



Committee: Directly to Council
Committee Review: N/A
Staff: Essie McGuire, Senior Legislative Analyst
Tara Clemons, Legislative Analyst
Purpose: To receive testimony/final action - vote expected
Keywords: #reproductivehealth #abortionaccess

AGENDA ITEMS #23 & 27
July 26, 2022
Public Hearing
Worksession
Action

SUBJECT

Public Hearing/Worksession/Action - Supplemental Appropriation #23-9, FY23 Operating Budget, Montgomery County Government, Department of Health and Human Services, Assistance to Access Abortion, Reproductive Health, and Related Services, \$1,000,000 (Source of Funds: General Fund: Undesignated Reserves)

EXPECTED ATTENDEES

Jodi Finkelstein, Executive Director, Montgomery County Commission for Women
Jake Weissmann, Assistant Chief Administrative Officer
Rafael Murphy, Director, Office of Grants Management
Rebecca Smith, Sr. Administrator, Maternal Child Health and Dental Services (DHHS)

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- The Council will introduce a supplemental appropriation to the FY23 Operating Budget for the Department of Health and Human Services (DHHS) for \$1 million to support assistance to access abortion, reproductive health, and related services.
- The Council introduced this appropriation on July 12, 2022, and is scheduled to hold a Public hearing and consider action on July 26, 2022.
- The staff memo attached presents background information, summarizes the Council's discussion of July 12, 2022, and includes a revised appropriation resolution for Council consideration.

DESCRIPTION/ISSUE

On June 24, 2022, the Supreme Court issued a decision in *Dobbs vs. Jackson Women's Health* that overturned the previous precedent that held that the Constitution generally protects the liberty to choose to have an abortion. This decision raised concerns from many, including Councilmembers, as to what actions are needed at the County level to support access to abortion services.

SUMMARY OF KEY DISCUSSION POINTS

On June 28, 2022, the County Executive transmitted a supplemental appropriation for \$1 million to support access to abortion services and other related purposes.

The Council held an initial discussion at the introduction of this item on July 12, 2022, to provide additional context in advance of the public hearing and worksession scheduled for July 26, 2022.

At the July 12, 2022, discussion, Councilmembers indicated support for maintaining a broad scope of possible grant purposes but also refining the language to add specificity around the types of services and providers that would be eligible for grant awards.

Council staff prepared a revised draft appropriation resolution for consideration that reflects the Councilmembers' comments from the July 12, 2022, discussion.

This report contains:

Revised Appropriation Resolution	© 1
Council staff memorandum	© 4
County Executive June 28 transmittal	© 9
Guidelines for proposed grants (<i>Executive branch draft</i>)	© 13
May 4, 2022, letter from Council Vice President Glass	© 15
May 10, 2022, resolution 19-1248 sponsored by Councilmember Navarro	© 16
Highlighted list of existing County maternal/reproductive health programs	© 20
Racial Equity Impact Assessment	© 22

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Revised Resolution by Council Staff

Resolution No: _____

Introduced: _____

Adopted: _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President at the Request of the County Executive

SUBJECT: Supplemental Appropriation #23-9 to the FY23 Operative Budget
Montgomery County Government
Department of Health and Human Services
Assistance to Access Abortion, Reproductive Health, and Related Services,
\$1,000,000 (Source of Funds: General Fund: Undesignated Reserves)

Background

1. Section 307 of the Montgomery County Charter provides that any supplemental appropriation shall be recommended by the County Executive who shall specify the source of funds to finance it. The Council shall hold a public hearing on each proposed supplemental appropriation after at least one week's notice. A supplemental appropriation that would comply with, avail the County of, or put into effect a grant or a Federal, State, or County law or regulation, or one that is approved after January 1 of any fiscal year, requires an affirmative vote of five Councilmembers. A supplemental appropriation for any other purpose that is approved before January 1 of any fiscal year requires an affirmative vote of six Councilmembers. The Council may, in a single action, approve more than one supplemental appropriation. The Executive may disapprove or reduce a supplemental appropriation, and the Council may reapprove the appropriation as if it were an item in the annual budget.
2. On May 2, 2022, it was reported that the Supreme Court of the United States intended to strike down *Roe v. Wade*, a 50-year-old precedent, which affirmed the rights of a person to choose abortion care, and ensured that women had control of their own bodies. Since that point, many elected officials in states around the Country have affirmed their support for a complete ban on abortion care in their states, while others have supported heavy restrictions. While Maryland has strong legal protections for a woman's right to choose, it is expected that providers, nonprofits, and other Montgomery County based organizations will need increased resources to provide care for women throughout the region. On June 24, 2022, the Supreme Court of the United States struck down *Roe v. Wade*.
3. On May 10, 2022, County Executive Elrich and Councilmember Navarro at a press conference announced their support for an additional \$1 million in County funding to support the right to access abortion care, with a pledge that the County will "do all we can to protect women's health and their personal rights."

4. The County Executive has requested the following FY23 Operating Budget appropriation increase for the Department of Health & Human Services:

<u>Personnel Services</u>	<u>Operating Expenses</u>	<u>Capital Outlay</u>	<u>Total</u>	<u>Source of Funds</u>
\$0	\$1,000,000	\$0	\$1,000,000	General Fund: Undesignated Reserves

5. The supplemental appropriation would allow for grants to be provided through the Department of Health and Human Services, in cooperation with the Office of Grants Management. The grants would be for the following allowable purposes:
 - Assisting with wraparound services to those who are accessing abortion services;
 - Providing grants to organizations in the County that provide abortion services, or that refer patients to abortion services as part of comprehensive family planning and reproductive health education;
 - Providing aid to organizations that are fighting legal battles on behalf of those seeking access to abortion services;
 - Security for providers who offer direct abortion services or referral to abortion services. Providers may require increased safety or security measures as a result of heightened tensions in the political and civic environment;
 - Support for organizations and providers who offer direct abortion services or refer to abortion services to begin practicing in Montgomery County. Examples include assistance with relocation costs, training costs for new providers, or other start up costs; and
 - Grants to facilitate providers of abortion services to offer reduced cost, low cost, or no cost abortion services to women who have financial hardships, to ensure equitable access to abortion services.
6. The Department of Health and Human Services and the Office of Grants Management will seek proposals from organizations that exhibit cultural proficiency, use a racial equity lens in providing services, and demonstrate commitment to protect abortion and reproductive health access.
7. The County Executive will report to the County Council on the grant solicitation and award processes, including information such as the numbers of grants, for what purposes, and in what amounts.

