

RESOLUTION NO. 512 (Co-Sponsored H) ADOPTED

Oppose Legislative Restrictions on Health Centers Receiving Title X and Medicaid Funding

Introduced by the California and New York State Chapters

Referred to the Reference Committee on Advocacy

WHEREAS, Title X provides preventive health care to five million Americans through sexually transmissible infections (STI) screening, cancer screenings, HIV testing, and contraceptive care,¹ and

WHEREAS, Title X of the Public Health Service Act is the only federal program devoted specifically to supporting family planning services,² and

WHEREAS, 99 percent of reproductive age women who have ever had sexual intercourse have used at least one contraceptive method at some point in their lifetimes,³ and

WHEREAS, more than 50 percent of the 38 million women in need of contraceptive care rely on public funding from Medicaid, state appropriations and Title X,⁴ and

WHEREAS, federally qualified health centers do not have the capacity to be the sole providers of services funded by Title X due to workforce shortages,⁵ and

WHEREAS, Planned Parenthood provides crucial healthcare services to one third of Title X clients, and

WHEREAS, hundreds of American Academy of Family Physicians (AAFP) members work for Planned Parenthoods and thousands of residents get part of their training in Planned Parenthoods, and

WHEREAS, the AAFP already supports a woman's access to reproductive health services and opposes non-evidence-based restrictions on medical care and the provision of such services,⁶ now, therefore, be it

RESOLVED, That the American Academy of Family Physicians lobby Congress to oppose legislation that diminishes funding and/or access to preventive and reproductive health services for women and men, and be it further

RESOLVED, That as a matter of policy, the American Academy of Family Physicians support maintaining Medicaid and Title X funding of all providers or clinics that otherwise meet usual standards for eligibility.

(Received 8/28/15)

Fiscal Impact: None

Background

Title X, Family Planning

Since 1970, the federal government has funded the Title X family planning program that supports health clinics across the nation that provide preventive health services and contraceptive access. According to the U.S. Department of Health and Human Services' Office of Population Affairs, Title X funds a network of nearly 4,200 family planning centers. Services are provided through a wide array of public and private nonprofit facilities at the local, county and state levels.

According to the FY 2016 Congressional Budget Justification for the Health Resources and Services Administration (HRSA), Title X funding provides family planning services to low-income individuals by improving access to family planning centers and preventive services. The requested funding for Title X is expected to support family planning services for approximately 4.7 million individuals with family incomes at or below 200 percent of the federal poverty level.

Furthermore, the family planning services provided at Title X-supported sites helped women avert 1.2 million unintended pregnancies, which prevented 586,000 unplanned births and 403,000 abortions. In the absence of services provided by Title X-funded providers, the rates of unintended pregnancy and abortion among U.S. women would be 35 percent higher—42 percent higher among teens.

Funding for the Title X Family Planning Clinics, administered by HRSA, is subject to the annual appropriations process. The funding level for the current fiscal year, FY 2015, for Title X is \$286.5 million. For Fiscal Year 2016, the President's budget request is to increase it to \$300 million. However, the U.S. House of Representatives' Appropriations Subcommittee on Labor, Health and Human Services and Education proposed in HR 3020 to eliminate all funding for Title X. The Senate's comparable spending bill (S 1695) would provide \$257.8 million for Title X and included a statement that:

Funding for family planning services is primarily provided from other sources of revenue, specifically Medicaid, State and local Governments, other Federal, State and private grants, including the ACA, and private insurance. As stated in the budget request, these sources of funding "will remain at historical proportions of the total Title X revenue."

This year, both state and federal policy makers have stated their intention to "defund Planned Parenthood," which receives Title X funds. Recently, videos were publicized that address the use of fetal tissue from abortions, which has sparked national controversy and reignited calls to eliminate federal family planning funding. Title X grantees and sub-recipients must comply with Section 1008 of the Title X statute and 42 CFR 59.5(a)(5), which prohibit abortion as a method of family planning.

Medicaid

Due to the controversy surrounding Planned Parenthood, officials in several states have attempted to end contracts with the organization's state affiliates. Some 13 states have launched investigations into their Planned Parenthood affiliate activities.

Current federal law prohibits government officials from restricting patients' access to qualified providers. This policy was reinforced in a 2011 Centers for Medicare & Medicaid [notice](#) that stated:

Medicaid programs may not exclude qualified health care providers—whether an individual provider, a physician group, an outpatient clinic, or a hospital—from providing services under the program because they separately provide abortion services (not funded by federal Medicaid dollars, consistent with the federal prohibition) as part of their scope of practice.

The Centers for Medicare and Medicaid Services has recently issued warnings to states that they were prohibited from defunding Planned Parenthood affiliates based on federal law which allows Medicaid beneficiaries to obtain services, including family planning, from any qualified provider.

