Natalie Harder

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The National Family Planning and Reproductive Health Association & the Affordable Care Act

The National Family Planning and Reproductive Health Association (NFPRHA) is a non-partisan 501(c) membership association that focuses on family planning and sexual health advocacy, improving service delivery, and healthcare analysis and strategy.[[1]](#footnote-1) NFPRHA’s mission is to increase accessibility to “high-quality, client-centered, affordable, and comprehensive family planning and sexual health care from providers of [the patient’s] choice”[[2]](#footnote-2) in coordination with a coalition of practitioners within family planning.[[3]](#footnote-3) Under the leadership of president and CEO Clare Coleman,[[4]](#footnote-4) the NFPRHA has been an active voice in the formation and implementation of the Affordable Care Act as it pertains to family planning and sexual health.

Despite supporting the passage of the final Affordable Care Act, the NFPRHA vocally and publicly opposed the “Nelson language” included in the bill,[[5]](#footnote-5) which arbitrarily restricted abortion access to gain support from Senator Ben Nelson (D-NE).[[6]](#footnote-6) The Nelson language, which segregates abortion payments from other healthcare fees and burdens both the healthcare provider and the patient, was upheld by the Office of Management and Budget in September 2010 and by President Obama in *Executive Order 13535- Ensuring Enforcement and Implementation of Abortion Restrictions in the Patient Protection and Affordable Care Act*.[[7]](#footnote-7)

During the Senate debate, Senator Barbara Mikulski (D-MD) proposed a NFPRHA-supported amendment that provided benefits for women’s health preventive services.[[8]](#footnote-8) This amendment, which created the Women’s Health Preventive Services benefit (Section 2173(a)(4) of the Affordable Care Act),[[9]](#footnote-9) helps provide coverage for women’s health services without requiring cost-sharing, which expands the accessibility of the services.[[10]](#footnote-10) In September 2010, the amendment tasked the Health Resources and Services Administration within the Department of Health and Human Services with defining “preventive service.”[[11]](#footnote-11) When the HHS and Department of Labor published interim rules to define “preventive services,”[[12]](#footnote-12) the NFPRHA submitted formal comments encouraging the Health Resources and Services Administration and Secretary of Health and Human Services, Kathleen Sebelius, to include a variety of family planning methods, including all FDA approved methods of contraception, in this definition.[[13]](#footnote-13) The decision was contracted to the Institute of Medicine, which addressed NFPRHA requests for the evaluation of a variety of family planning services in its decision making process.[[14]](#footnote-14) Eventually, IOM defined “preventive services” as “measures— including medications, procedures, devices, tests, education, and counseling—shown to improve well-being and/or decrease the likelihood or delay the onset of a targeted disease or condition.”[[15]](#footnote-15) By these standards, HHS complied with NFPRHA and other organization’s recommendations to include cervical cancer screenings, sexually transmitted disease counseling, HIV counseling, pregnancy screenings, annual sexual health appointments, and interpersonal and domestic violence screenings as well as contraception education, methods, counseling, and services in the benefits outlined by the Affordable Care Act. [[16]](#footnote-16)

# In March 2010, one week after President Obama signed the Affordable Care Act into law,[[17]](#footnote-17) Coleman wrote a letter on behalf of the NFPRHA to Senators Daniel Inouye (D-HI) and Thad Cochran (R-MI) of the Senate Appropriations Committee and Representatives David Obey (D-WI) and Jerry Lewis (R-CA) of the House Appropriations Committee to implore them to allocate funds from the ACA’s Prevention and Public Health Fund to fund Title X services.[[18]](#footnote-18) One of the NFPRHA pillar issues, Title X is the United States federal, publicly funded family planning fund.[[19]](#footnote-19) Following the passage of the Affordable Care Act and in the lead up to the Fiscal Year 2011 Budget, the NFPRHA worked with Senator Jeff Merkley (D-OR) and Representative Judy Chu (D-CA) to draft and introduce *S.Res.565* and *H.Res.1476 - A resolution supporting and recognizing the achievements of the family planning services programs operating under title X of the Public Health Service Act,[[20]](#footnote-20)* which allowed 14 Senators and 108 Representatives to publicly express their support for the financial backing of Title X.[[21]](#footnote-21) While the resolutions ultimately did not pass and money allocated to Title X decreased by 18 million dollars in 2011,[[22]](#footnote-22) the bill still expressed support for funding from ACA established funds to be allocated towards Title X funding in future budgets.[[23]](#footnote-23)

Years following the passage of the Affordable Care Act, the National Family Planning and Reproductive Health Association remains an outspoken defendant of family planning and sexual health services as the ACA faces legal challenges. In its defense of contraception coverage and preventive services, the NFPRHA attempts to elevate the voices of “safety-net providers and their patients” in Supreme Court challenges.[[24]](#footnote-24) The NFPRHA has filed amicus briefs in *Burwell v. Hobby Lobby* (2014), *Conestoga Wood Specialties Corp. v. Burwell* (2014),[[25]](#footnote-25)[[26]](#footnote-26) and *Zubik v. Burwell* (2016)[[27]](#footnote-27) to defend contraceptive and family planning services access against religious and moral challenges. Despite the NFPRHA’s amicus briefs, *Burwell v. Hobby Lobby* and *Conestoga Wood Specialties Corp. v. Burwell* both ruled in favor of exempting religious, for-profit organizations from the ACA provision requiring employers to insure contraception and family planning services that contradicted their religious beliefs.[[28]](#footnote-28) [[29]](#footnote-29) In *Zubik v. Burwell*, the Court’s ruling delegated decisions regarding religious employers and employee contraceptive coverage to lower courts.[[30]](#footnote-30) In 2017, Coleman, on behalf of NFPRHA, issued two official statements to Acting Secretary of Health and Human Services Eric Hargan and Centers for Medicare and Medicaid Services Seema Verma explicitly condemning and expressing concern regarding religious[[31]](#footnote-31) and moral exemptions from coverage of “certain preventive services under the Affordable Care Act.”[[32]](#footnote-32) These restrictions, Coleman argued, infringe on the goals of preventive healthcare which are to help “people control, track, and better manage their lifelong health, and the health of their families.”[[33]](#footnote-33) Four years later, the National Family Planning and Reproductive Health Association remains true to its mission of making family planning and sexual health services accessible to as many Americans as possible under the Affordable Care Act.

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