8. The County Executive recommends a supplemental appropriation to the FY23 Operating Budget in the amount of \$1,000,000 and specifies the source of funds as General Fund: Undesignated Reserves.
9. Notice of a public hearing was given, and a public hearing was held.

Action

The County Council for Montgomery County, Maryland, approves the following action:

A supplemental appropriation to the FY23 Operating Budget of the Department of Health and Human Services is approved as follows:

<u>Personnel Services</u>	<u>Operating Expenses</u>	<u>Capital Outlay</u>	<u>Total</u>	<u>Source of Funds</u>
\$0	\$1,000,000	\$0	\$1,000,000	General Fund: Undesignated Reserves

The supplemental appropriation will fund grants to support assistance to access abortion, reproductive health, and related services. Grants will be provided through the Department of Health and Human Services, in cooperation with the Office of Grants Management.

This is a correct copy of Council action.

Judy Rupp
Clerk of the Council

MEMORANDUM

July 21, 2022

TO: County Council

FROM: Essie McGuire, Senior Legislative Analyst
Tara Clemons, Legislative Analyst

SUBJECT: Supplemental Appropriation #23-9, FY23 Operating Budget, Montgomery County Government, Department of Health and Human Services, Assistance to Access Abortion, Reproductive Health, and Related Services, \$1,000,000 (Source of Funds: General Fund: Undesignated Reserves)

Purpose:

The Council will hold a public hearing, worksession, and consider action on a supplemental appropriation to the FY23 Operating Budget for the Department of Health and Human Services (DHHS) for \$1 million to support assistance to access abortion, reproductive health, and related services. The Council is introduced this supplemental on July 12, 2022.

The Council held an initial discussion at the introduction of this item on July 12, 2022, to provide additional context in advance of the public hearing and worksession today. This packet reflects the discussion of July 12, 2022; outlines proposed changes to the appropriation resolution to reflect the Council's intent as indicated during that discussion; and includes background information on the current status of access to abortion services at the Federal, State, County, and regional levels.

BACKGROUND

On June 24, 2022, the Supreme Court issued a decision in *Dobbs vs. Jackson Women's Health* that overturned the previous precedent that held that the Constitution generally protects the liberty to choose to have an abortion. This decision raised concerns from many, including Councilmembers, as to what actions are needed at the County level to support access to abortion.

- On January 18, 2022, Councilmember Jawando presented a proclamation recognizing the 49th anniversary of the *Roe vs. Wade* decision, affirming that a “woman’s right to make her own decision about her pregnancy deserves the highest level of constitutional protection.”
- On May 4, 2022, Council Vice President Glass wrote to County Executive Elrich expressing concern over the potential impact of a Supreme Court decision to overturn *Roe v Wade*, and asked that the Department of Health and Human Services begin planning for such an outcome. This letter is attached at circle 13.

- On May 10, 2022, Councilmember Navarro introduced a Resolution Supporting the Preservation of Abortion Rights Under *Roe v Wade*. The Council unanimously approved this resolution, which is attached beginning at circle 14 and at the following link: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2022/20220510/20220510_2-5.pdf
- On June 28, 2022, the County Executive transmitted a supplemental appropriation for \$1 million to support access to abortion services and other related purposes. The Council introduced this appropriation on July 12, 2022, and is scheduled to hold a public hearing and consider action on July 26, 2022.

SUMMARY OF JULY 12, 2022 COUNCIL DISCUSSION

The Council introduced this supplemental appropriation on July 12, 2022, and held an initial discussion to provide additional context in advance of the public hearing and worksession. The Council reiterated its concerns regarding the Supreme Court's decision to overturn *Roe v Wade* and its impact on health care services for women. Councilmembers expressed support for this appropriation to support access to safe abortion and the reproductive rights of women in Montgomery County, and to minimize barriers to care and reproductive health services.

Overall, Councilmembers expressed support for maintaining a broad scope of possible grant areas, but refining the language to avoid service duplication and specify eligibility requirements for providers (Option 2 in the July 12, 2022, Council staff memorandum).

Councilmembers also suggested additional areas of focus for allowable grant purposes, as outlined below.

- Councilmember Navarro expressed her preference to refine and clarify the resolution language but to continue to allow for flexibility in responding to the urgent and emergent health concerns surrounding this issue. Councilmember Navarro further stated that while a needs assessment would be helpful to understand the complexity of abortion and reproductive health access in the County, however, any funding for the assessment should not come from this appropriation.
- Councilmember Riemer recommended workforce support for organizations opening new facilities in the County and for others facing operational challenges and trying to manage capacity. Councilmember Riemer indicated that nationally, approximately 25% of clinics are shutting down and as a result health care professionals are being displaced; one possible approach could be for Montgomery County to help with relocation services to help bolster and support the workforce.
- Councilmember Glass stated affordability is a key concern especially for low-income women and those experiencing financial hardships. He indicated his support for including language in the resolution to ensure everyone is covered without any financial barriers to access care in a timely manner.

PROPOSED CHANGES TO THE APPROPRIATION RESOLUTION

Council staff prepared a revised appropriation resolution that reflects the Council's discussion on July 12, 2022, for the Council's review and consideration today. This revised appropriation resolution begins on circle 1.

The revised resolution clarifies the range of allowable purposes in the transmitted appropriation resolution to avoid duplication with existing County programs that support maternal health and to specify the services providers would have to offer in order to be eligible. The revised resolution also adds specific areas of allowable grant purposes to reflect the Council's discussion. The following language is in the draft revised resolution on circle 2:

“The supplemental appropriation would allow for grants to be provided through the Department of Health and Human Services, in cooperation with the Office of Grants Management. The grants would be for the following allowable purposes:

- *Assisting with wraparound services to those who are accessing abortion services;*
- *Providing grants to organizations in the County that provide abortion services, or that refer patients to abortion services as part of comprehensive family planning and reproductive health education;*
- *Providing aid to organizations that are fighting legal battles on behalf of those seeking access to abortion services;*
- *Security for providers who offer direct abortion services or referral to abortion services. Providers may require increased safety or security measures as a result of heightened tensions in the political and civic environment;*
- *Support for organizations and providers who offer direct abortion services or refer to abortion services to begin practicing in Montgomery County. Examples include assistance with relocation costs, training costs for new providers, or other start up costs; and*
- *Grants to facilitate providers of abortion services to offer reduced cost, low cost, or no cost abortion services to women who have financial hardships, to ensure equitable access to abortion services.”*

The revised draft resolution also includes language requiring the County Executive to report to the Council on the grant solicitation and award processes, and emphasizing that grants must be awarded using a racial equity lens and exhibiting cultural proficiency.

