

**Department
of Health**Mike DeWine, Governor
Jon Husted, Lt. Governor

Amy Acton, M.D., MPH, Director

TO: All ODH Subrecipients and Contractors

FROM: Amy Acton, MD, MPH *aa*

DATE: March 21, 2019

SUBJECT: Termination of certain subgrants and contracts, by April 20, 2019 (or as court allows), which entities that perform or promote nontherapeutic abortions or contract or affiliate with any entity that performs or promotes nontherapeutic abortions

A federal court upheld Ohio's restrictions on funding certain programs through entities that perform elective abortions. More specifically, the law restricts funding to entities that perform or promote nontherapeutic abortions or contract with or affiliate with any entity that performs or promotes nontherapeutic abortions. As a result, the law imposing those restrictions – Ohio Revised Code 3701.034 – will now become effective as soon as a final court order implementing the decision is issued (as further detailed below). In light of this decision, the Ohio Department of Health (ODH), ODH subrecipients, and ODH contractors must now comply with R.C. 3701.034. Please find attached a copy of the law. Pursuant to the law, ODH must ensure that state funds it administers, along with certain federal funds, are not used to perform or promote nontherapeutic abortions, or to contract with any entity or its affiliate that performs or promotes nontherapeutic abortions. ODH, all ODH subrecipients, and contractors must comply with this law.

The ODH subgrants affected by R.C. 3701.034 include:

1. Violence Against Women Act (VAWA)
 - a. Violence Against Women Act (VW) Grant
 - b. Sexual Assault Services (SA)
2. Breast and Cervical Cancer Mortality Prevention Act
 - a. Breast and Cervical Cancer Project (BC)
 - b. Community Clinical Linkages (CL)
 - c. Health System Quality Improvement (HS)
3. Infertility Prevention Project
 - a. S.T.D. Control Program (ST)
4. Minority HIV/AIDS Initiative
5. Infant Mortality Reduction or Infant Vitality Initiatives
 - a. Reproductive Health and Wellness (RH)
 - b. Maternal and Child Health (MP)
 - c. Infant Vitality Community Intensive Project (IV)
 - d. Centering Pregnancy and Centering Parenting Startup and Expansion (CS)
 - e. Moms and Babies First (MB)

246 North High Street
Columbus, Ohio 43215 U.S.A.614 | 466-3543
www.odh.ohio.gov

In addition, the following non-grant funds are also affected by R.C. 3701.034:

1. Any funds received by ODH for breast and cervical cancer screening/diagnostic testing program
2. Any funds used by ODH for treatment associated with the Infertility Prevention Project
3. Any state (i.e., non-federal) funding received by ODH, e.g., HIV Prevention (HP)

ODH will terminate existing subgrants and contracts in **thirty (30) days** – by April 20, 2019 – if they do not comply with Ohio law. ODH is issuing this 30-day notice now to begin an orderly transition, in anticipation of a mandate from the court putting its decision into effect within the next 30 days. ODH notes, however, that plaintiffs in the case have asked the court to delay the effect of its ruling, which would in turn prevent Ohio's law from going into effect. If court action delays the effective date, ODH will be unable to terminate subgrants or contracts until the court allows. ODH will update you on further developments but will meanwhile continue preparing for an intended April 20 termination date.

ODH will arrange how for the orderly transition of services to new subrecipients or contractors not affected by R.C. 3701.034, thus ensuring continuity of services to Ohioans. ODH staff will directly contact current subrecipients and contractors affected by this law to coordinate transition of services to alternative providers, as appropriate. Likewise, subrecipients and contractors should review their contracts to determine if they contract with an entity that is affected by this law. If you believe an existing subcontractor may be affected by this law, ODH encourages you to immediately identify other eligible subcontractors to ensure continuity of service. Subrecipients and contractors will be required to submit the final expense report or invoice by a date to be determined by ODH after consulting with subrecipients and contractors. Finally, ODH may require additional support documentation be submitted to verify no additional work or payments are being requested after the subgrant or contract termination date.

In addition, in future contracts and subgrants, ODH will add additional assurance language and require acknowledgment signatures to ensure compliance with this law. Please feel free to contact the ODH Office of Financial Affairs if you have any further questions or need clarification regarding ODH subgrants or contracts.