



22 MARCH 2023

# Ensuring Access to Reproductive Health Care



## TAKING CARE OF SERVICE MEMBERS AND FAMILIES

### PRESERVING PRIVACY FOR SERVICE MEMBERS

### PROTECTING HEALTH CARE PROVIDERS

## ENSURING ACCESS TO NON-COVERED REPRODUCTIVE HEALTH CARE

### IMPROVING AWARENESS OF RESOURCES



SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1000

OCT 20 2022

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP  
COMMANDERS OF THE COMBATANT COMMANDS  
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Ensuring Access to Reproductive Health Care

The recent Supreme Court ruling in *Dobbs v. Jackson Women's Health Organization* has impacted access to reproductive health care with readiness, recruiting, and retention implications for the Force. Since the Supreme Court's decision, we have heard concerns from many of our Service members and their families about the complexity and the uncertainty that they now face in accessing reproductive health care, including abortion services. We also recognize that recent developments may create legal and financial risk for our health care providers as they carry out their lawful federal duties. I am committed to the Department taking all appropriate action, within its authority and consistent with applicable federal law, as soon as possible to ensure that our Service members and their families can access reproductive health care and our health care providers can operate effectively.

Service members and their families should have time to make private health care decisions. To ensure consistency across the Force, I am directing the Department to:

- Establish additional privacy protections for reproductive health care information, including standardizing and extending the time Service members have to fulfill their obligation to notify commanders of a pregnancy to no later than 20 weeks unless specific requirements to report sooner, such as those necessitated by occupational health hazards, are set forth in policy.
- Disseminate guidance that directs Department of Defense health care providers that they may *not* notify or disclose reproductive health information to commanders unless this presumption is overcome by specific exceptions set forth in policy, such as risk of harm to mission, occupational safety requirements, or acute medical conditions interfering with duty.
- Disseminate guidance that directs commanders to display objectivity and discretion when addressing reproductive health care matters and underscores their duty to enforce existing policies against discrimination and retaliation in the context of reproductive health care choices.

Department of Defense health care providers should not be held personally liable for performing their official duties and should not have to face criminal or civil liability or risk losing their license for doing so. To support our health care providers, I am directing the Department to:

- Develop a program to reimburse applicable fees, as appropriate and consistent with applicable federal law, for Department of Defense health care providers who wish to become



# Definitions

<b>Non-Covered Reproductive Health Care</b>	<ul style="list-style-type: none"> <li>• Legally available Assisted Reproductive Technology (ART) and non-covered abortion</li> </ul>
<b>ART</b>	<ul style="list-style-type: none"> <li>• Only the following components of ART are included:             <ul style="list-style-type: none"> <li>• Ovarian stimulation and egg retrieval, including any needed medications and procedures required for retrieval, processing and utilization for ART or cryopreservation</li> <li>• Sperm collection and processing for ART or cryopreservation</li> <li>• Intrauterine insemination (IUI)</li> <li>• In vitro fertilization (IVF) inclusive of the following procedures for beneficiaries when clinically indicated:                 <ul style="list-style-type: none"> <li>• IVF with fresh embryo transfer</li> <li>• Gamete intrafallopian transfer (GIFT)</li> <li>• Zygote intrafallopian transfer (ZIFT)</li> <li>• Pronuclear state tubal transfer (PROST)</li> <li>• Tubal embryo transfer (TET)</li> <li>• Frozen embryo transfer</li> </ul> </li> </ul> </li> </ul>
<b>Covered Abortion</b>	<ul style="list-style-type: none"> <li>• An abortion, either medical or surgical, where the life of the mother would be endangered if the fetus were carried to term or in a case in which the pregnancy is the result of an act of rape or incest</li> </ul>
<b>Non-Covered Abortion</b>	<ul style="list-style-type: none"> <li>• An abortion, either medical or surgical, that is not a covered abortion</li> </ul>



# Command Notification of Pregnancy



UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

FEB 16 2023

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP  
COMMANDANT OF THE COAST GUARD  
COMMANDERS OF THE COMBATANT COMMANDS  
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Changes to Command Notification of Pregnancy Policy

In his October 20, 2022 memorandum, "Ensuring Access to Reproductive Health Care," the Secretary of Defense directed the Department of Defense to take a series of actions to ensure that Service members and their families can access reproductive health care and that DoD health care providers can operate effectively consistent with federal law. Most relevant here, the Secretary's October 20, 2022 memorandum requires the establishment of uniform policies to protect the privacy of reproductive health information.