Needs Assessment: **As noted above, funds from this appropriation will not be used to support conducting a needs assessment. Council staff recommends that the Executive determine a plan to conduct a needs assessment and indicate whether this can be accomplished through existing resources or whether additional funds are needed.** This effort would provide more comprehensive data and information around the barriers to accessing abortion services in Montgomery County, gaps in existing services, and emerging impacts on this service sector. Potential assessment objectives include:

- Increasing outreach to underserved and vulnerable populations;
- Identifying effective risk reduction messages, materials, and outreach methods;
- Identify capabilities, barriers, opportunities, and strategies to strengthen access to safe abortions and reproductive health services in Montgomery County; and

- Develop a public health approach synthesized with supporting human rights, and the strategic involvement of multiple stakeholders.

The Executive can provide this information to the Council for further review later in the fall, as needs and conditions in the community continue to develop.

CURRENT STATUS: COUNTY, STATE, AND FEDERAL

Montgomery County

- Approximately 8 providers are known and verified to provide abortion services in Montgomery County. There may be other providers who see private insurance only or do not advertise their services.
- There are 11 surgical abortion centers licensed in the state; 4 are in Montgomery County, according to the Maryland Department of Health. These figures do not include non-surgical abortion providers that terminate pregnancies through medications and are not tracked by the state health department ([Surgical Abortion Centers in Maryland](#)).
- Average cost for the abortion pill is \$450. Some organizations will provide at home abortion pills via video consultation and discreet mailing in Maryland, DC, and Virginia, along with 12 other states. Average cost for an in-office procedure is \$900.

State of Maryland

- Maryland does not require a counseling session or a waiting period before getting an abortion.
- Abortion is available up to "viability," which is the stage of pregnancy when a fetus has developed enough that it is likely to survive outside the womb.

2022 Maryland General Assembly Session Changes

- [HB 937 bill](#) establishes the Abortion Clinical Care Training Program in the Maryland Department of Health and makes substantial changes regarding the requirements related to who may perform abortion in the State. The law took effect July 1.
- The law requires the state's existing abortion care coverage under Medicaid to be permanent, and requires private health insurance plans, with exceptions for those with religious or legal exemption, to cover abortion care without cost-sharing or deductibles.
- The bill also expands who can perform abortion procedures including nurse practitioners, physician assistants, and midwives.
- The bill does not expand the circumstances under which a woman can seek an abortion in Maryland.
- The State General Assembly also allocated \$3.5 million for training related in part to the measure expanding which practitioners can perform abortion procedures. Governor Hogan is withholding the funds as part of the FY23 budget process. As a result, those funds will not be available until June 2023 unless the Governor releases them earlier.
- An issue that remains pending for next session is passing a constitutional amendment ensuring access to abortion in the state. The measure passed the House this year but was not taken up in the Senate. Lawmakers have stated their intent to take it up again during the next session. If passed in the General Assembly, it would ultimately be decided by voters through a statewide referendum.

Federal

- On July 8, 2022, President Biden signed an Executive Order Protecting Access to Reproductive Health Care Services. The U.S. Department of Health and Human Services (HHS), is tasked with submitting a report within the next 30 days to the President regarding the implementation of the order's provisions. The provisions include steps to safeguard access to medication abortion and emergency contraception, protect patient privacy, launch public education efforts as well as bolster the security of and the legal options available to those seeking and providing abortion services. ([Executive Order - Reproductive Health Access](#))
- On June 30, 2022, Federal HHS announced nearly \$3 million in new funding to bolster training and technical assistance for the nationwide network of Title X family planning providers. The awards will help Title X grantees increase training and technical assistance to address the challenges that the recent Supreme Court decision may have on Title X Family planning service delivery and the right to safe and legal abortion care ([HHS Training Grants](#)).

OTHER JURISDICTIONS

As context for this discussion, Council staff highlights some responses that neighboring jurisdictions have taken in the wake of the Supreme Court decision.

- Baltimore Mayor Brandon Scott pledged \$300,000 to help immediately after the ruling was issued, to create an account at the Baltimore Civic Fund to provide grants to organizations that provide abortion and family planning services. Additionally, the Open Society Institute-Baltimore committed \$250,000 to such organizations.
- Baltimore City Council introduced a resolution on June 13, 2022, to designate Baltimore City as an Abortion Rights Protection Jurisdiction and improve abortion care capacity in preparation for an increase in the number of out-of-state patients seeking to terminate a pregnancy ([Baltimore City Resolution](#)).
- Fairfax County Supervisors passed a [Joint Board Matter](#) on June 28, 2022, to create a website with information on reproductive resources and women's health services that currently exist in the County, and facilities available to Fairfax County residents. The Chair of the Fairfax County Board of Supervisors Jeff McKay says his jurisdiction will continue to support abortion rights.
- The Alexandria City Council unanimously passed a resolution to protect abortion rights on June 28, 2022. The resolution requests the Virginia General Assembly to oppose new abortion restrictions and asks the city attorney to join litigation seeking to protect access to the procedure. It also includes language seeking to relax zoning requirements for new abortion clinics in the city ([Alexandria City Council Resolution](#)).
- The D.C. Council is reviewing two bills seeking to protect reproductive rights in Washington DC - The Human Rights Sanctuary Amendment Act of 2022 and the Enhancing Reproductive Health Protections Amendment Act of 2022. Both bills would make D.C. a safe haven for people who need reproductive health access and ensure that LGBTQ+ individuals can seek gender-affirming care ([Human Rights Act](#) [Health Professions Act](#)).



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

M E M O R A N D U M

June 28, 2022

TO: Gabe Albornoz, President
Montgomery County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Supplemental Appropriation #23-9, FY23 Operating Budget
Montgomery County Government,
Department of Health and Human Services (\$1,000,000)

I am recommending a supplemental appropriation to the FY23 Operating Budget in the amount of \$1,000,000. The purpose of this disbursement is to help ensure that those seeking abortion and family planning services in the County and the organizations which assist women have the resources to do so.

On June 24, 2022, the Supreme Court in their decision on *Dobbs v. Jackson Women's Health* egregiously overturned 50 years of precedent to strip away the right to an abortion for women throughout the Country. In Montgomery County, we are grateful to have state laws that strongly support a women's right to have an abortion. However, it is still a burden to many, and the demand on our practitioners in the state will only increase due to bans in other states.