The 1976 Hyde Amendment prohibits the use of any federal funds for abortion services except in cases of rape, incest or to save the life of the mother. This policy has generally been applied to Medicaid funding. The following is the current text of the Hyde Amendment:

SEC. 506. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion. (b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

Key Federal Actions

On August 3, the Senate voted unsuccessfully to approve [S. 1881](#), a bill to prohibit federal funding of Planned Parenthood Federation of America. Although 53 Senators voted in favor of the bill and 46 opposed it, S. 1881 failed to garner the 60 votes needed to invoke cloture and to proceed for a final vote. The House of Representatives will likely debate a similar measure when it reconvenes in September.

Congress is expected to continue advancing the FY2016 budget before the fiscal year ends on September 30, 2015 and this will be the venue in which Congress will debate the elimination or reduction of Title X funds. President Obama indicated that any legislation that defunds Planned Parenthood would be subject to his veto.

In response to chapter and member queries regarding the AAFP's decision to not sign on to a letter to members of Congress about the issue of Title X funding, the AAFP sent a communication to the [Oregon chapter](#) as well as to a [member](#) outlining the Academy's decision on this issue.

Current Policy

Reproductive Health Services

<http://www.aafp.org/about/policies/all/reproductivehealth-services.html>

Coverage for Family Planning Drugs and Supplies

<http://www.aafp.org/about/policies/all/family-planning.html>

Reproductive Decisions

<http://www.aafp.org/about/policies/all/reproductive-decisions.html>

Prior Congress Actions

Resolution No. 512 from the 2009 COD (Referred to the Board of Directors):

RESOLVED, That the American Academy of Family Physicians (AAFP) advocate for expanded funding for the Title X program, and be it further RESOLVED, That the American Academy of Family Physicians (AAFP) advocate for expanded Title X funding to be granted to community health centers (CHCs).

Please see Page 327-328 in the [2009 Transactions](#) for details.

Please see Page 161 in the [2010 Transactions](#) for follow-up details.

Resolution No. 503 from the 2011 COD (Substitute Adopted):

RESOLVED, That the American Academy of Family Physicians (AAFP) support policies and legislation that would require public and private insurance plans to provide coverage for family planning drugs and supplies that are FDA approved, including those for sale over-the-counter.

Please see Pages 258-262 from the [2011 Transactions](#) for details.

Please see Page 174 from the [2012 Transactions](#) for follow-up details.

Resolution No. 504 from the 2013 COD (Referred to the Board of Directors):

RESOLVED, That the American Academy of Family Physicians endorse the policy that oral contraceptive pills be made available over-the-counter, weighing the risks versus the benefits based on currently available data, and be it further

RESOLVED, That the American Academy of Family Physicians endorse the policy that oral contraceptive pills be included among Food and Drug Administration-approved over-the-counter contraceptive methods and supplies covered by insurers and Medicaid.

Please see Pages 310-313 from the [2013 Transactions](#) for details.

Please see [Resolution No. 504](#) on the AAFP website for follow-up details.

Resolution No. 506 from the 2013 COD (Referred to the Board of Directors):

RESOLVED, That the American Academy of Family Physicians write to the U.S. Food and Drug Administration (FDA) to urge that oral contraceptive pills (OCPs) be made available without a prescription and with coverage by the Centers for Medicare and Medicaid Services and commercial insurers, and be it further

RESOLVED, That the American Academy of Family Physicians endorse making oral contraceptive pills (OCPs) available without a prescription, with coverage by insurers and the Centers for Medicare and Medicaid Services.

Please see Pages 258-262 from the [2013 Transactions](#) for details.

Please see [Resolution No. 506](#) on the AAFP website for follow-up details.

Prior Board Actions

Approval of a recommendation from the Commission on Governmental Advocacy that the Board of Directors accept for information Resolution No. 512 entitled "Supported Expanded Title X Funding for Community Health Centers (CHCs)" referred from the 2009 CoD.

B2010, April 26-29, p. 20.

Approval of a recommendation from the Commission on Governmental Advocacy that the AAFP issue a statement in support of the coverage of over-the-counter family planning pharmaceuticals to the Food and Drug Administration.

B2012, May 1-3, p. 15.

References:

1. Department of Health and Human Services. Title X: The National Family Planning Program. (2014) Retrieved from <http://www.hhs.gov/opa/title-x-family-planning/>
2. Guttmacher Institute. Publicly Funded Family Planning Services in the United States. (2015) Retrieved from <http://www.hhs.gov/opa/title-x-family-planning/>
3. Guttmacher Institute. Contraceptive Use in the United States. (2015) Retrieved from http://www.guttmacher.org/pubs/fb_contr_use.html
4. Guttmacher 2015 <http://www.hhs.gov/opa/title-x-family-planning/>
5. Melinda K. Abrams, Michelle M. Doty, Jamie Ryan, Dominique Hall, and Pamela Riley 'Ready or Not? How Community Health Centers View Their Preparedness to Care for Newly Insured Patients.' The Commonwealth Fund Issue Brief (2014). Retrieved from http://www.commonwealthfund.org/~media/files/publications/issue-brief/2014/may/1745_abrams_ready_or_not_how_chcs_view_preparedness_rb.pdf
6. American Academy of Family Physicians. Policy: Reproductive Health Services (2014). Retrieved from <http://www.aafp.org/about/policies/all/reproductivehealth-services.html>