



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

August 22, 2019

Dr. Scott J. Moore, Ph.D., J.D.
Director, OASH Office of Grants Management
Grants Management Official
1101 Wootton Parkway
Rockville, Maryland 20852

RE: Notification of Termination of Grant No. 1 FPHPA006462-01-00

Dear Dr. Moore:

Since its inception nearly 50 years ago, the Title X program's purpose has been to make comprehensive voluntary family planning services readily available to all. For nearly 50 years, the State of Washington has worked tirelessly with its providers to do just that for millions of Washingtonians. The State of Washington has never wavered in its commitment to ensuring that women receive the full range of reproductive health care they need and deserve, and we never will.

Unfortunately, the U.S. Department of Health and Human Services has chosen to end its commitment to comprehensive family planning services by implementing the 2019 Final Rule, entitled *Compliance With Statutory Program Integrity Requirements*. These new rules require our providers to deprive their patients of the information and services they need to make and carry out fully informed decisions about their reproductive health. Our providers' ethical and professional responsibilities do not allow this. The new rules require our state to discriminate against women's exercise of their fundamental, constitutional rights. Our state's laws and values forbid this. And the new rules violate federal law, which is the subject of active litigation in the Ninth Circuit and various federal district courts.

Given the Final Rule's uncertain status, the State of Washington submitted an action plan on August 19, 2019, proposing an arrangement whereby we would cease spending federal funds and use state funds to continue supporting the provision of comprehensive family planning services in our state until our legal challenge is resolved.

By its letter of August 21, 2019, HHS rejected our plan, deemed us out of compliance, placed our award on cash restriction, and delivered an ultimatum to implement its harmful and illegal new rules, leave the Title X program, or be terminated under threat of losing future federal funding. By implementing the Final Rule and rejecting our state's submission of August 19, 2019, HHS has given the State of Washington no choice at all. HHS has forced us to terminate our Title X grant and lose vital funds for reproductive health care in our state.

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Pursuant to 45 C.F.R. § 75.372(a)(4), for the foregoing reasons, the Washington State Department of Health (Department) hereby provides written notification to the HHS awarding agency that it is terminating grant number 1 FPHPA006462-01-00 in whole effective as of the time reflected by the GrantSolutions timestamp when this notification is uploaded to Grant Notes within the GrantSolutions system on August 22, 2019. The Department is submitting a termination notification under 45 C.F.R. § 75.372(a)(4), not a Relinquishment Statement, because it does not seek to transfer responsibility for its Title X grant to another entity, as outlined in the "Change of Grantee Organization" section of the HHS Grants Policy Statement.

By terminating its grant under 45 C.F.R. § 75.372(a)(4), the Department recognizes that it remains responsible for compliance with the requirements of 45 C.F.R. §§ 75.381-.390. The Department will satisfy these closeout and other post-termination requirements in accordance with applicable deadlines and in coordination with the OASH Office of Grants Management.

The State of Washington is gravely disappointed in HHS's deliberate decision to force us and many other longstanding grantees out of the Title X program. Our state has worked with its providers for nearly a half-century to carry out the Title X program's mission of providing comprehensive family planning services to low-income women. And we would have continued this vital work for many years to come if not for HHS's choice to forsake its commitment to comprehensive reproductive health care by implementing these unlawful and harmful new rules.

The State of Washington will never abandon its commitment to every woman's fundamental right to reproductive freedom.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lacy M. Fehrenbach".

Lacy M. Fehrenbach, MPH, CPH
Assistant Secretary
Grantee Authorizing Official

A handwritten signature in black ink, appearing to read "Cynthia Harris".

Cynthia Harris
Grantee Project Director, PI/PD