This funding would allow for grants to be provided through the Department of Health and Human Services in cooperation with the Office of Grants Management. The grants would be for the following allowable purposes:

- Assisting with wraparound services to those who are accessing abortion services, as well as to those who choose to have children;
- Providing grants to organizations in the County that provide abortion services;
- Supporting organizations focused on comprehensive family planning, reproductive health, and maternal health; and

- Providing aid to organizations that are fighting legal battles on behalf of those seeking access to reproductive rights

At a time when the Supreme Court and elected officials across the Country are focused on subjugating women, jeopardizing their health, and rolling back fundamental rights, we in Montgomery County have a responsibility to protect the rights of our residents and those who utilize the services in our County.

I recommend that the County Council approve this supplemental appropriation in the amount of \$1,000,000 as soon as possible and help ensure that we protect the rights of women.

I appreciate your prompt consideration of this action.

ME:yew

Enclosure: Supplemental Appropriation #23-9

cc: Dr. Raymond L. Crowel, Director, Department of Health and Human Services
Rafael P. Murphy, Director, Office of Grants Management
Jennifer R. Bryant, Director, Office of Management and Budget
Tiffany Ward, Director, Office of Racial Equity and Social Justice

Resolution No: _____
Introduced: _____
Adopted: _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President at the Request of the County Executive

SUBJECT: Supplemental Appropriation #23-9 to the FY23 Operative Budget
Montgomery County Government
Department of Health and Human Services
Assistance to Access Abortion, Reproductive Health, and Related Services,
\$1,000,000 (Source of Funds: General Fund: Undesignated Reserves)

Background

1. Section 307 of the Montgomery County Charter provides that any supplemental appropriation shall be recommended by the County Executive who shall specify the source of funds to finance it. The Council shall hold a public hearing on each proposed supplemental appropriation after at least one week's notice. A supplemental appropriation that would comply with, avail the County of, or put into effect a grant or a Federal, State, or County law or regulation, or one that is approved after January 1 of any fiscal year, requires an affirmative vote of five Councilmembers. A supplemental appropriation for any other purpose that is approved before January 1 of any fiscal year requires an affirmative vote of six Councilmembers. The Council may, in a single action, approve more than one supplemental appropriation. The Executive may disapprove or reduce a supplemental appropriation, and the Council may reapprove the appropriation as if it were an item in the annual budget.
2. On May 2, 2022, it was reported that the Supreme Court of the United States intended to strike down *Roe v. Wade*, a 50-year-old precedent, which affirmed the rights of a person to choose abortion care, and ensured that women had control of their own bodies. Since that point, many elected officials in states around the Country have affirmed their support for a complete ban on abortion care in their states, while others have supported heavy restrictions. While Maryland has strong legal protections for a woman's right to choose, it is expected that providers, nonprofits, and other Montgomery County based organizations will need increased resources to provide care for women throughout the region. On June 24, 2022, the Supreme Court of the United States struck down *Roe v. Wade*.
3. On May 10, 2022, County Executive Elrich, and Councilmember Navarro at a press conference announced their support for an additional \$1 million in County funding to support the right to access abortion care, with a pledge that the County will "do all we can to protect women's health and their personal rights."
4. The County Executive has requested the following FY23 Operating Budget appropriation increase for the Department of Health & Human Services:

<u>Personnel Services</u>	<u>Operating Expenses</u>	<u>Capital Outlay</u>	<u>Total</u>	<u>Source of Funds</u>
\$0	\$1,000,000	\$0	\$1,000,000	General Fund: Undesignated Reserves

5. The supplemental appropriation would allow for grants to be provided through the Department of Health and Human Services, in cooperation with the Office of Grants Management. The grants would be for the following allowable purposes:
 - Assisting with wraparound services to those who are accessing abortion services, as well as to those who choose to have children;
 - Providing grants to organizations in the County that provide abortion services;
 - Supporting organizations focused on comprehensive family planning, reproductive health, and maternal health; and
 - Providing aid to organizations that are fighting legal battles on behalf of those seeking access to reproductive rights.
6. The County Executive recommends a supplemental appropriation to the FY23 Operating Budget in the amount of \$1,000,000 and specifies the source of funds as General Fund: Undesignated Reserves.
7. Notice of a public hearing was given, and a public hearing was held.

Action

The County Council for Montgomery County, Maryland, approves the following action:

A supplemental appropriation to the FY23 Operating Budget of the Department of Health and Human Services is approved as follows:

<u>Personnel Services</u>	<u>Operating Expenses</u>	<u>Capital Outlay</u>	<u>Total</u>	<u>Source of Funds</u>
\$0	\$1,000,000	\$0	\$1,000,000	General Fund: Undesignated Reserves

This is a correct copy of Council action.

Judy Rupp
Clerk of the Council

FY23 Abortion, Reproductive Health, and Related Services Access (ARHRSA) Grants

The Montgomery County Office of Grants Management will solicit grant applications for the County's FY 2023 Abortion, Reproductive Health, and Related Services Access (ARHRSA) Grants program from qualified Community-Based Organizations (CBOs) providing direct services within the County. The target population for this grant are women seeking access to abortion, reproductive health, and related services.

The County Executive has proposed \$1 million for ARHRSA with a minimum award of \$50,000 and a maximum award of \$250,000. The grants will be administered by the Department of Health and Human Services (HHS) and will have a performance period of up to twelve (12) months. The grant program provides direct services to address at least one of the following purposes:

- Assisting with wraparound services to those who are accessing abortion services, as well as to those who choose to have or adopt children;
- Providing grants to organizations in the County that provide abortion services;
- Reproductive health care and legal training, education, and outreach;
- Supporting organizations focused on comprehensive family planning, reproductive health, and maternal health; and
- Supporting organizations providing legal, security, transportation, childcare, housing, and other support to those seeking access to reproductive rights.

Applications will be collected through the [Montgomery County Office of Grants Management - Grants Application Platform \(fluidreview.com\)](#). The portal will open for application within 24 hours of Council passage and close 30 days later. OGM will host a hybrid MS Teams Live ARHRSA Grants program information session for interested parties with a recording of the event posted on the application platform.

The program will be marketed through social media, County listservs, nonprofit partner forums, the County webpage, and other platforms. A review panel made up of subject matter experts from HHS and other related County offices will rate the applications on a 100-point scale with cumulative rankings determining the final awards.

The application will consist of an:

- Organizational Profile – Contact information, organization mission, and structure
- Program Plan – Series of narrative questions that will outline the proposed program
- Staffing Plan – the staff roles and responsibilities under the Program Plan
- Program Budget – Details of the implementation costs of the Program Plan
- Program Work Plan/Timeline – the Program Plan implementation schedule
- Performance Plan – Outline of metrics to be collected, targets for each metric, and the data collection method for each metric as well as any qualitative evaluation methods
- Ethics and Legal Certification – Verification of the legal authority of signatory to submit a proposal on behalf of an organization and other ethics certifications

Preference will be given to programs that prioritize serving to low-income, uninsured, and/or

other historically underserved beneficiaries. Proposed programs must be new services and County funding cannot be used to supplant other funding for already planned services.

