

To: Representative Julie Parrish
From: Oregon Health Authority
Re: Publicly-Funded Family Planning Services in Oregon
August 19, 2015

Dear Representative Parrish,

Thank you for your recent inquiry regarding family planning funding in Oregon. The Oregon Health Authority is driven by data and science, and the state's family planning programs have a solid track record of providing quality, evidence-based services. Providers must meet strict licensing and certification standards. Our staff has put together some background and history of family planning programs in Oregon to provide context for your questions, which follow.

Background

There are three primary sources of public funds dedicated to the provision of family planning services in Oregon: Title X, Oregon Contraceptive Care (CCare), and the Oregon Health Plan (OHP). The Reproductive Health Program, located within the Public Health Division, administers both Title X and CCare, while Medical Assistance Programs (MAP) administers OHP.

Oregon Reproductive Health Program¹

Title X – Enacted in 1970 as part of the Public Health Service Act, Title X is the sole federal grant dedicated to comprehensive family planning and related preventive health services. Title X grant funds ensure that individuals receive comprehensive reproductive health services and preventive health screenings. The program also provides contraceptive supplies and counseling services to prevent unintended pregnancy and improve reproductive health outcomes. Specifically, information and education is provided to assist individuals in planning and spacing births, contributing to positive birth outcomes and improved health for women and infants. Per Title X program requirements, Title X agencies must offer pregnant women the opportunity to be provided information and counseling

¹ It should be noted that the Oregon legislature, during both the 2013-15 and 2015-17 biennia, allocated \$100,000 in state general funds to the RH Program to mitigate federal Title X vasectomy funding shortfalls. Under the Oregon Vasectomy Project (OVP), both Title X and CCare providers are eligible to receive fee-for-service reimbursement for vasectomy counseling and procedure services provided to individuals without health insurance coverage.

regarding each of the following options: prenatal care and delivery; infant care, foster care, or adoption; and, pregnancy termination. Additionally, preventive health care services are provided according to national standards, including patient education and counseling; cervical and breast cancer screening; sexually transmitted infection (STI) and human immunodeficiency virus (HIV) prevention education, testing, and referral; and pregnancy diagnosis and counseling. Federal requirements explicitly prohibit the use of Title X funds to cover abortion services. Title X agencies are required to serve all individuals seeking family planning services regardless of their ability to pay, citizenship status, or health insurance coverage.

The Reproductive Health (RH) Program is one of two Title X grantees in the state of Oregon; Planned Parenthood of Columbia Willamette (PPCW) receives the other grant (to provide services within Multnomah County). The RH Program has administered OHA's Title X grant since its inception in 1970. Under state statute, every county health department in Oregon is required to offer family planning and birth control services. These services are delivered through the RH Program's Title X grant and defined in the Financial Assistance Contract and Program Element 41 between the Oregon Public Health Division and each county health department. Planned Parenthood of Southwestern Oregon (PPSO) has also received Title X funds through the RH Program for over 15 years, when Josephine County declined to offer family planning services through the local public health department. Although Josephine County is currently a Title X sub-recipient (as are all other county health departments), PPSO continues to serve as a sub-recipient in order to provide essential preventive reproductive health services to clients located in the southwestern region of the state. Title X grant monies are awarded to each sub-recipient on an annual basis, without a competitive grant process, through a Coalition of Local Health Officials (CLHO)-approved funding formula.

For many years, the federal maternal and child health services block grant, Title V, included family planning as a grant priority. Thus, a small amount of the state's Title V grant, administered by the Public Health Division's Maternal and Child Health Section, was used to supplement the Title X grant awards distributed to each sub-recipient agency. However, Title V priorities at the federal level have shifted and starting January 1, 2016, the state's Title V grant will no longer supplement the Title X grant monies awarded to sub-recipients.

Oregon ContraceptiveCare (CCare) – In 1999, the RH Program received an 1115 demonstration waiver from the Centers for Medicare and Medicaid Services (CMS) to expand Medicaid coverage for family planning services to all men and women of reproductive age not enrolled in the Oregon Health Plan and with household incomes at or below 250% of the federal poverty level (FPL). The waiver was initially approved for a 5-year period and continues to be renewed by CMS every 3-years. Unlike many other family planning waiver states, Oregon developed a model of integration between its Title X program and Medicaid family planning waiver. CCare is co-located with Title X in the Public Health Division rather than in the state's Medicaid division. This integration has allowed Oregon to administer both programs through one office to better align programmatic policies and streamline communications to the same network of publicly-funded family planning providers.

For a visit to be billable to CCare, the client must be at risk of unintended pregnancy, i.e. of reproductive capacity, not currently pregnant, and not seeking pregnancy. Leveraging a 9:1 federal/state general fund match, covered services include annual exams; follow-up visits to evaluate or manage problems associated with contraceptive methods; medical procedures, lab tests, and counseling services associated with contraceptive management; and birth control supplies and devices (including vasectomy procedures). Abortion services are not covered under CCare.

