislation, contact the Title X Program Director.

Date Revised	September 2023
References	<p>Title X Program Handbook, Section 3, Prohibition of Abortion #1, #6 https://opa.hhs.gov/sites/default/files/2022-08/title-x-program-handbook-july-2022-508-updated.pdf#page=27</p> <p>Section 1008, Public Health Service (PHS) Act https://opa.hhs.gov/sites/default/files/2020-07/title-x-statute-attachment-a_0.pdf</p> <p>2021 Title X Final Rule 42 CFR § Part 59.5(a)(5) https://www.ecfr.gov/current/title-42/chapter-I/subchapter-D/part-59#59.5</p> <p>65 Fed. Reg. 41281 (July 3, 2000) Standards of Compliance for Abortion Related Services in Family Planning Services Projects https://www.govinfo.gov/content/pkg/FR-2000-07-03/pdf/00-16758.pdf</p> <p>Consolidated Appropriations Act, 2022, Pub. L. No. 117-103, 136 Stat. 49, 444 (2022) https://www.congress.gov/117/plaws/publ103/PLAV-117publ103.pdf</p>
Additional Resources	