

OREGON STATE PUBLIC HEALTH DIVISION

Office of the State Public Health Director

Kate Brown, Governor



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August 26, 2019

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

Re: Oregon's Termination from the Title X Program (corrected)

Dear Deputy Assistant Secretary Foley:

Since 1970, the State of Oregon, through its Reproductive Health program, at the Oregon Health Authority, has been a Title X grantee. With Title X funds, Oregon's Title X providers have provided high-quality comprehensive reproductive health care that has helped their patients plan the timing and size of their families, prevented unwanted pregnancies, diagnosed and treated sexually transmitted infections and detected cancer. The new Title X regulations adopted by the U.S. Department of Health and Human Services (HHS) impose restrictions on health care providers and patients that are unlawful, unethical and without merit. The new federal regulations are directly contrary to state law which prohibits the state from interfering with or restricting benefits, facilities, services or information regarding the choice of a consenting individual to terminate a pregnancy, ORS 659.880. HHS has provided no reasonable explanation for adopting these new regulations and instead is playing politics with the health and welfare of millions of low-income or uninsured individuals.

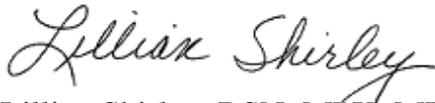
Oregon was hopeful that HHS would allow it to protect its status as a Title X grantee while the state's litigation challenging the regulations makes its way through the courts, particularly since Oregon has not used Title X funds since July 15, 2019, and had no intention of using Title X funds while the new regulations remain in place. Our reasonable proposal was sent on August 19, 2019, the deadline set for submitting a plan for coming into compliance. Instead, HHS declared in a letter received by the state on August 23, 2019, that Oregon was out of compliance and threatened to begin termination proceedings unless Oregon capitulated to HHS' demands and submitted a plan of compliance by August 26, 2019, 6:00 p.m. Eastern Time (ET).

HHS' position leaves Oregon no choice but to terminate its participation in the program at great cost to the state. Effective August 26, 2019, 6:00 p.m. ET, pursuant to 45 C.F.R. § 75.372(a)(4), Oregon, through the Oregon Health Authority, is terminating, in whole, its participation in the Title X program, Grant Number FPHP A006442. Oregon will follow the applicable federal regulations in closing out its Title X program, including but not limited to

complying with 45 C.F.R. §§ 75.381 to 75.390. If the new regulations are vacated, Oregon reserves the right to withdraw its termination and resume participation in the Title X program.

If HHS had left the state any choice other than violating the rights of individuals seeking reproductive health care, Oregon would have remained in the Title X program. HHS' abandonment of the principles of the Title X program is upsetting, deeply disappointing and an unconstitutional violation of women's rights.

Sincerely,

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

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

C: Pat Allen, Director, Oregon Health Authority  
Helene Rimberg, PsyD, Section Manager, Adolescent, Genetics & Reproductive Health

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