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August 19, 2019

Diane Foley, MD, FAAP
Deputy Assistant Secretary, Office of Population Affairs
U.S. Department of Health and Human Services

Re: Title X

Dear Deputy Assistant Secretary Foley:

Oregon has been the umbrella grantee for Title X services in Oregon since 1970, providing direct support to a network of 37 agencies with over 100 clinic sites. Title X clinics are located in nearly every county in Oregon and provide vital reproductive health services to tens of thousands of underserved Oregon residents annually. The range of services provided includes contraception, breast and cervical cancer screening, STI screening and treatment, and other preventive health screenings. In addition to funding clinical services, Oregon's Title X grant funding supports local public health authorities in developing and maintaining collaborative community partnerships to assure equitable access to reproductive health services. It is Oregon's intention to continue as a Title X grantee as long as it can accomplish the primary mission for which the program was created – providing high quality comprehensive family planning and preventative health services to low-income individuals.

After the U.S. Department of Health and Human Services (HHS) finalized its new Title X regulations in March of this year, Oregon, along with many other states and organizations, filed suit in federal court seeking an injunction against implementation of the new regulations. We initially secured an injunction but the Ninth Circuit Court of Appeals issued a temporary stay of that injunction which is itself being reviewed. While the long-term status of the new regulations is uncertain, HHS has stated that as of July 15th the regulations are in effect and grantees are required to submit an Assurance and Action Plan documenting steps to come into compliance with the new regulations, by August 19th.

The new regulations adopted by HHS impose some conditions that Oregon cannot accept and, in the state's view, are contrary to the primary mission of the program. Oregon cannot comply with the new regulations because doing so would require it to violate its own laws that prohibit it from interfering with or restricting benefits, services or information regarding a woman's right to choose to terminate a pregnancy. *See* ORS 689.880. In addition, the new regulations interfere with a health care provider's ability to provide health care in accordance with accepted standards of care for reproductive health.

In order to retain its status as a Title X grantee and not violate its own state laws or the new regulations, the state has ceased drawing down or utilizing Title X funds for any expenses incurred on or after July 15, 2019. As a temporary measure Oregon does not intend to utilize

any Title X funds as long as the new regulations are in effect. Oregon will maintain this temporary status until the injunction is reinstated or there is a final resolution of its legal challenge.

The Title X program is vitally important to Oregon and its residents. We hope that Oregon can resume its full participation in the Title X program soon so that Oregon can continue to utilize Title X funds for high-quality family planning, reproductive and preventative health services for all Oregonians.

Sincerely,

A handwritten signature in cursive script that reads "Lillian Shirley".

Lillian Shirley, BSN, MPH, MPA
Director
Public Health Division

C: Pat Allen, OHA Director

Helene Rimberg, PsyD, Section Manager, Adolescent, Genetics & Reproductive Health

