CHAPTER 75
FAMILY PLANNING SERVICES FUNDING PRIORITIZATION, RESTRICTIONS AND REPORTING

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

641—75.1(88GA,ch85) Program explanation. The Iowa department of public health is a designated agency to operate the family planning program pursuant to an agreement with the federal government. Congress authorized grants to assist in the establishment and operation of family planning projects which offer a broad range of acceptable and effective family planning methods, including natural family planning, infertility services and services to adolescents. The majority of the funding available is from the Title X, family planning services grant, administered by the United States Department of Health and Human Services (DHHS).

The purpose of the program is to promote the health of persons of reproductive age and families by providing access to family planning and reproductive health promotion services.

The department, bureau of family health, will annually apply to the DHHS for grant funding under Title X of the federal Public Health Services Act, 42 U.S.C. §300 et seq. The department, bureau of family health, enters into contracts according to these rules with selected private and public agencies within the department family planning service area for the provision of family planning services. A description of the department family planning service area can be obtained from the Chief, Bureau of Family Health, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075.

[**ARC 4829C**, IAB 12/18/19, effective 1/22/20]

641—75.2(88GA,ch85) Definitions.

"Department" means the Iowa department of public health.

"Nonprofit health care delivery system" means an Iowa nonprofit corporation that controls, directly or indirectly, a regional health care network consisting of hospital facilities and various ambulatory and clinic locations that provide a range of primary, secondary, and tertiary inpatient, outpatient, and physician services.

[**ARC 4829C**, IAB 12/18/19, effective 1/22/20]

641—75.3(88GA,ch85) Distribution of grant funds. Distribution of grant funds utilizing the following prioritization shall be made in a manner that continues access to family planning services.

75.3(1) *Priority.* The department shall distribute all grant funds received to applicants in the following order of priority:

a. Public entities that provide family planning services including state, county, or local community health clinics; federally qualified health centers; and community action organizations.

b. Nonpublic entities that, in addition to family planning services, provide required primary health services as described in 42 U.S.C. §254b(b)(1)(A).

c. Nonpublic entities that provide family planning services but do not provide required primary health services as described in 42 U.S.C. §254b(b)(1)(A).

75.3(2) *Funds restrictions—abortion.*

a. Funds shall not be distributed to any entity that performs abortions, promotes abortions, maintains or operates a facility where abortions are performed or promoted, contracts or subcontracts with an entity that performs or promotes abortions, becomes or continues to be an affiliate of any entity that performs or promotes abortions, or regularly makes referrals to an entity that performs or promotes abortions or maintains or operates a facility where abortions are performed.

b. This prohibition shall not be interpreted to include a nonpublic entity that is a distinct location of a nonprofit health care delivery system, if the distinct location provides family planning services but does not perform abortions or maintain or operate as a facility where abortions are performed.

c. For the purposes of these rules, "abortion" does not include any of the following:

(1) The treatment of a woman for a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death.

(2) The treatment of a woman for a spontaneous abortion, commonly known as miscarriage, when not all of the products of human conception are expelled.

75.3(3) *Distinct provider identification number and attestation.*

a. Each distinct location of a nonprofit health care delivery system receiving funds from the department under these rules shall be assigned a unique identification number by the department.

b. Each distinct location of a nonprofit health care delivery system receiving funds from the department under these rules shall provide to the department, on forms provided by the department, a signed attestation that abortions are not performed at the distinct location.

[**ARC 4829C**, IAB 12/18/19, effective 1/22/20]

641—75.4(88GA,ch85) Indirect funds restrictions—abortion. Grant funds shall not be used for direct or indirect costs, including but not limited to administrative costs or expenses, overhead, employee salaries, rent, and telephone or other utility costs, related to performing or promoting abortions as specified in these rules.

[**ARC 4829C**, IAB 12/18/19, effective 1/22/20]

641—75.5(88GA,ch85) Report requirement.

75.5(1) The department shall submit a report, by calendar year, to the governor and the general assembly annually by January 1.

75.5(2) The report shall include:

a. A list of each entity that received funds under 75.3(1)*"c"* and the amount and type of funds received.

b. A detailed explanation of how the department determined that the distribution of funds to each entity under 75.3(1)*"c,"* instead of an entity under 75.3(1)*"a"* or *"b,"* was necessary to prevent severe limitations or elimination of access to family planning services in the region of the state where the entity was located.

[**ARC 4829C**, IAB 12/18/19, effective 1/22/20]

These rules are intended to implement 2019 Iowa Acts, chapter 85, section 98.

[Filed ARC 4829C (Notice ARC 4672C, IAB 9/25/19), IAB 12/18/19, effective 1/22/20]