

Health Information Compliance Alert

Enforcement News: Feds Aim to Reverse Title X 'Gag Rule'

A recent notice of proposed rulemaking hopes to undo the past administration's Title X requirements for healthcare providers who offer family planning advice.

Reminder: Title X is a federal grant program that offers funding for preventative and reproductive services as well as family planning counseling for low-income Americans. "Title X-funded clinics are located across the nation within state and local health departments, hospitals, and community-based non-profits," notes the Department of Health and Human Services (HHS) in a fact sheet on the program.

Then: In March 2019, the **Trump** administration adopted new standards that curtailed Title X clinicians from discussing abortion as a reproductive option or referring patients to abortion providers. The "gag rule" usurped critical federal funding from clinics and organizations offering this support and medical advice.

Lawsuits ensued across the nation with over 23 state attorneys general suing the federal government over the changes. Industry organizations also got involved in the fight and have led the charge against the 2019 change (see Health Information Compliance Alert, Vol. 19, No. 4).



Now: On April 15, the **Biden** administration issued a proposed rule to roll back these regulations. The proposal, which was published in the Federal Register, reverses the 2019 rule and aims to restore the 2000 regulations.

The 2019 "rules have undermined the public health of the population the program is meant to serve," HHS says in a release. "The Department proposes to revise the 2019 rules by readopting the 2000 regulations (65 FR 41270), with several modifications needed to strengthen the program and ensure access to equitable, affordable, client-centered, quality family planning services for all clients, especially for low-income clients."

The American Medical Association (AMA) lauds this change, indicating the current Title X rules interfere with the physician-patient relationship and impede care. "We are pleased that the Biden administration shares our commitment to undoing this dangerous and discriminatory 'gag rule,' and look forward to its elimination through any means necessary to achieve the best outcome for patients and physicians - improving the health of our nation," says AMA President **Susan R. Bailey, MD**, in a statement on the proposed rule.

HHS will accept public comments through May 17 on the rule. Review the proposals at <https://www.govinfo.gov/content/pkg/FR-2021-04-15/pdf/2021-07762.pdf>.