CCare services are delivered through a network of enrolled family planning providers, including all local county health departments (with the exception of Wheeler County), federally qualified health centers, University health centers, school-based health centers, private health clinics, and Planned Parenthood clinics. Per Oregon ContraceptiveCare administrative rules (OARs 333-004-0070), providers enrolled in Oregon CCare must be appropriately licensed or certified and meet standards established within the provider's state for participation in Medicaid and be actively enrolled as an Oregon Health Plan provider. Providers are reimbursed for CCare services and supplies on a fee-for-service basis.

Estimated payments to family planning provider network, 2015-2017 biennium –

- Title X: \$4,369,308 (\$304,208 of that comes from Title V for the period of July 1 – December 31, 2015)
- CCare: \$19,160,988

Title X and CCare family planning provider network – The attached map, while slightly outdated, reflects the geographic spread of publicly-funded family planning clinics throughout the state.

Medical Assistance Programs

Oregon Health Plan (OHP) – Comprehensive family planning and reproductive health services are covered under OHP. Defined on line 6 of the Prioritized List of Health Services, these services cover a broad range of preventive health services, contraceptive management, and sterilization procedures.

QUESTIONS:

1) The amount of money Oregon distributes to Planned Parenthood.

- **From Public Health (FY2013-15): \$16,069,026**

Planned Parenthood of Southwestern Oregon (PPSO)

- **\$382,769:** combined Title X and Title V grant award for the provision of reproductive health services,
- **\$8,000:** mini-health information technology (IT) grant (50/50 Medicaid and state GF)
- **\$5,073,860:** fee-for service reimbursement for CCare services (90/10 Medicaid FF and state GF)

Total: \$5,464,629

Planned Parenthood of the Columbia Willamette (PPCW)

- **\$8,000:** mini-health information technology (IT) grant (50/50 Medicaid FF and state GF)
 - **\$10,586,097:** fee-for service reimbursement for CCare services (90/10 Medicaid FF and state GF)
 - **\$10,300:** fee-for-service reimbursement for Oregon Vasectomy Project services (100% state GF)
- Total: \$10,604,397

- **From the Oregon Health Plan (FY2013-15): Approximately \$11 million.**

Managed Care Plans are paid as part of their capitation payments through the Oregon Health Plan to reimburse for their clients Family Planning needs.

Of that amount, encounter data demonstrates \$6 million paid to Planned Parenthood.

Our encounter data also demonstrates \$5 million was paid to Planned Parenthood through Fee-For-Service for clients that were not enrolled in a managed care plan.

In total there was \$1 million dollars spent on pregnancy termination services. Abortions are funded solely with General Fund dollars.

2) The sources of the funds Oregon distributes to Planned Parenthood (state general funds, federal dollars, bonding, grants, etc.).

PPSO is both a Title X sub-recipient and enrolled CCare provider. Title X grant funds, which have been combined with a small amount of Title V grant dollars (DHHS - Maternal and Child Health Block Grant), are 100% federal funds awarded to the Oregon Health Authority by the US Department of Health and Human Services-Office of Population Affairs (HHS-OPA). CCare fee-for-service reimbursement is drawn from a 90/10 Medicaid match (90 FF/10 state GF).

PPCW is a separate Title X grantee and receives their Title X grant monies directly from HHS-OPA. PPCW is an enrolled CCare provider; fee-for-service reimbursement is drawn from a 90/10 Medicaid match (90 FF/10 state GF). Oregon Vasectomy Project funds are distributed via fee-for-service reimbursement from 100% state GF.

Both PP affiliates, along with 20 other family planning agencies within the provider network, received a small grant of \$8,000 each (50 Medicaid FF/50 state GF) to enhance health IT infrastructure.

For the portion of the OHP capitation rate payments attributable to family planning and for OHP fee-for-service payments for family planning services, OHA receives 90/10 Medicaid match, except for individuals who are eligible as an ACA adult and are currently federally funded at 100 percent Medicaid match.

3) The amount if any, distributed to counties, for the purpose of redistributing funds to Planned Parenthood.

All funds described above are distributed directly to both Planned Parenthood affiliates by the Reproductive Health Program and the Oregon Health Plan and not redistributed from counties.

4) The purpose of any dollars distributed to Planned Parenthood from any source.

Title X grant funds ensure that individuals receive comprehensive reproductive health services and preventive health screenings. The program also provides contraceptive supplies and counseling services to prevent unintended pregnancy and improve reproductive health outcomes. Specifically, information and education is provided to assist individuals in planning and spacing births, contributing to positive birth outcomes and improved health for women and infants. Per Title X program requirements, Title X agencies must offer pregnant women the opportunity to be provided information and counseling regarding each of the following options: prenatal care and delivery; infant care, foster care, or adoption; and, pregnancy termination. Additionally, preventive health care services are provided according to national standards, including patient education and counseling; cervical and breast cancer screening; sexually transmitted infection (STI) and human immunodeficiency virus (HIV) prevention education, testing, and referral; and pregnancy diagnosis and counseling.