Secretary Austin has made clear that the health and well-being of our Service members and their family members is a top priority. This policy provides Service members the time and flexibility to make private health care decisions in a manner that is consistent with the responsibility of commanders to meet operational requirements and protect the health and safety of those in their care. We remain committed to taking care of all our people and ensuring that the entire Force remains ready and resilient.

The updated policy on command notification of pregnancy is detailed in the attachment, and will be effective within 30 days following the date of this memorandum. The forthcoming DoD Instruction on reproductive health care will incorporate this policy. More information about the Secretary of Defense's memorandum and the actions taken to date can be found at [www.health.mil/EnsuringAccessToReproductiveHealth](http://www.health.mil/EnsuringAccessToReproductiveHealth).

Gilbert R. Cisneros, Jr.

Attachment:  
As stated

cc:  
Assistant Secretary of Defense  
for Manpower and Reserve Affairs  
Assistant Secretary of Defense for Health Affairs  
Deputy Chief of Staff, G-1, U.S. Army  
Deputy Commandant for Manpower and Reserve  
Affairs, U.S. Marine Corps  
Chief of Naval Personnel, U.S. Navy  
Deputy Chief of Staff for Personnel, U.S. Air Force  
Deputy Chief of Space Operations, Personnel  
Assistant Commandant for Human Resources (CG-1)

## KEY POLICY HIGHLIGHTS

### Reinforces the Need for Prenatal Care

- Service members who believe they are pregnant should confirm the pregnancy and receive prenatal care as soon as possible, but no later than 12 weeks gestation

### Delaying Command Notification of Pregnancy

- Service members may choose to delay pregnancy notification to commanders
- Service members choosing to delay notification will notify their command no later than 20 weeks gestation
- Service members may be placed in a medical temporary non-deployable status and limited or light duty status without reference to the Service member's pregnancy status

### Special Circumstances

- There are military duties, occupational health hazards, medical conditions, and other special circumstances where proper execution of the mission outweighs the interests served by delaying commander notification

### Commander Responsibilities

- Commanders will protect the privacy of protected health information, and information shall be restricted to personnel with a specific need to know



# Administrative Absence for Non-Covered Reproductive Health Care



UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

FEB 16 2023

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP  
COMMANDANT OF THE COAST GUARD  
COMMANDERS OF THE COMBATANT COMMANDS  
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Administrative Absence for Non-Covered Reproductive Health Care

In his October 20, 2022 memorandum, "Ensuring Access to Reproductive Health Care," the Secretary of Defense directed the Department to take a series of actions to ensure that Service members and their families can access reproductive health care and that DoD health care providers can operate effectively consistent with Federal law.

The attachment establishes policy and provides procedures, consistent with established Department processes, for the expansion of administrative absence to include the ability for a Service member to request an administrative absence from their normal duty station for non-covered reproductive health care without loss of pay or being charged leave, to ensure Service members can access care regardless of where they are stationed. This policy reflects our continued commitment to taking care of our people and ensuring that the entire Force remains ready and resilient.

This policy will be effective within 30 days following the date of this memorandum. DoD Instruction 1327.06, "Leave and Liberty Policy and Procedures," will incorporate this policy. More information about the Secretary of Defense's memorandum and the actions taken to date can be found at [www.health.mil/EnsuringAccessToReproductiveHealth](http://www.health.mil/EnsuringAccessToReproductiveHealth).

Gilbert R. Cisneros, Jr.

Attachment:  
As stated

cc:  
Assistant Secretary of Defense  
for Manpower and Reserve Affairs  
Assistant Secretary of Defense for Health Affairs  
Deputy Chief of Staff, G-1, U.S. Army  
Deputy Commandant for Manpower and Reserve  
Affairs, U.S. Marine Corps  
Chief of Naval Personnel, U.S. Navy  
Deputy Chief of Staff for Personnel, U.S. Air Force  
Deputy Chief of Space Operations, Personnel  
Assistant Commandant for Human Resources (CG-1)

## KEY POLICY HIGHLIGHTS

### Non-Covered Reproductive Health Care Need

- Absences may be granted to Service members when a reproductive health care need is identified by the Service member and the military situation permits
- Non-covered reproductive health care is at the patient's expense

### Administrative Absence

- Service members may be granted an administrative absence from their normal duty station, without being charged leave, for a period up to 21 days to receive, or to accompany a dual-military spouse or dependent who receives, non-covered reproductive health care
- The period of absence will be limited to the number of days essential to receive the required care and travel needed to access the care by the most expeditious means of transportation possible

