

From: Danny Varat <DannyVarat@scstatehouse.gov>
To: Catherine McNicollCatherineMcNicoll@scstatehouse.gov
Date: 3/21/2018 7:36:45 PM
Subject: Re: Family Planning

We'll need some bullets on why this is constitutional.

From: Catherine McNicoll
Sent: Wednesday, March 21, 2018 5:09 PM
To: Cash Richard
Cc: Kevin L. Bryant; Danny Varat
Subject: FW: Family Planning

Good Afternoon Senator Cash,

The Lieutenant Governor said you wanted to see what we had on limiting Medicaid family planning funds to providers that do not perform abortions. He said you wanted what I have on Planned Parenthood, which is somewhat broad/ doesn't refer to much of what I have.

Below is the information that I sent to Rep. Smith regarding limiting Medicaid family planning funds to providers that do not perform abortions. I'm not sure if there was more information that you wanted/needed please let me know what information I can assist with.

Best Regards,
Catherine McNicoll
Director of Legal & Legislative Affairs
Lieutenant Governor's Office
CatherineMcNicoll@SCStatehouse.gov
803-734-5292 (phone)

From: Catherine McNicoll
Sent: Thursday, January 25, 2018 1:33 PM
To: 'Garry Smith'
Cc: Danny Varat
Subject: RE: Family Planning

Good Afternoon Representative Smith,

It was very nice to meet you in person last night. As I mentioned we were nearly ready to send you the language for the provisos. I am attaching the language we have drafted to this email. There are two issues that we will need to work out: (1) how we refer to the funds and (2) the timing mechanism from DHEC's investigation to DHHS withdrawing the funds from a provider.

For the timing mechanism we want to give DHEC and DHHS a clear instruction but I will be doing some further research in to how to structure that language.

Please let me know if you would like to meet or would like me to meet with staff regarding this language.

Best Regards,
Catherine McNicoll
Director of Legal & Legislative Affairs
Lieutenant Governor's Office
CatherineMcNicoll@SCStatehouse.gov
803-734-5292 (phone)

From: Garry Smith [<mailto:garry@garrysmith.org>]
Sent: Saturday, January 20, 2018 7:21 AM
To: Catherine McNicoll <CatherineMcNicoll@scstatehouse.gov>
Cc: Danny Varat <DannyVarat@scstatehouse.gov>
Subject: Re: Family Planning

Thanks, Catherine. Please put together the Proviso for review.

Garry

On Fri, Jan 19, 2018 at 5:05 PM Catherine McNicoll <CatherineMcNicoll@scstatehouse.gov> wrote:

Good Afternoon Representative Smith,

Danny Varat asked me to provide you with details on the Lieutenant Governor's Proposal regarding Family Planning funds.

The Lieutenant Governor has proposed that we reject the federal family planning dollars and replace them with state family planning funds so that the state can control what providers receive those funds based on the criteria the state would set rather than based on federal provider standards. This would allow the state to defund any provider who performs abortions.

For the 2017-2018 FY the federal family planning amount was \$15,585,522, therefore to implement the lieutenant Governor's plan we would need a similar amount added to the state funding for family planning.

This should be accompanied by a proviso that requires DHHS to reject the federal dollars and dictates that providers that preform abortions are not to receive these funds.

Below is the language that Missouri used when they implemented this plan.

"For the purpose of funding family planning and family planning-related services, pregnancy testing, sexually transmitted disease testing and treatment, including pap tests and pelvic exams, and follow-up services provided that none of the funds appropriated herein may be expended to directly or indirectly subsidize abortion services or procedures or administrative functions and none of the funds appropriated herein may be paid or granted to an organization that provides abortion services. An otherwise qualified organization shall not be disqualified from receipt of these funds because of its affiliation with an organization that provides abortion services, provided that the affiliated organization that provides abortion services is independent of the qualified organization. An independent affiliate that provides abortion services must be separately incorporated from any organization that receives these funds. Such services shall be available to uninsured women who are at least 18 to 55 years of age with a family Modified Adjusted Gross Income for the household size that does not exceed 201% of the Federal Poverty Level (FPL) and who is a legal resident of the state."

The primary distinctions between what the Lieutenant Governor is trying to accomplish and what the Missouri language accomplished are:

- The Missouri language does not distinguish abortions performed because of an immediate danger to the life of the mother, we would like to include that distinction.
- The Missouri language does not provide for how providers will be reviewed, we would like DHEC to inspect month to determine if abortions are being performed and to include the reason for the abortion in their collection of data. (Reason being - elective, fetal abnormality, rape, incest, life of mother, etc.)

I will be happy to draft language for an appropriate proviso to accompany the funds.

Please let me know if you have any questions and how I can assist. Have a great weekend.

Best Regards,
Catherine McNicoll
Director of Legal & Legislative Affairs
Lieutenant Governor's Office
CatherineMcNicoll@SCStatehouse.gov
803-734-5292 (phone)

From: Danny Varat
Sent: Monday, January 15, 2018 10:20 AM
To: Catherine McNicoll <CatherineMcNicoll@scstatehouse.gov>
Subject: Family Planning

Rep. Garry Smith wants to include the LG's proposal in the House budget. Please email what he will need to share with House staff to garry@garrysmith.org