



March 13, 2023

Tisha Reed, Title X Project Officer  
Department of Health and Human Services  
Telephone: 240.453.6162  
Email: tisha.reed@hhs.gov

Reference: OPA Options counseling referral compliance:

Award #: FPHPA006553-01-00  
Budget Period: 04/01/2022 – 03/31/2023  
Project Period: 04/01/2022 – 03/31/2027

Dear Ms. Reed,

Thank you for your letter dated March 1, 2023. As you know, the 2021 Rule requires referral/information for “Pregnancy termination.” 42 C.F.R. § 59.5(a)(5). Pursuant to Tennessee law, Title X subgrantees’ physicians can comply with this requirement by referring patients for “terminat[ing] the pregnancy of a woman known to be pregnant” when the termination is with intent “to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus.” Tenn. Code Ann. § 39-15-213(a)(1) (excluding such procedures from the definition of abortion). For these reasons, we do not construe the phrase “pregnancy termination,” such as abortion. Under the regulation’s broad and undefined language, Tennessee’s nondirective policy appears to be in compliance with Title X given the standard of care in Tennessee.

Sincerely,

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Ralph Alvarado, MD, FACP  
Health Commissioner

A handwritten signature in blue ink that reads 'Yoshie Darnall MSN, APN, ANP-BC, WHNP-BC'.

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Yoshie Darnall, MSN, APN, ANP-BC, WHNP-BC  
Family Planning Program Director  
Division of Family Health and Wellness  
Reproductive and Women’s Health