### Availability of Non-Covered Reproductive Health Care

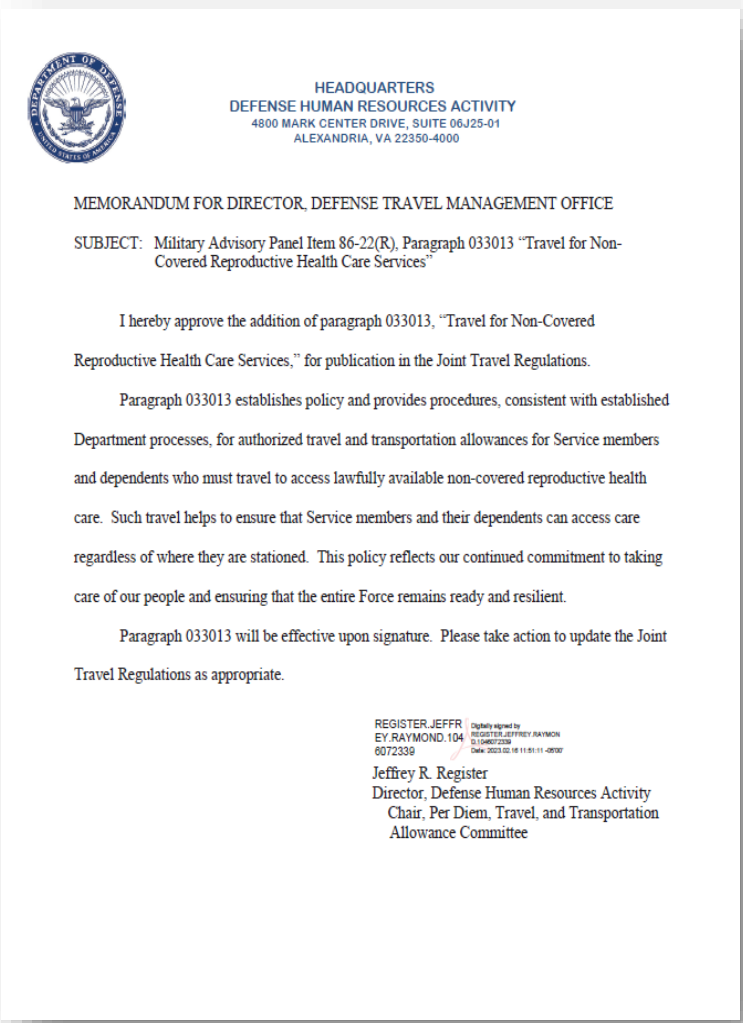
- The administrative absence should be granted whether or not such care is available within the local area of the Service member's duty location

### Commander Responsibilities

- Requests should be given all due consideration and should be granted to the greatest extent practicable
- Commanders will not levy additional requirements on the Service member prior to approving or denying the absence
- Commanders will protect the privacy of protected health information they receive, and information shall be restricted to personnel with a specific need to know



# Travel for Non-Covered Reproductive Health Care



KEY POLICY HIGHLIGHTS	
Eligibility	<ul style="list-style-type: none"><li>• Service members and eligible dependents are eligible for travel and transportation allowances to access non-covered reproductive health care when timely access to non-covered reproductive health care is not available within the local area of the member’s permanent duty station (PDS), temporary duty location, or the last location the dependent was transported on authorized government orders</li><li>• Service members or eligible dependents must certify in writing the location of the closest available, capable medical facility for the non-covered reproductive health care</li></ul>
Allowances	<ul style="list-style-type: none"><li>• Service members are authorized standard travel and transportation allowances</li><li>• Eligible dependents may be authorized the actual cost of lodging, the actual cost of meals, and round-trip transportation between the member’s PDS and the non-covered reproductive health care location</li><li>• Non-covered reproductive health care includes non-covered abortion and Assisted Reproductive Technology, which includes, but is not limited to, egg retrieval, IUI, and IVF</li><li>• Non-covered reproductive health care is at the patient's expense</li></ul>
Commander Responsibilities	<ul style="list-style-type: none"><li>• Commanders will protect the privacy of protected health information they receive, and information shall be restricted to personnel with a specific need to know</li><li>• Commanders are expected to display objectivity, compassion, and discretion when addressing all health care matters, and have a duty to enforce existing policies against discrimination and retaliation</li></ul>





# Improving Awareness of Resources

EDUCATING THE FORCE	
Q&A and Policy Fact Sheets	<ul style="list-style-type: none"><li><a href="https://www.health.mil/News/In-the-Spotlight/Ensuring-Access-to-Reproductive-Health-Care">https://www.health.mil/News/In-the-Spotlight/Ensuring-Access-to-Reproductive-Health-Care</a></li></ul>
Other Websites	<ul style="list-style-type: none"><li><a href="https://health.mil/Military-Health-Topics/Womens-Health">https://health.mil/Military-Health-Topics/Womens-Health</a></li><li><a href="https://health.mil/About-MHS/Contact-US">https://health.mil/About-MHS/Contact-US</a></li></ul>

