

**3701-68-01 Women's health services.**

(A) As used in this chapter:

- (1) "Director" means the director of the Ohio department of health or any official or employee of the Ohio department of health designated by the director.
- (2) "Licensed counselor" means a person who is licensed under Chapter 4757. of the Revised Code to practice professional counseling.
- (3) "Licensed doctor" means a person who is licensed under Chapter 4731. of the Revised Code to practice medicine and surgery, or osteopathic medicine and surgery.
- (4) "Licensed nurse" means a person who is licensed under Chapter 4723. of the Revised Code to practice nursing as a registered nurse or licensed to practice nursing as a practical nurse.
- (5) "Licensed social worker" means a person who is licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.
- (6) "Local health department" means the health department created by the board of health of the city or general health district, or entity having the duties of the board of health as authorized by section 3709.05 of the Revised Code.
- (7) "Women's health services" means one or more of the following:
  - (a) Pelvic exams and lab testing;
  - (b) Breast exams and patient education on breast cancer;
  - (c) Screening for cervical cancer;
  - (d) Screening and treatment for sexually transmitted diseases (STDs);
  - (e) Voluntary choice of contraception, including abstinence and natural family planning;
  - (f) Patient education and pre-pregnancy counseling on the dangers of smoking, alcohol, and drug use during pregnancy;
  - (g) Education on sexual coercion and violence in relationships; and
  - (h) Prenatal care or referral for prenatal care.

(B) To be eligible for grant funding for the provision of women's health services, the applicant must meet the following criteria.

- (1) The applicant must certify to the director that either:
  - (a) The applicant does not provide abortion services or counseling for or referrals for abortion, except in the case of a medical emergency; or
  - (b) If the applicant provides abortion services or counseling for or referrals for abortion, the applicant's services are organized so that the women's health

services are physically and financially separate from abortion-providing and abortion-promoting activities. To determine if the services are physically and financially separate from abortion providing and abortion-promoting activities, the director shall consider the degree of separation of facilities, the existence of separate clinical personnel, the existence of separate accounting records, and the existence of separate phone lines, including fax and computer lines.

- (2) The applicant shall provide sufficient assurance to the director all of the following:
    - (a) None of the funds shall be used to provide abortion services or for counseling for or referrals for abortion, except in the case of a medical emergency;
    - (b) The women's health services shall be provided by licensed doctors, licensed nurses, licensed social workers and licensed counselors in a medical clinical setting;
    - (c) The program shall not discriminate in the provision of services based on an individual's religion, race, national origin, handicapping condition, age, sex, number of pregnancies or marital status;
    - (d) The program shall provide services without subjecting individuals to any coercion to accept services or to employ any particular method of family planning;
    - (e) Acceptance of services shall be solely on a voluntary basis and may not be made a prerequisite to eligibility for, or receipt of, any other service, assistance from, or participation in, any other program of the service provider; and
    - (f) The costs for services provided by the program, if any are charged, shall be based on the patient's ability to pay and priority in the provision of services shall be given to persons from low-income families.
  - (3) The applicant shall develop and implement clinical protocols consistent with applicable nationally recognized standards of care (i.e. American college of obstetricians and gynecologists, centers for disease control and prevention, U.S. preventive services task force, American cancer society). The applicant need only have clinical protocols for any of the eight women's health services applicant provides or proposes to provide.
- (C) The director shall award grant in amounts determined appropriate to eligible applicants in the following order of priority.
- (1) The director shall first consider grant applications from local health departments that meet the criteria listed in paragraph (B) of this rule and that meet the following criteria:
    - (a) The local health department provides or proposes to provide one or more of the women's health services defined in paragraph (A)(7) of this rule; and
    - (b) The local health department provides or proposes to provide the services directly. The personnel providing the services shall be employed by or under

contract for an individual's services with the local health department. The local health department may not directly or indirectly have the services provided by or for another entity in order to be eligible for the priority under this paragraph. This does not preclude a local health department from contracting with a professional practice for an individual's services or from making arrangements to establish alternative sites for services at other local health departments.

- (c) In prioritizing the awards among local health departments that meet the criteria in this paragraph, the director may consider, among other reasonable factors, the comprehensiveness of the women's health services to be offered and the need for the women's health services throughout the state.
- (2) If funds remain after awarding grants to all local health departments that qualify for a grant award under paragraph (C)(1) of this rule, the director shall then consider for award other applicants that meet the criteria listed in paragraph (B) of this rule and that provide or propose to provide the following services. When prioritizing the grant awards among the applicants in this priority category, the director shall consider the need for the women's health services throughout the state.
  - (a) The applicant provides or proposes to provide all eight of the women's health services defined in paragraph (A)(7) of this rule; or
  - (b) The applicant provides or proposes to provide all eight of the women's health services defined in paragraph (A)(7) of this rule except contraception.
- (D) The director shall not discriminate against an applicant because the applicant does not provide contraception.

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CERTIFIED ELECTRONICALLY

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