

## *Q&A on New Federal Family Planning Rule to Enhance Care, Respect Conscience and Protect Patients*

1. Who should be interested in the [new rule](#) on federal family planning (Title X) funding?
  - **Patients** seeking family planning services from health professionals and organizations with life-affirming values.
  - **Taxpayers** who do not want their tax dollars to fund the abortion industry.
  - **Health professionals and organizations** who could use federal funding (under Title X) to help provide services of family planning ("the voluntary process of identifying goals and developing a plan for the number and spacing of children and the means by which those goals may be achieved").
2. Who are some "winners and losers" under the new rule?

### **Winners:**

- a. **Life-affirming health professionals** and organizations that previously could not in good conscience participate in Title X programs because the old rule ignored conscience protections and *required* abortion counseling and referrals to abortionists.
- b. **Concerned health professionals** and organizations that under the old rule could not participate in Title X programs because of moral objections to chemical or mechanical contraceptives and a preference for alternatives such as natural family planning and sexual risk avoidance.
- c. **Patients** who could not access life-affirming, value-sharing health professionals in Title X programs because the old rule's abortion-related requirements kept pro-life professionals out of Title X programs.
- d. **Parents** who want to be advised of and participate in their children's healthcare, especially regarding family planning.
- e. **Minors** who need help to resist attempts to coerce them into engaging in sexual activities.
- f. **Victims of abuse** who under previous Title X rules were not protected through mandatory inquiry and reporting.

### **Losers:**

- Title X fund recipients that under the old rule:
  - a. Used fungible federal funds to **expand** their **abortion operations** and did not physically **separate** abortion **facilities** and operations from Title X funds. (Federal law prohibits *any* use of Title X funds for abortion as a method of family planning.)
  - b. Used federal funds to **lobby** for, **advocate** for or routinely **refer** patients for **abortion**.
  - c. **Did not** ask patients about or **report** suspected cases of **abuse** such as human trafficking, child abuse, child molestation, sexual abuse, rape, incest or intimate partner violence.
  - d. **Did not effectively involve parents** and families in the healthcare of minor children.

3. *What are some highlights from the proposed new rule?*

- **Conscience protections enforced:** "...proposed regulations would require compliance with, and provide for the enforcement of, several additional laws that protect the conscience rights of individuals and entities who decline to perform, participate in, or refer for abortions, including the Church Amendments, the Coats-Snowe Amendment and the Weldon Amendment...."
- **No required abortion referral or counseling:** "The abortion referral and counseling requirements in the current Title X regulations, thus, cannot be enforced against objecting grantees or applicants, and such requirements cannot be used to deny participation in the Title X program...."
- **New funding partners sought:** "...expanding the type and nature of the Title X providers and ensuring the diversity of such providers, so as to fill gaps in and expand family planning services offered through Title X...." "Under the proposed rule, any organization that desires to provide only a single method, or limited number of methods of family planning, may participate, as long as the Title X project as a whole offers a broad range of family planning methods and services."
- **Parental involvement in decisions about children:** "...applicant for the award [must certify] to the Secretary that it encourages family participation in the decision of minors to seek family planning services." "Title X clinics would be required to **document** in the minor's medical records the specific **actions** taken with respect to each minor to encourage such family participation."
- **"Family planning" more broadly defined:** "...as the voluntary process of identifying goals and developing a plan for the number and spacing of children and the means by which those goals may be achieved. These means include a broad range of acceptable and effective choices, which may range from choosing not to have sex to the use of other family planning methods and services to limit or enhance the likelihood of conception (including contraceptive methods, and natural family planning or other fertility awareness-based methods), and the management of infertility (including adoption)."

4. *How does the proposed rule impact conscience protections in healthcare?*

"The Church Amendments, for example, prohibit grantees from discriminating in the employment of, or the extension of staff privileges to, any health care professional because she **refused, because of her religious beliefs or moral convictions, to perform or assist in the performance of any lawful sterilization or abortion** procedures. They also prohibit individuals from being required to perform or assist in the performance of any health service program or research activity funded in whole or in part under a program administered by the Secretary contrary to her religious beliefs or moral convictions.

"The Coats-Snowe Amendment **prohibits** the Federal government and any State or local government that receives Federal financial assistance from **discriminating** against any health care entity (including individual providers) on the basis that the entity **refuses** to, among other things, (1) **receive training in induced abortion**; (2) require or provide abortion training; (3) perform abortions; (4) **provide referral for such abortions** or abortion training; or (5) make arrangements for any such activities.

"And the Weldon Amendment prohibits funds made available in HHS's annual appropriations act from being 'made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to **discrimination** on the basis that the health care entity does not **provide, pay for, provide coverage of, or refer for**

**abortions.** It provides that "'health care entity' includes an individual physician or other health care professional."

"Because positions of conscience are often grounded in religious influence, '[d]enying the aspect of spirituality and religion for some patients can act as a barrier. These influences can greatly affect the well-being of people.'"

"It is **important for patients seeking care to feel assured that their faith, and the principles of conscience grounded in their faith, would be honored**, especially in the area of family planning. This would ensure that patients with such religious or moral convictions feel they are being treated fairly and that their religious or moral convictions are respected."

5. *How does the proposed rule address abuse issues (such as human trafficking, child abuse, child molestation, sexual abuse, rape, incest, intimate partner violence)?*

"**Title X projects should lead the Nation in protecting** those who are vulnerable to sexual abuse, rape, and assault; in developing **protocols** to identify clients who may be at risk for sexual abuse; in **counseling** teens on, and in producing **programs** and materials that assist teens in, resisting sexual exploitation, abuse, and coercion; 58 and in assuring appropriate **support** and management of teens (and women) who have been exploited, abused or coerced into unequal sexual partnerships."

"And another provision in the annual HHS appropriations act states that, '[n]otwithstanding any other provision of law, **no provider** of services under title X of the PHS Act **shall be exempt** from any State law requiring **notification or the reporting** of child abuse, child molestation, sexual abuse, rape, or incest.'"

"The Department interprets this statutory notification/ reporting requirement as encompassing not only any State or local law requiring reporting or notification dealing with child abuse, child molestation, sexual abuse, rape, or incest, but also those State or local laws respecting intimate partner violence and human trafficking...."

6. *How can I express my views or read more on this new proposed rule?*

Visit <https://www.freedom2care.org/legislative-action> to read more and to submit your own comment (a pre-written, editable comment is supplied).

(You can also learn more at the [web page](#) for the proposed new HHS rule, *Compliance with Statutory Program Integrity Requirements* (<https://tinyurl.com/y6uxq3hy>).

**Comment Deadline: July 31, 2018.**

7. *How can I learn more about applying for Title X funding?*

Visit the HHS Title X [web page](#) (<https://tinyurl.com/ycr8cgbt>).