MHS Home > News > In the Spotlight > Ensuring Access to Reproductive Health Care

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## Ensuring Access to Reproductive Health Care

The DOD recognizes the complexity and uncertainty facing service members in accessing reproductive health care, to include abortion care. They also recognize health care providers may have concerns about legal and financial risks they may face carrying out their lawful federal duties. Service members may be forced to travel greater distances, take more time off work, and pay more out-of-pocket expenses to access reproductive health care.



LEARN MORE

[Women's Health](#)

[Access to Reproductive Health](#)

Check out other Spotlight Items

### DOD Policies

Following the Oct. 20, 2022, memorandum, "[Ensuring Access to Reproductive Health Care](#)," the DOD has released policies on:

- Command notification of pregnancy.
- Administrative absence for non-covered reproductive health care.
- Travel allowances for non-covered reproductive health care.

As Secretary Austin has made clear, the health and well-being of our Service members, the civilian workforce, and DOD families are top priorities for the Department. These new policies:

- Reflect the DOD's commitment to taking care of our people.
- Ensure that the entire Force remains ready and resilient.
- Ensure service members are able to access non-covered reproductive health care, no matter where they are located.

In the table below, please find links to the policies on the [Official Website for DOD Issuances](#) and a fact sheet that explains what it means for you. For an overview of all the policies, please see the [Policy Overview Fact Sheet](#).

Topic	Description	Links
Command Notification of	Provides Service members the	Policy   Fact Sheet

7



# Walk-In Contraceptive Services

<b>WHAT IS IT?</b>	<ul style="list-style-type: none"> <li>• Removing barriers to accessing contraception and contraceptive services</li> <li>• Implementing walk-in contraception services at every military medical treatment facility, with clinical capability for active duty Service members, and when available, other beneficiaries</li> </ul>
<b>WHAT DOES IT DO?</b>	<ul style="list-style-type: none"> <li>• Timely access to contraceptive counseling and the full range of non-surgical contraceptive methods is crucial to promoting overall well-being and readiness of the force</li> </ul>
<b>HOW DO SERVICE MEMBERS GET ACCESS?</b>	<ul style="list-style-type: none"> <li>• Available at military medical treatment facilities, with clinical capabilities as of January 2023</li> <li>• More information can be found at <a href="https://health.mil/Military-Health-Topics/Womens-Health">https://health.mil/Military-Health-Topics/Womens-Health</a> or through the Decide + Be Ready app</li> </ul>

## KEY POLICY HIGHLIGHTS

<b>Walk-in Contraceptive Services</b>	<ul style="list-style-type: none"> <li>• All military medical treatment facilities must implement walk-in contraception services that provide non-delayed provision for contraceptive care on a walk-in basis, without appointment, for the full range of non-surgical contraceptive methods for active duty Service members</li> </ul>
<b>Availability</b>	<ul style="list-style-type: none"> <li>• Services must be offered at least weekly</li> <li>• Walk-in contraceptive service locations will be staffed with health care personnel who are trained in the full range of contraceptive methods, in locations that are accessible to as many active duty Service members as possible</li> </ul>
<b>Education</b>	<ul style="list-style-type: none"> <li>• Provide education and awareness on the types of contraceptive methods, benefits, and side effects, for pregnancy prevention, menstrual suppression, and treatment of other menstrual conditions</li> <li>• Ensure widest distribution of information on walk-in contraception services and applicable tools, such as the Decide + Be Ready mobile application, to optimize awareness, utilization of services and informed decision-making</li> </ul>





# Protecting Health Care Providers

<b>WHAT IS IT?</b>	<ul style="list-style-type: none"> <li>The Department developed programs to support DoD health care providers who may be concerned about legal risk from performing their official duties</li> </ul>
<b>WHAT DOES IT DO?</b>	<ul style="list-style-type: none"> <li>Reassure our DoD health care providers that they have DoD support when providing federally authorized health care within the scope of their official duties</li> <li>Reimburse applicable fees for DoD health care providers who wish to be licensed in a different state</li> </ul>
<b>HOW WILL IT HELP HEALTH CARE PROVIDERS?</b>	<ul style="list-style-type: none"> <li>Mitigates the risk of DoD health care providers who, in the course of their official duties, deliver healthcare that is consistent with federal law and within the standards of care but may be inconsistent with state law or regulation in a manner that could subject the health care provider to civil or criminal liability and/or adverse licensing action</li> </ul>
<b>WHO IS ELIGIBLE?</b>	<ul style="list-style-type: none"> <li>DoD health care providers in good standing with a state licensing board who are providing federally authorized care</li> </ul>