Oregon ContraceptiveCare (CCare) is an 1115 Medicaid demonstration waiver that serves Oregonians not enrolled in the Oregon Health Plan (OHP) with incomes at or below 250% of the federal poverty level (i.e. \$2,453 for a family size of 1). CCare services include: annual exams; follow-up visits to evaluate or manage problems associated with contraceptive methods; medical procedures, lab tests, and counseling services associated with contraceptive management; and birth control supplies and devices.

The Oregon Vasectomy Project provides funding for vasectomy counseling services and procedures to low-income men over the age of 21.

In early 2015, the RH Program made available one-time, mini-health IT grants to family planning provider agencies for the purpose of implementing or enhancing capacity to use an electronic health records (EHR) system. Supported projects contributed to EHR readiness, maintenance, or upgrade.

It should be noted that none of funds distributed by the Reproductive Health Program may be used to cover abortion services. As noted above, abortion services provided by the Oregon Health Plan are paid for entirely with General Fund dollars.

5) The bill number of any law passed which includes line-item funding going to Planned Parenthood, or specific directive by the legislature to use Planned Parenthood as a family-planning provider? Subsequently, if there is no specific line item for that funding or there is no legislative directive to use Planned Parenthood as a family-planning provider, can you please tell me where in OHA's decision-making has the decision been made to contract or distribute funds to Planned Parenthood over other family-planning clinics?

There were no line-item funds specific to Planned Parenthood in the last legislatively-approved budget, nor were there any laws passed specifically referencing Planned Parenthood.

Both PPSO and Planned Parenthood of the Columbia Willamette (PPCW) are enrolled as CCare providers. As with any Medicaid program, any interested provider may enroll and provide services. CCare administrative rules (OARs) require that any enrolled provider must also enroll as an Oregon Health Plan (OHP) provider in order to ensure access to services to individuals with all coverage sources. CCare enrolled providers include all local county health departments (with the exception of Wheeler County), a variety of federally qualified health centers, University health centers, school-based health centers, and private health clinics.

Coordinated Care Organizations (CCOs) providing services to OHP members are allowed to choose which providers to contract with as long as they maintain an adequate network in both area of practice and geography. Currently, the following CCOs contract with Planned Parenthood:

- Trillium
- Jackson Care Connect
- CPCCO
- FamilyCare
- AllCare
- EOCCO
- PacificSource
- Yamhill

6) Does OHA allow Planned Parenthood to bill Medicaid for any services, and if so, which services?

Both PPSO and PPCW are enrolled as CCare and OHP providers. They may bill CCare for services covered under the program (contraceptive management) for any client eligible for and enrolled in CCare. Both PP affiliates may bill OHP for the full-scope of services provided and covered under OHA's prioritized list; as noted above reproductive services are covered on Line 6 of the List.

7) The amount of dollars Oregon distributes to other family-planning services that are not affiliated with Planned Parenthood (FY2013-15): \$16,122,591

Reproductive Health Program – Provider Network (excluding PPSO and PPCW)

- **\$4,901,257:** combined Title X and Title V grant award for the provision of reproductive health services distributed via CLHO approved funding formula to all Local Public Health Departments
 - **\$150,601:** mini-health information technology (IT) grant (50/50 Medicaid and state GF)
 - **\$11,065,833:** fee-for-service reimbursement for CCare services (90/10 Medicaid FF and state GF)
 - **\$4,900:** fee-for-service reimbursement for Oregon Vasectomy Project services (100% state GF)
- Total: \$16,122,591

Additional information:

Some Planned Parenthood health centers in Oregon support medical research on ways to improve maternal and fetal health.

- In three states, including Oregon, when women want to donate tissue for critical medical research that can help treat or cure serious diseases or improve maternal and fetal health, Planned Parenthood has a process in place to help them do that. This is voluntary and operates under the highest medical and legal standards.
- Planned Parenthood Columbia Willamette (PPCW) participates in research projects with OHSU to help improve maternal health. These studies are conducted with informed patient consent and have received all relevant state and federal regulatory approvals and oversight. PPCW does not participate in any fetal tissue donation to private companies.
- OHSU is conducting two studies, with support from PPCW, that comply with all state and federal regulations through which patients have the option to donate first-trimester pregnancy tissue. The studies are evaluating first-trimester pregnancy tissue, specifically placental tissue, to:
 - 1) identify if a test could be developed to identify villi (which is early placental tissue), to be able to diagnose ectopic pregnancy (a pregnancy outside of the uterus) sooner than current care, which would allow doctors to provide care more quickly to these patients, and
 - 2) observe if placental blood flow seen by a special ultrasound technique and other placental markers in the first trimester may be able to predict the risk for stillbirth, preterm birth, growth restriction and other health issues later in pregnancy that are related to poor placental blood flow.

These studies could help clinicians recognize these types of risks earlier and prevent the development of serious health outcomes later in pregnancy.

Please feel free to contact Courtney Westling, OHA Legislative Director, if you need further information or would like to set up a briefing. Lynne Saxton has been copied on this correspondence.

