



## Nationwide “Gag Rule” Threatens Health Care Access for Millions

**The Trump-Pence administration is trying to institute a nationwide “gag rule,” which threatens to take away quality, affordable reproductive health care and information for millions of people.** This gag rule would make three principal changes to Title X — the nation’s program for affordable birth control and reproductive health care. First, it would make changes that are designed to block patients from getting care at Planned Parenthood health centers, which serve more Title X patients than any other provider. Second, it would prohibit Title X providers from referring for abortion, denying women information about how to access necessary health care. Third, it would eliminate existing protections that ensure women have full, honest information about all of their pregnancy options, including abortion. These changes could dramatically reduce access to care in communities across the country, damage the patient-provider relationship, and deepen existing inequities in the health system. We are therefore urging lawmakers, providers, and advocates to call on the administration to withdraw the gag rule.

### **Title X is the nation’s program for affordable birth control and reproductive health care.**

- Congress created Title X to help ensure that every person — regardless of their income, or whether or not they have health insurance — can access basic, preventive reproductive health care, such as birth control, cancer screenings, STI testing and treatment, and well-woman exams. Each year, Title X serves approximately 4 million people, two-thirds of whom live under the federal poverty level and nearly half lack insurance.<sup>1</sup>
- A significant proportion of Title X patients are members of racial or ethnic communities that face health challenges due to systemic inequities, including 21 percent of patients identifying as Black or African American, and 32 percent identifying as Hispanic or Latino.<sup>2</sup>
- Consistent with medical and ethical standards, Title X providers must offer non-directive options counseling to patients, including referrals upon request for adoption, prenatal care, or abortion. While Title X grant funds cannot be spent on abortion, Title X-funded centers may independently offer abortion using non-federal funds.<sup>3</sup>

### **The nationwide gag rule would deny patients the ability to receive full information about their health care options.**

- The gag rule would prohibit health care professionals at Title X health centers from providing referrals for abortion.
- The rule also eliminates requirements that, for decades, have required providers in the program to counsel patients about all of their health care options, including parenting, adoption and abortion, opening up the program to entities that refuse to provide full information for religious or moral reasons even when that information may be life saving.
- This means critical information about safe and legal health care could be withheld from more than four million patients in communities across the country, regardless of whether they seek Title X-funded services from a community health center, their local health department, or a hospital.

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<sup>1</sup> Christina Fowler, et al., Family Planning Annual Report: 2016 National Summary, RTI International (Aug. 2017), available at <https://www.hhs.gov/opa/sites/default/files/title-x-fpar-2016-national.pdf> (“FPAR 2016”).

<sup>2</sup> FPAR 2016.

<sup>3</sup> 42 U.S.C. § 300a–6 (barring the use of Title X funds for abortion); 42 C.F.R. § 59.5(a)(5) (requiring options counseling and referral); Standards of Compliance for Abortion Related Services in Family Planning Services Projects, 65 Fed. Reg. 41270 (Jul. 3, 2000) (clarifying that financial separation between an organization’s Title X services and abortion-related services is sufficient).

- By contrast, medical professional associations, including the American College of Obstetricians and Gynecologists and the American College of Physicians, assert that patients should receive complete and accurate information to inform their health care decisions.<sup>4</sup>

**The nationwide gag rule is also designed to block patients from obtaining care from Planned Parenthood, leaving many with nowhere else to get care.**

- On top of banning referrals for abortion and stripping existing protections, the domestic gag rule would impose burdensome and unnecessary “physical separation” requirements on Title X-funded health centers that separately provide abortion using non-federal funds.
- Together, these components are clearly intended to remove Planned Parenthood from Title X, which would affect the more than 40 percent Title X patients that access affordable birth control and reproductive health care from Planned Parenthood.<sup>5</sup>
- All the evidence suggests that Planned Parenthood’s patients could not be absorbed by other providers, as is often claimed, likely forcing many patients to go without basic reproductive health care. Other providers in the Title X program would have to increase the number of patients they see by 70%, on average, if Planned Parenthood could no longer serve patients through the program. 2.8 million (91%) of current Title X patients are either in a county in which no federally qualified health center currently provides contraceptive care or in which FQHCs that do provide such care would have to at least double their contraceptive client caseloads in order to take on the patients currently served by Planned Parenthood.<sup>6</sup>

**This rule is emblematic of the Trump-Pence administration’s broader agenda to control women, men, and young people, and to deny them their health care and rights.**

- This effort is just the latest Trump-Pence administration threat to people’s basic health, rights and freedoms. To date, the administration has eliminated protections for survivors of sexual assault, allowed employers to deny birth control coverage, and tried to end affordable health coverage. They have tried time and time again to prevent patients from coming to Planned Parenthood.
- Moreover, the Trump-Pence administration already put in place a sweeping *global* version of the gag rule, blocking United States global health assistance to foreign non-governmental organizations that provide, counsel, refer or advocate for legal abortion services -- even with their own funds -- that has devastated women’s health across the globe.

**The Trump-Pence administration has spurred a historic backlash. An unstoppable grassroots movement is taking shape in response to their actions — and it will only continue to grow.**

- Women, especially women of color, are marching in the streets, calling Congress to stop bad legislation, and now, more women are running for office and getting elected.
- It’s already having an impact — nationwide opposition stopped multiple attempts to pass a bill that would have repealed health care for millions and blocked patients from accessing care at Planned Parenthood.
- People in this country and around the world won’t stop until every woman, person of color, immigrant, LGBTQ person, and every other person being targeted by the Trump-Pence administration can control their own bodies and their own lives.

**We need to make sure that the administration understands the serious harm that a nationwide gag rule would cause in communities across the country.** Visit <https://www.istandwithpp.org> to find out how to get involved.

<sup>4</sup> Kinsey Hasstedt, *Unbiased Information on and Referral for All Pregnancy Options Are Essential to Informed Consent in Reproductive Health Care*, Guttmacher Institute (Jan. 2018), available at <https://www.guttmacher.org/gpr/2018/01/unbiased-information-and-referral-all-pregnancy-options-are-essential-informed-consent>.

<sup>5</sup> Jennifer J. Frost, et al., *Publicly Funded Contraceptive Services At U.S. Clinics, 2015*, Guttmacher Institute (Apr. 2017), available at [https://www.guttmacher.org/sites/default/files/report\\_pdf/publicly\\_funded\\_contraceptive\\_services\\_2015\\_3.pdf](https://www.guttmacher.org/sites/default/files/report_pdf/publicly_funded_contraceptive_services_2015_3.pdf).

<sup>6</sup> Kinsey Hasstedt, *Beyond the Rhetoric: The Real-World Impact of Attacks on Planned Parenthood and Title X*, Guttmacher Institute (Aug. 2017), available at <https://www.guttmacher.org/gpr/2017/08/beyond-rhetoric-real-world-impact-attacks-planned-parenthood-and-title-x>.