

Title X Funding and the Trump Administration’s “Gag Rule”

Cori Tingstad

The Title X Family Planning Program (often referred to simply as “Title X”) is a grant program funding providers of family planning services and preventative health services primarily to low-income families. It is operated federally through the Department of Health and Human Services Office of Population Affairs. With its inception in 1970, Title X is the only federal grant program that solely funds family planning and reproductive preventative health care. Since 2014 it has disbursed about \$286.5 million annually.

Through the use of Title X funds, approximately 3,500 clinical sites treat over four million patients each year. The funds are used to cover wellness exams, screenings for cervical and breast cancer, birth control, education about contraception, and testing and treatment for sexually transmitted infections, including HIV. The Guttmacher Institute, a policy research organization, estimates that Title X funds help prevent over one million unintended pregnancies annually. These funds have never covered abortion services; they are used only for contraceptive and preventative care. The program is a highly efficient use of government monies as for every dollar spent on family planning programs like Title X, the government saves \$7.09 in Medicaid-related costs. This means that in 2010, state and federal governments saved \$7 billion through Title X alone.

Publicly funded family planning programs, including Title X:



Save taxpayers
\$7 for every \$1
invested



Save federal and
state governments
\$13.6 billion

Source: Planned Parenthood

Title X plays a crucial role in delivering health services to low-income people, and particularly serves populations with significant barriers to health care, including communities of color. Despite its efficacy and importance in reducing health care inequity, it is a target of the Trump Administration because so many patients receive Title X-funded care at Planned Parenthood clinics. While Planned Parenthood operates only 13 percent of clinical sites that receive Title X funding, it cares for about 41 percent of patients who utilize Title X funds and receive about a fifth of the grant allocation. As such, the Trump Administration is seeking to make good on its promise to “defund Planned Parenthood” by imposing conditions on Title X funds.

In March of this year, the Department of Health and Human Services published new, final rules for health care centers receiving Title X funds. Here are some of the major changes made to the program:

- Family planning methods offered by clinics no longer need to be “medically approved”. This will allow institutions who counsel patients to refrain from sex but offer no contraceptive medications to receive Title X funds, despite the broad range of evidence that abstinence counseling does not reduce pregnancies.

- Title X no longer requires providers to offer pregnancy options-counseling, instead requiring all pregnant patients to receive prenatal care referrals regardless of the patient’s wishes. It prohibits providers from discussing abortion as an option with their patients (the ‘gag rule’) or giving their patients abortion referrals, even at the patient’s request.
- Title X now requires that organizations and clinics providing care using Title X funds to be “physically and financially separate” from any clinic providing abortion services beginning in 2020. In rural areas where there may be only one family planning clinic for hundreds of miles, this will effectively make it impossible for patients to receive Title X-funded care.



Many patients and providers are outraged at the new Title X rules, including Planned Parenthood. These activists believe that prohibiting doctors from discussing safe medical procedures, like abortion, with their patients is a massive violation of medical ethics and would require these providers to break from their professional standards of care.

Accordingly, state Attorney Generals in California, Oregon, and Washington have all filed cases in the Court of Appeals hoping to get the new Health and Human Services rules overturned as soon as possible. As part of their efforts, they filed for injunctions to prevent specifically the ‘gag rule’—which prohibits providers from discussing abortion—from going into effect. In June, a three-judge panel of the Honorable Edward Leavy, the Honorable Consuelo Callahan, and the Honorable Carlos Bea denied that injunction, allowing the rule to take effect. In their decision, they indicated that they believed the rule to be a “reasonable interpretation” of the law that gives rise to Title X funding and indicated that they expect the Department of Health and Human Services will likely be successful in showing it should be upheld.

While this decision will be reviewed by a full panel of nine Court of Appeal justices, the rule is in effect and already having consequences for patients seeking reproductive healthcare. On August 19, Planned Parenthood dropped out of Title X and refused Title X funding going forward. This move came in response to a requirement by the Department of Health and Human Services that all program participants sign a pledge indicating they would make a “good faith” effort to comply with the new rules by August 19. Planned Parenthood’s leadership believe it is morally and medically unconscionable to prevent their providers from offering patients complete medical information. Spokesperson for the organization Erica Sackin told The Washington Post that, “Planned Parenthood health centers are doing everything we can to make sure patients can still get care but it would be a mistake to think there won’t be changes”, and that in areas where state government has not agreed to make up the missing Title X funds the effect will likely be “chaos”.

4M
 could lose access to affordable birth control, STD testing, cancer screenings, and more.

Source: Planned Parenthood

Sources:

<https://cdn.ca9.uscourts.gov/datastore/opinions/2019/06/20/19-15974.pdf>
<https://khn.org/morning-breakout/full-appeals-court-to-take-up-challenge-to-title-x-funding-rule-shortly-after-it-got-green-light-from-smaller-panel/>
<https://www.washingtonpost.com/health/2019/08/14/planned-parenthood-exit-federal-family-planning-program-aug-over-abortion-gag-rule-if-court-does-not-act/>
<https://www.reuters.com/article/us-usa-abortion-ruling/us-appeals-court-lets-trump-abortion-referral-gag-rule-take-effect-idUSKCN1TL2C4>
<https://thinkprogress.org/appeals-court-abortion-gag-rule-title-x-can-take-effect-for-now-ruling-planned-parenthood-a5b891e1aac8/>
<https://www.plannedparenthoodaction.org/issues/health-care-equity/title-x>
<https://www.hhs.gov/opa/title-x-family-planning/about-title-x-grants/funding-history/index.html>
<https://prh.org/what-is-title-x-an-explainer/>
<https://www.nationalfamilyplanning.org/file/2019-Title-X-Final-Rule---Detailed-Analysis---3.4.2019-FINAL.pdf?erid=2028188&trid=9df84546-aa9c-4446-b7e0-3f43a0b81e30>
https://www.nationalfamilyplanning.org/title_x