

Senate File 2 - Introduced

SENATE FILE 2

BY SINCLAIR, ANDERSON, BEHN,
BERTRAND, BREITBACH,
BROWN, CHAPMAN, CHELGREN,
COSTELLO, DAWSON, DIX,
EDLER, FEENSTRA, GARRETT,
GREENE, GUTH, C. JOHNSON,
KAPUCIAN, KRAAYENBRINK,
LOFGREN, ROZENBOOM,
SCHNEIDER, SCHULTZ,
SEGEBART, SHIPLEY, SMITH,
WHITVER, ZAUN, and ZUMBACH

A BILL FOR

1 An Act relating to the establishment of a state family planning
2 services program, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. STATE FAMILY PLANNING SERVICES PROGRAM —
2 ESTABLISHMENT — DISCONTINUATION OF MEDICAID FAMILY PLANNING
3 NETWORK WAIVER.

4 1. The department of human services shall discontinue the
5 Medicaid family planning network waiver effective July 1, 2017,
6 and shall instead establish a state family planning services
7 program. The state program shall replicate the eligibility
8 requirements and other provisions included in the Medicaid
9 family planning network waiver as approved by the centers for
10 Medicare and Medicaid services of the United States department
11 of health and human services in effect on June 30, 2017, but
12 shall provide for distribution of the family planning services
13 program funds in accordance with this section.

14 2. Distribution of family planning services program funds
15 shall be made to eligible applicants in the following order of
16 priority:

17 a. Public entities that provide family planning services
18 including state, county, or local community health clinics and
19 federally qualified health centers.

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

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

26 3. Distribution of family planning services program funds
27 under this section shall be made in a manner that continues
28 access to family planning services.

29 4. Distribution of family planning services program funds
30 shall not be made to any entity that performs abortions or that
31 maintains or operates a facility where abortions are performed.
32 For the purposes of this section, "abortion" does not include
33 any of the following:

34 a. The treatment of a woman for a physical disorder,
35 physical injury, or physical illness, including a

1 life-endangering physical condition caused by or arising from
2 the pregnancy itself, that would, as certified by a physician,
3 place the woman in danger of death.

4 b. The treatment of a woman for a spontaneous abortion,
5 commonly known as a miscarriage, when not all of the products
6 of human conception are expelled.

7 5. Family planning services program funds distributed in
8 accordance with this section shall not be used for direct or
9 indirect costs, including but not limited to administrative
10 costs or expenses, overhead, employee salaries, rent, and
11 telephone and other utility costs, related to providing
12 abortions as specified in subsection 4.

13 6. The department of human services shall submit a report to
14 the governor and the general assembly, annually by January 1,
15 listing any entities that received funds pursuant to subsection
16 2, paragraph "c", and the amount and type of funds received by
17 such entities during the preceding calendar year. The report
18 shall provide a detailed explanation of how the department
19 determined that distribution of family planning services
20 program funds to such an entity, instead of to an entity
21 described in subsection 2, paragraph "a" or "b", was necessary
22 to prevent severe limitation or elimination of access to family
23 planning services in the region of the state where the entity
24 is located.

25 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
26 immediate importance, takes effect upon enactment.

27

EXPLANATION

28 The inclusion of this explanation does not constitute agreement with
29 the explanation's substance by the members of the general assembly.

30 This bill relates to the establishment of a state family
31 planning services program and the discontinuation of the
32 Medicaid family planning network waiver.

33 The bill directs the department of human services (DHS)
34 to discontinue the Medicaid family planning network waiver
35 effective July 1, 2017, and to instead establish a state family

1 planning services program. The state program is to replicate
2 the eligibility requirements and other provisions included in
3 the Medicaid family planning network waiver, but the program
4 funds are to be distributed in accordance with a prioritization
5 schedule specified in the bill.

6 The program funds are to be distributed in a manner that
7 continues access to family planning services, but are not
8 to be distributed to any entity that performs abortions or
9 that maintains or operates a facility where abortions are
10 performed. For the purposes of the bill, "abortion" does not
11 include either of the following: The treatment of a woman for
12 a physical disorder, physical injury, or physical illness,
13 including a life-endangering physical condition caused by or
14 arising from the pregnancy itself, that would, as certified
15 by a physician, place the woman in danger of death; or the
16 treatment of a woman for a spontaneous abortion, commonly
17 known as a miscarriage, when not all of the products of human
18 conception are expelled.

19 The bill also specifies that the funds distributed shall
20 not be used for direct or indirect costs, including but not
21 limited to administrative costs or expenses, overhead, employee
22 salaries, rent, and telephone and other utility costs, related
23 to providing abortions.

24 The bill requires DHS to submit a report to the governor
25 and the general assembly annually by January 1 listing any
26 entities that received program funds that are in the lowest
27 position of priority described as nonpublic entities that
28 provide family planning services but do not provide required
29 primary health services as defined in federal law, as well as
30 the amount and type of funds received by such entities during
31 the preceding calendar year. The report is also to include a
32 detailed explanation of how DHS determined that distribution of
33 program funds to such an entity was necessary to prevent severe
34 limitation or elimination of access to family planning services
35 in the region of the state where the entity is located.

S.F. 2

1 The bill takes effect upon enactment.