Applicants should directly address these priority areas in their proposal. Service providers do not need a nonprofit designation to apply but all services must take place within the County. The County does not expect applicants to collect data on beneficiary residence.



**MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND**

EVAN GLASS
VICE PRESIDENT

TRANSPORTATION & ENVIRONMENT COMMITTEE
HEALTH AND HUMAN SERVICES COMMITTEE

May 4, 2022

County Executive Marc Elrich:

The devastating draft opinion from the Supreme Court reversing *Roe v. Wade* has sent shockwaves nationwide. Concerned residents of Maryland and Montgomery County should know that we remain committed to ensuring access to safe and legal abortions.

With the recently passed Abortion Care Access Act, the state legislature safeguarded and expanded access to reproductive healthcare. This new law, which goes into effect July 1, increases access to abortion through Medicaid and private insurance, and expands the network of providers who are authorized to perform these procedures.

Should the Supreme Court overturn *Roe v. Wade*, rolling back safe and legal abortions, this would most impact Black, Latina and low-income individuals.

We must follow Maryland's lead to expand safe and legal abortions. While some women will be covered by Medicaid, we know that out of pocket costs can be a barrier for low-income individuals. Gaps also exist for those who are not Medicaid eligible and cannot afford this healthcare service.

During discussions on the FY23 budget in the Health and Human Services Committee, I proposed that we add funding to provide expanded access to safe and legal abortions. While my colleagues suggested that we revisit this after an official ruling from the Supreme Court, I ask that the Department of Health and Human Services begin to plan for the potentially catastrophic situation.

Women have the right to make decisions that impact their health and their bodies. And our role as government – at all levels – is to support these decisions.

Sincerely,

A handwritten signature in black ink that reads "Evan Glass".

Evan Glass
Vice President



Committee: Directly to Council
Committee Review: N/A
Staff: Christine Wellons, Senior Legislative Attorney
Purpose: Final action – vote expected

UPDATED
AGENDA ITEM# 2.5
May 10, 2022
Introduction/Action

SUBJECT

Resolution Supporting the Preservation of Abortion Rights Under *Roe v. Wade*

Lead Sponsor: Councilmember Navarro

EXPECTED ATTENDEES

N/A

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- Vote to suspend Rule 7(c) in order to introduce and act upon the resolution on the same day.
- Vote on whether to approve the proposed resolution.

DESCRIPTION/ISSUE

Councilmember Navarro has proposed the enclosed resolution to support the preservation of constitutional rights under *Roe v. Wade*.

SUMMARY OF KEY DISCUSSION POINTS

- A recently leaked draft U.S. Supreme Court opinion indicates that the Court is poised to overturn *Roe v. Wade*, a nearly 50-year-old precedent upholding an individual's right to access abortion under the Due Process Clause of the Fourteenth Amendment.
- The resolution urges the U.S. Supreme Court to maintain the fundamental rights provided under *Roe v. Wade*, and urges Congress to enact a law to make abortions legal across the nation.

This report contains:

Resolution

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Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Navarro

SUBJECT: Resolution Supporting the Preservation of Abortion Rights Under *Roe v. Wade*

Background

1. *Roe v. Wade* (410 U.S. 113 (1973)) is a landmark U.S. Supreme Court decision that protects a pregnant individual's unequivocal right under the U.S. Constitution to choose to have an abortion prior to viability, and to make health care decisions throughout pregnancy without undue government interference. Under the Due Process Clause of the Fourteenth Amendment, an individual has a right to privacy, including in health care decisions and access to abortion care.
2. *Roe v. Wade* is consistent with legal precedent, including *Griswold v. Connecticut* (1965) and *Eisenstadt v. Baird* (1972), and has been repeatedly reaffirmed by the U.S. Supreme Court, including in *Obergefell v. Hodges* (2015).
3. For nearly five decades, the constitutional right to an abortion has been consistently under attack, with some states enacting dangerous restrictions that make getting an abortion nearly impossible for many.
4. According to the Guttmacher Institute, 26 states across the U.S. are certain or likely to ban abortions if *Roe v. Wade* is overturned, and 22 states already have laws or constitutional amendments in place that would ban abortions as soon as possible.
5. Health clinics close and health care services disappear in states with laws restricting the right to choose, and individuals with low incomes and Black, Indigenous and People of Color (BIPOC) are disproportionately impacted by restricting access to abortion care.
6. The Harvard School of Public Health reports that restricting abortion access has negative health implications and does not result in fewer abortions. Instead,

abortion restrictions compel individuals to risk their health and their lives by seeking unsafe abortions.

7. A 2021 research article published by Duke University Press, estimated that banning abortions in the U.S. would lead to a 21 percent increase in the number of pregnancy-related deaths overall and a 33 percent increase in pregnancy-related deaths among Black women.
8. The recently leaked draft U.S. Supreme Court opinion indicates that the high court is prepared to end one's constitutional right to an abortion established under *Roe v. Wade*.

9. In contrast, during the 2022 Maryland General Assembly Session, state lawmakers voted to enact the Abortion Care Access Act (House Bill 937), which expands who can perform abortions by allowing health practitioners, including nurse practitioners, midwives and physicians' assistants, to perform the procedure. The law also requires the state government to contract with an organization to develop abortion care training programs at two community sites. The goal of the new law is to expand the number of health care professionals with abortion care training, and to increase the racial and ethnic diversity of health care professionals with abortion care training.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The Council recognizes access to a safe and legal abortion as a fundamental human right. The Council believes that a supportive legal framework for abortion care is critical, and supports access for everyone who seeks the service.

The Council fully supports efforts to: ensure that all individuals can access comprehensive, unbiased information and make their own health care decisions related to their bodies; promote preventive health care services; ensure that all residents have access to comprehensive, affordable health care that includes pregnancy-related care, prenatal care, miscarriage management, family planning services, abortion care, labor and delivery services, and postnatal care; and improve access to reproductive health care, regardless of the state where an individual lives or seeks care.

The Council urges the U.S. Supreme Court to maintain the fundamental rights provided under *Roe v. Wade*, and urges the U.S. Congress to enact a law to make abortions legal across the nation.

The Council will work with federal and state lawmakers to advocate for an individual's right to choose and make their own health care decisions in Montgomery County, Maryland.

The Council is committed to ensuring that health care organizations that provide reproductive health services have the appropriate supports and capacity to safeguard reproductive rights in our communities, including the rights of transgender and nonbinary residents.

