

# Dept. of Justice: AG Kaul joins fight to protect funding for women's health and reproductive care

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MADISON, Wis. – Attorney General Josh Kaul joined a multistate coalition of 24 attorneys general in filing an amicus [brief](#) in the case Ohio v. Becerra, opposing the plaintiffs' efforts to halt implementation of the new Title X rule promulgated in 2021 by the U.S. Department of Health and Human Services (HHS). The 2021 rule removes harmful restrictions put in place by the Trump Administration and will result in the distribution of Title X funds to a greater number of family planning and related preventive health service providers that deliver care to millions of low-income or uninsured individuals and others.

Title X is the only federal grant program that funds family planning and counseling programs to help patients access contraception, as well as breast and cervical cancer screenings, screenings and treatments for sexually transmitted infections, and other related health services.

“The Title X program has helped many Wisconsinites get access to safe, quality healthcare,” said Attorney General Josh Kaul. “While changes made in 2019 undermined that program and interfered with the doctor-patient relationship, the rule issued this year puts the program back on track.”

The brief supports the new HHS rule, issued in 2021, that broadens the scope of federal grants under Title X, in part, by eliminating the harmful provisions of the 2019 Trump Administration rule — also known as the “gag rule.” The 2019 rule 1) imposed onerous requirements for physical separation between abortion and non-abortion services at clinics that provided abortion services and 2) prohibited clinicians from providing referrals to abortion providers, even when directly

requested by the patient. By contrast, under HHS's 2021 rule, Title X funds can, once again, go to clinics that do not physically separate non-abortion and abortion services, and that provide referrals to abortion providers at a patient's request. The coalition's brief argues for the court to reject a request by a group of plaintiff states for a preliminary injunction of the 2021 rule.

The coalition of attorneys general argues that the plaintiffs' proposed injunction would put patients and providers in harm's way by returning to the 2019 Trump Administration rule, which caused dramatic loss of Title X providers and a substantial decrease in patient visits and health care services provided. Underserved communities were especially impacted by the loss of essential care, particularly low-income individuals, minorities, LGBTQ+ individuals, individuals living with disabilities, minors, and those living in rural areas.

The 2021 HHS rule allows lost providers to reenter the Title X program. The new rule also improves client outcomes by providing greater access to and a wider range of health care services, and promotes health equity by emphasizing efforts to reach underserved communities.

Joining Attorney General Kaul in filing the brief are the attorneys general of California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, and the District of Columbia.