



State of California
Office of the Attorney General

XAVIER BECERRA
ATTORNEY GENERAL

May 24, 2018

The Honorable Alex Azar, Secretary
Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Ave. SW
Washington, DC 20201

The Honorable Mick Mulvaney, Director
Office of Management and Budget
725 17th St. NW
Washington, DC 20503

RE: California Office of the Attorney General Requests a Meeting on “Compliance with Statutory Program Integrity Requirements” (RIN 0937-ZA00)

Dear Secretary Azar and Director Mulvaney:

On behalf of the State of California, I write to express my deep concern with the regulation, *Compliance with Statutory Program Integrity Requirements*, proposed by the U.S. Department of Health and Human Services’ Office of Population Affairs and reviewed by the Office of Management and Budget (OMB). The regulation severely changes and undermines the Title X family planning program, restricting access to affordable, lifesaving reproductive healthcare. Such far reaching changes would result in a public health crisis in California and would lead to increased unintended pregnancies, sexually transmitted infections (STI), risks for HIV and cancers, and other public health crises in California and every state across the country. I urge you to withdraw this regulation immediately.

Title X funding has successfully provided health care to Californians for decades. As California’s Attorney General, I have a constitutional duty to protect the 40 million residents of California by protecting their health and safety.¹ The proposed regulations gut California’s family planning healthcare network and will have a detrimental effect on patients. These proposed changes would likely impose direct and indirect costs on our state and our residents.

Title X is our nation’s only family planning program that serves low-income women and families and otherwise underserved communities. Title X provides patients with basic primary

¹ Cal. Const. art. V, §13

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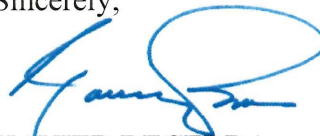
and preventive health care services, including well-woman exams, lifesaving cervical and breast cancer screenings, birth control, contraception education, testing and treatment for STIs, including HIV. California benefits from the largest Title X program in the nation, which funds providers throughout the State to support the delivery of quality preventive and reproductive healthcare. California's Title X family planning program collectively serves more than one million women, men, and teens annually—over 25% of all Title X patients nationwide—through 59 healthcare organizations, operating nearly 350 health centers in 37 of California's 58 counties. The State's Title X provider network includes a broad spectrum of providers, including federally qualified health centers, city and county health departments, standalone family planning and women's health centers, and community or free clinics.

The proposed regulations interfere with the practice of medicine, effectively instating a domestic gag rule on women's healthcare providers by banning them from making referrals for abortion or from attending to a woman's full range of healthcare needs in one visit. Women's health providers, like Planned Parenthood, that provide 40% of all care in the Title X program would be unable to continue this level of essential care in California. Such a loss would force other providers to increase their capacity to serve patients. A recent Guttmacher Institute study found that other providers would have to increase their capacity by 70% just to maintain access to the current levels of contraceptive care.² In my state alone, I am very concerned that this could result in further healthcare provider shortages, leaving patients without access to a qualified healthcare provider, as well as increased costs to the state.

Furthermore, the proposed regulations are legally questionable and undermine a woman's right to access basic reproductive healthcare. Specifically, I have grave concerns that this regulation undermines a woman's constitutional right to be free from affirmative governmental interference in her healthcare decisions and doctors' constitutional rights to provide full, complete, and accurate information to their patients.

In order to more fully outline the damaging effects this proposed rule would have on families in California, we request that OIRA meet with our staff at the soonest possible date. Please contact the Attorney General's senior advisor Melanie Fontes Rainer at Melanie.Rainer@doj.ca.gov or 510-879-1981 to arrange a meeting. We look forward to your prompt response.

Sincerely,



XAVIER BECERRA
California Attorney General

² Kinsey Hasstedt, "Beyond the Rhetoric: The Real World Impact of Defunding Planned Parenthood and Title X". <https://www.guttmacher.org/gpr/2017/08/beyond-rhetoric-real-world-impact-attacks-planned-parenthood-and-title-x>.