## KEY POLICY HIGHLIGHTS

<b>Indemnification and Other Legal Protections</b>	<ul style="list-style-type: none"> <li>Ensures that DoD civilian employees and Service members can perform their duties, including the provision of necessary care, without fear of personal liability that could result in civil or criminal penalties and substantial attorney fees and costs</li> </ul>
<b>Licensing</b>	<ul style="list-style-type: none"> <li>Payment of professional credentialing expenses to military members that include State-imposed and professional licenses, courses, and examinations leading to credentialing, certifications, renewals, and other expenses</li> </ul>

# Women's Reproductive Health Survey

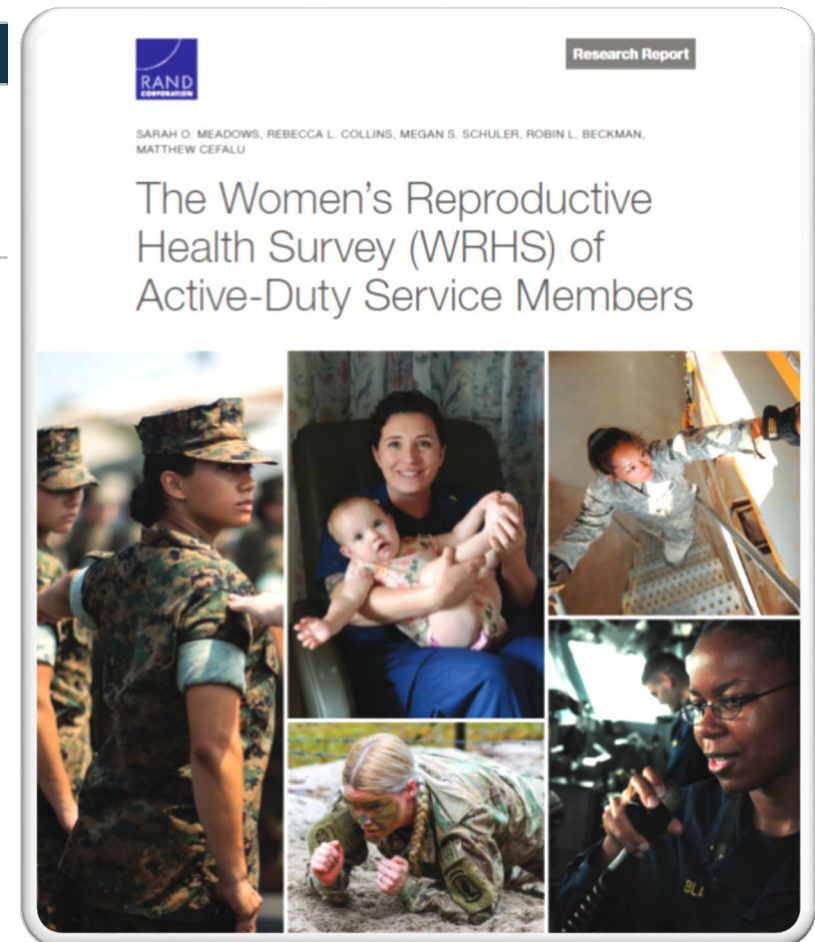
## WOMEN'S REPRODUCTIVE HEALTH SURVEY

### PURPOSE

- First survey in thirty years targeted towards active duty Service women
- Provides baseline insight into experiences, needs, and preferences on reproductive health care access, including contraceptive choices

### KEY HIGHLIGHTS

- Survey was fielded to 24K active duty female Service members, with greater response rates than previous year surveys
- The majority of active duty Service women were able to obtain appointments for contraceptive care within the established TRICARE wait time requirements
- More than a third reporting feeling more comfortable getting care from a non-Military Health System provider
- Of those who sought contraceptives, the vast majority received the preferred method of choice, with less than 25% reporting delays or lack of availability
- Less than 25% reported receiving contraceptive counseling during pre-deployment and periodic health assessments
- While less than 25% reported having a urinary tract or vaginal infection during a recent deployment, of those who reported an infection 64% noted interference with their duties
- Unintended pregnancy rates align with prior research on military unintended pregnancy rates
- More information is needed to understand infertility, pregnancy loss, and maternal depression data identified in the survey, due to survey limitations





# Questions

Thank you for the opportunity to brief.