This is a correct copy of Council action.

Judy Rupp
Clerk of the Council

Montgomery County DHHS Maternal/Reproductive Health Programs

Babies Born Healthy

- The BBH program provides care coordination services to help at-risk pregnant women connect with resources and to help them stay healthy through their pregnancies. Services include: prenatal education; and screening for depression, substance abuse, intimate partner violence and environmental safety.

Maternity Partnership

- Prenatal services are offered through three local hospitals and community clinics including prenatal care, routine laboratory tests, prenatal classes, and a dental screening by a dental hygienist, if referred.

Improved Pregnancy Outcomes

- works with mothers who have had a fetal or infant loss to gain information about their experience.

Maternal/Child Nurse Case Management

- program provides on-site and in-home Community Health Nurse Case Management services to uninsured pregnant women and children up to age two. Case management services include education, assessment and referral, and assistance to clients in accessing health, economic, and self-sufficiency services and programs.

Teen Pregnancy Prevention

- School nurses work in accordance with Maryland state regulations providing Montgomery County Public School (MCPS) students with education and referrals that promote healthy lifestyle choices. Male and female students can meet with their school nurse for a one-on-one meeting and receive accurate information regarding their reproductive health.

Teen Parent Support

- The Teen Parent Support program provides peer group education on raising children, healthy relationships, and prevention of repeat teenage pregnancy. The support groups are led by school nurses and assisted by Montgomery County Public School (MCPS) staff and/or community partners and are available in all high schools, depending on need.

S.M.I.L.E. (Start More Infants Living Equally healthy) Program

- S.M.I.L.E. provides the tools and support that aim to improve the likelihood of healthy birth outcomes. The program is administered by registered nurse case managers who are passionate, and highly committed to partnering with women from pregnancy to the baby's first birthday. The program provides high-quality support and care to Black/African American moms and expectant moms and their infants.

Pregnancy Testing

- DHHS provides urine pregnancy testing to women who think they may be pregnant and offer counseling at the Germantown and Silver Spring Health Centers.

State Funding

- The state provides Title X Funding - Medicaid Family Planning / Reproductive Health, to clinics in the County providing individuals with comprehensive family planning and related preventive health services. The Title X program is designed to provide access to contraceptive services, supplies and information to all who want and need them. By law, priority is given to individuals from low-income families. Providers include Mary's Center, Community Clinic Inc and Planned Parenthood. The Title X funds used to come to the County and DHHS would subcontract with the clinics. The state decided to contract with them directly in 2015/2016.



OFFICE OF RACIAL EQUITY AND SOCIAL JUSTICE

Marc Elrich
County Executive

Tiffany Ward
Director and Chief Equity Officer

MEMORANDUM

July 21, 2022

To: Jennifer Bryant, Director
Office of Management and Budget

From: Tiffany Ward, Director
Office of Racial Equity and Social Justice *Tiffany Ward*

Re: Racial Equity Impact Assessment (REIA) for Supplemental Appropriation (SA) #23-09
FY23 Operating Budget Montgomery County Government, Department of Health and
Human Services (HHS) Assistance to Access Abortion, Reproductive Health, and
Related Services

I. **FINDING:** The Office of Racial Equity and Social Justice (ORESJ) finds that Supplemental Appropriation #23-09 FY23 Operating Budget Montgomery County Government, Department of Health and Human Services Assistance to Access Abortion, Reproductive Health, and Related Services has the capacity to advance racial equity and social justice for a limited number of low-income women who identify as Black, Indigenous People of Color (BIPOC) and undocumented women contingent on the strategies employed by the organizations that are awarded the funds.

Due to a lack of sufficient details, ORESJ is unable to determine who the ultimate target beneficiaries of the grant funds would be, whether funds requested would be sufficient, and to what extent the funds could advance equitable outcomes in the County. While lack of information limits ORESJ's analysis of this Supplemental Appropriation, the following recommendations could serve to advance the County's policy of eliminating racial disparities and other inequities if considered during award and distribution of the funds.

- Amount of funding available;
- Location of grantees and providers;
- Availability of emergency contraceptives;

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- Acceptance of vouchers by grantees to be reimbursed by the County in a timely fashion;
- Ensuring that newly enacted Medicaid coverage until 12 months postpartum is implemented regardless of how a pregnancy ends; and
- Solutions that address the systemic factors that often push women and their families into seeking abortions.

II. **BACKGROUND:** Supplemental Appropriation #23-09 was requested by the County Executive in response to the Supreme Court's recent ruling in *Dobbs v. Jackson Women's Health*¹ in which 50 years of precedent that held a woman's right to obtain a safe and legal abortion was overturned—allowing states to implement abortion bans. According to memos sent from the County Executive and the Office of Management and Budget, the purpose of Supplemental Appropriation #23-09 is to allow for \$1,000,000 in grant funds to be provided through the HHS – in cooperation with the Office of Grants Management – to fund nonprofits and organizations for the following allowable purposes:

- Assisting with wraparound services to those who are accessing abortion services to providers, as well as to those who choose to have children;
- Providing grants to organizations in the County that provide abortion services;
- Support organizations focused on comprehensive family planning, reproductive health, and maternal health; and
- Provide aid to organizations that are fighting legal battles on behalf of those seeking access to reproductive rights.

As stated by the County Executive upon the announcement of the *Dobbs v. Jackson Women's Health* ruling, it is the hope of the County that the funds provided by this Supplemental Appropriation "offers both financial and emotional support to the medical professionals who are now dealing with the repercussions"² of the Supreme Court's decision. While ORESJ largely agrees with this statement, we would also emphasize the importance of focusing resources on those who are more likely to be in greatest need of accessing reproductive health and abortion care services in the County—low-income women who identify as BIPOC and undocumented women.

Globally, one of the largest drivers of abortion is unintended pregnancy³. Nationally, abortion and unintended pregnancy rates are highest among Black women—"a reflection of the particular difficulties that many women in minority communities face in accessing high-quality contraceptive services and in using their chosen method of birth control consistently

¹ [efaidnbmnnibpcajpcglclefindmkaj/https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf](https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf)

² https://www2.montgomerycountymd.gov/mcgportalapps/Statement_Detail.aspx?id=1556

³ <https://www.guttmacher.org/fact-sheet/unintended-pregnancy-united-states>

and effectively over long periods of time".⁴ In 2019, according to available national data, Black women accounted for the largest percentage of all abortions (38.4%), had the highest abortion rate (23.8 abortions per 1,000 women), and had the highest abortion ratio (386 abortions per 1,000 live births).⁵ Additionally, abortion rates are increasingly concentrated among poor women⁶, which, due to historical and systemic factors, Black women are disproportionately overrepresented.

Low-income women, women who identify as BIPOC, and undocumented women are at greatest risk of being uninsured, as are single mothers,⁷ putting them at higher risk of adverse health outcomes. Despite greater access to health care coverage through policies such as the Affordable Care Act, which allowed for Medicaid expansion in states that took it up, women who identify as BIPOC continue to experience greater burdens in accessing comprehensive reproductive health care services. Data suggests the disproportionate risk for women of color for reproductive health access and outcomes expands beyond individual-level risks, and also includes social and structural factors such as: fewer neighborhood health services; less insurance coverage; decreased access to educational and economic attainment; and practitioner-level factors such as racial bias and stereotyping.⁸

Given this context, ORESJ recommends that the funds put forth by Supplemental Appropriation #23-09 be directed to nonprofits and organizations in the County that specifically prioritize serving low-income women who identify as BIPOC and undocumented women.

III. **ANALYSIS:** The availability of demographic data on abortion rates varies across the nation as some states do not elect to report this information or it's not reliable. Based on available data, ORESJ found that between 2002-2005 (the latest data available), Montgomery County ranked 10th in Maryland compared to other counties in the state in number of abortions provided to its residents.⁹ During this time, 7.2% of pregnancies in Montgomery County ended in abortion,¹⁰ totaling approximately 1,111 abortions¹¹. Since that time, it is safe to assume that this number has increased significantly with national data collection efforts from the Guttmacher Institute showing an increase of 8% more abortions in 2020 over

⁴ <https://www.guttmacher.org/gpr/2008/08/abortion-and-women-color-bigger-picture>

⁵ https://www.cdc.gov/mmwr/volumes/70/ss/ss7009a1.htm#T6_down

⁶ <https://www.guttmacher.org/infographic/2017/abortion-rates-income>

⁷ <https://www.kff.org/womens-health-policy/fact-sheet/womens-health-insurance-coverage/>

⁸ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7813444/>

⁹ <https://www.johnstonsarchive.net/policy/abortion/usac/ab-usac2-MD.html>

¹⁰ <https://www.johnstonsarchive.net/policy/abortion/usac/ab-usac2-MD.html>

¹¹ <https://www.johnstonsarchive.net/policy/abortion/usac/ab-usac-MD.html>

2017¹². For context, at the state level in 2017, 29,800 abortions were provided in Maryland—including abortions provided to those who were not state residents.¹³ Coupling Montgomery County's increased racial and ethnic diversity as well as its growing rate of poverty¹⁴ with research that shows high rates of abortions among low-income Black women, one can surmise that this group is in greatest need of accessing reproductive health and abortion care services. To support this assertion, ORESJ points to the County's maternal and infant health outcomes. While Montgomery County typically performs better than state and national averages related to maternal and infant health indicators overall, the County aligns with statistics across the nation that reveal disparities in maternal and infant health outcomes among low-income and BIPOC women and their babies.¹⁵

Nationally, even when controlling for factors such as physical health, access to prenatal care, income level, education, and socio-economic status, Black women are three to four times more likely to die from pregnancy-related death than their White counterparts, with their babies also being at greater health risk of experiencing poor birth outcomes such as preterm birth and low birth weight—potential causes of infant mortality.¹⁶ In Montgomery County, Black women are 60% more likely to have severe maternal morbidity than White women and also experience the highest percentages of preterm births compared to other racial and ethnic groups in the County.¹⁷ Black babies are also more likely than any other racial group in the County to be born at low birth weights and more likely to experience infant and fetal death.¹⁸ These stark statistics reveal a sobering truth about this nation and the County—years of strategic divestment in Black communities (to the benefit of White communities) have manifested in a crisis of maternal and infant health outcomes for Black women and their babies. Therefore, investments such as Supplemental Appropriation #23-09 are much needed in advancing equitable and just outcomes for low-income BIPOC and undocumented women.

While information provided from the County Executive and the Office of Management and Budget does not specifically state that low-income BIPOC and undocumented women are the intended recipients of grants under Supplemental Appropriation #23-09, this population of women have the greatest demonstrated need for resources. Based on the stated goals of the funds, ORESJ believes that focusing resources on efforts that seek to provide

¹² <https://www.guttmacher.org/article/2022/06/long-term-decline-us-abortions-reverses-showing-rising-need-abortion-supreme-court#>

¹³ <https://www.guttmacher.org/fact-sheet/state-facts-about-abortion-maryland>

¹⁴ www.montgomerycountymd.gov/HHS/Resources/Files/MaternalInfantHealthReport.pdf

¹⁵ www.montgomerycountymd.gov/HHS/Resources/Files/MaternalInfantHealthReport.pdf

¹⁶ <https://cssp.org/2019/05/trends-in-black-maternal-and-infant-health-outcomes/>

¹⁷ www.montgomerycountymd.gov/HHS/Resources/Files/MaternalInfantHealthReport.pdf

¹⁸ www.montgomerycountymd.gov/HHS/Resources/Files/MaternalInfantHealthReport.pdf

wraparound services to those who are accessing abortion services as well as to those who choose to have children; providing grants to organizations in the County that provide abortion services; and supporting organizations focused on comprehensive family planning, reproductive health, and maternal health services have the greatest ability to meet the needs of low-income BIPOC and undocumented women. In order to ensure these women's needs are met, the following should be considered when determining grantees of Supplemental Appropriation #23-09:

- **Amount of funding available:** The average cost for an abortion in Maryland ranges from \$390 to \$1,300¹⁹, with Planned Parenthood charging from \$500 for a medication abortion or an early term in-clinic abortion, to \$800 for in-clinic abortions at 15.6 weeks gestation²⁰. Other factors – such as the stage of development of the fetus, the type of pain medication or anesthesia used during the abortion, additional medication needed, and the patient's blood type – also effect the ultimate cost of an abortion.²¹ Additionally, despite women being more likely than men to be covered by some form of health insurance, in 2020, approximately one in four women reported problems paying medical bills within the past year, with higher rates among uninsured women, women with low-incomes, and women in poorer health.²²

Given the limited resources provided by Supplemental Appropriation #23-09, grantees should prioritize their efforts to serve low-income BIPOC and undocumented residents of the County. If the County seeks to provide aid to organizations that are fighting legal battles on behalf of those seeking access to reproductive rights and serve women seeking abortions who reside outside of the County, ORESJ would ask that they consider providing additional resources that specifically serve this purpose so the needs of as many at-risk County residents can be addressed through the current requested funds.

- **Location of grantees and providers:** According to the HHS Babies Born Healthy Program, county residents who are at the highest risk for poor birth outcomes including low birth weight, premature births, infant mortality and maternal morbidity and mortality are Black women who live in zip codes 20903, 20904, and 20906.²³ Reproductive health providers and clinics (particularly those that provide abortion care services) in the County largely serve residents outside of these identified zip codes.

¹⁹ <https://pregnancyclinic.org/how-much-does-an-abortion-cost-in-maryland/#:~:text=In%20Maryland%2C%20the%20cost%20of,blood%20type%20is%20Rh%20negative>.

²⁰ <https://www.plannedparenthood.org/planned-parenthood-maryland/client-resources/visit-costs>

²¹ <https://pregnancyclinic.org/how-much-does-an-abortion-cost-in-maryland/#:~:text=In%20Maryland%2C%20the%20cost%20of,blood%20type%20is%20Rh%20negative>

²² <https://www.kff.org/womens-health-policy/issue-brief/womens-health-care-utilization-and-costs-findings-from-the-2020-kff-womens-health-survey/>

²³ <https://www.montgomerycountymd.gov/HHS-Program/PHS/PHSBabiesBornHealthy-p65391234.html>

Grantees and providers operating in the zip codes identified by the Babies Born Healthy Program should be prioritized in the distribution of funds as they serve residents of greatest need where they live. For organizations and providers operating outside of these identified zip codes, transportation services (covering all reproductive health and family planning visits including follow-ups) should be provided to their clients.

- **Availability of emergency contraceptives.** The implementation of the Maryland Contraceptive Equity Act in 2018 allowed the state of Maryland to provide insurance coverage for over-the-counter contraceptive medications, including emergency contraception such as Plan B.²⁴ This includes the state's Medicaid recipients. Supplemental Appropriation #23-09 grantees should have a readily available supply of emergency contraceptives for clients seeking these resources at little to no cost. If prospective clients are uninsured or cost proves prohibitive, they should be referred to the County (who should make emergency contraception free and accessible in a manner similar to the County's condom distribution initiative through the use of Title X funds²⁵) in a timely fashion as Plan B has a small window of effectiveness.
- **Acceptance of vouchers by grantees to be reimbursed by the County in a timely fashion.** In discussion with HHS, it was stated that the County previously provided vouchers to qualified residents of the County that enabled them to obtain abortion services (including follow-up care) at participating organizations and clinics. While most women obtain care at doctors' offices, clinics are common sites of care for underserved communities, particularly for uninsured women and those covered by Medicaid.²⁶ Should clinic grantees be awarded funds provided by Supplemental Appropriation #23-09, they should express a willingness to participate in a voucher program such as this in order to serve County residents in greatest need, particularly those who are uninsured and would otherwise have to pay out-of-pocket costs in order to obtain an abortion. To that end, the County should consider setting aside funds or sourcing new funds that would reestablish this voucher program. Should funds be made permanent, the County should make participation in the voucher program a mandatory requirement?
- **Ensuring that newly enacted Medicaid coverage until 12 months postpartum is implemented regardless of how a pregnancy ends.** Effective April 1, 2022, Medicaid-eligible pregnant individuals in the state of Maryland were granted access to full Medicaid benefits for the duration of their pregnancy and the 12-month postpartum

²⁴ <https://www.plannedparenthood.org/planned-parenthood-maryland/get-involved-locally/action-network/maryland-contraceptive-equity-act>

²⁵ <https://www.montgomerycountymd.gov/HHS-Program/PHS/PHSFamPlan-p741.html>

²⁶ <https://www.kff.org/womens-health-policy/issue-brief/womens-health-care-utilization-and-costs-findings-from-the-2020-kff-womens-health-survey/>

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period, regardless of any changes in income or household size, with the 12-month postpartum coverage period beginning on the last day of the pregnancy.²⁷ This was a vitally important step in protecting the lives of pregnant and postpartum individuals in that research has shown that loss of Medicaid eligibility after childbirth, especially for women who live in non-expansion states and the lack of automatic transitions to state family planning programs, often result in gaps in reproductive health care for low-income women with infants.²⁸ Due to the ongoing Public Health Emergency (PHE) – which was recently extended by US Department of Health and Human Services Secretary Xavier Becerra to October 13, 2022 – persons currently receiving Medicaid benefits will be eligible to do so until the PHE end date. As the PHE end date approaches, DHHS should work with Supplemental Appropriation #23-09 grantees whose clients are Medicaid eligible or recipients of Medicaid to ensure seamless transition of coverage 12 months postpartum regardless of whether their pregnancies end in a live birth, miscarriage, or an abortion and provide them with the appropriate resources needed during that time.

- **Solutions that address the systemic factors that often push women and their families into seeking abortions.** In the United States, 59% of abortions are obtained by women who already have children.²⁹ As noted above, a large driver of abortions among BIPOC women is poverty, with mother's often struggling to provide for the children already in their care. This stark reality highlights the need for a reproductive justice approach to addressing the reproductive health needs of women in which they are provided the human right to maintain personal bodily autonomy, have children, not have children, and parent the children they have in safe and sustainable communities.³⁰ This would require a heavy investment from the County that extends beyond the requested funds of Supplemental Appropriation #23-09 that ensure access to living wages, safe and affordable housing, benefits such as comprehensive health care coverage and paid family leave, free high-quality childcare options from six weeks to kindergarten entry, food security, and access to reliable transportation as just a start.

For those seeking safe affordable abortion care, access to this service is a conversation of not only bodily autonomy, but equity. The requested funds from Supplemental Appropriation #23-09 has the ability to equitably serve low-income BIPOC and undocumented women and families in Montgomery County, however the distribution and implementation of these

²⁷ <https://health.maryland.gov/newsroom/Pages/Maryland-Department-of-Health-announces-expanded-Medicaid-coverage-for-new-mothers.aspx>

²⁸ <https://www.kff.org/report-section/beyond-the-numbers-access-to-reproductive-health-care-for-low-income-women-in-five-communities-executive-summary/>

²⁹ <https://www.guttmacher.org/united-states/abortion/demographics>

³⁰ <https://www.sistersong.net/reproductive-justice>

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resources must be done in ways that consider impacts on those most frequently left behind while also being scaled up so that they can address their full needs. Additionally, when the decision is made to ultimately obtain an abortion, access to this service should be free or of relatively low cost for those in the County with the greatest expressed need.

cc: Raymond Crowel, Director, Department of Health and Human Services
Ken Hartman, Director, Office of Strategic Partnership, Office of the County Executive