

MAR 12 2021

SENATE CONCURRENT RESOLUTION

URGING THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES
TO AMEND ITS POLICIES RELATING TO POSTPARTUM STERILIZATION
WAITING PERIODS FOR MEDICAID RECIPIENTS.

1 WHEREAS, postpartum sterilization is a form of
2 contraception for women in which a doctor cuts and closes or
3 completely removes the fallopian tubes shortly after a woman
4 gives birth; and

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6 WHEREAS, postpartum sterilization is the most commonly used
7 form of contraception in the United States; and

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9 WHEREAS, postpartum sterilization is safe, effective, and
10 provides substantial cost savings for healthcare systems by
11 reducing unintended pregnancy without increasing the length of
12 hospitalization; and

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14 WHEREAS, significant systemic barriers to postpartum
15 sterilization exist for people insured under Medicaid, a federal
16 program that covers select low-income populations; and

17
18 WHEREAS, Medicaid is the nation's largest single payer of
19 maternity benefits, covering nearly one-half of all births in
20 the United States and a greater share of births among Hispanic,
21 African American, Native American, and Native Alaskan
22 populations compared with private insurance; and

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24 WHEREAS, federal regulations require strict consent
25 parameters, including a thirty-day waiting period for Medicaid
26 enrollees, to reimburse providers for the sterilization
27 procedure, and failure to comply with these federal regulations
28 can result in reimbursement denial for delivery and postpartum
29 care; and

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31 WHEREAS, in contrast, privately insured individuals are not
32 generally subject to a thirty-day waiting period between consent



1 and surgery, creating a two-tiered system of access that
2 restricts reproductive autonomy to those who can afford it; and
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4 WHEREAS, as a result, postpartum sterilization rates among
5 Medicaid enrollees who desire it are lower than privately
6 insured individuals, even after controlling for hospital and
7 patient factors; and
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9 WHEREAS, a prospective study on publicly insured
10 participants requesting immediate postpartum sterilization found
11 that fifty-six percent of requests went unfulfilled, and in over
12 two-thirds of those cases, problems with the Medicaid consent
13 form were cited as the reason; and
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15 WHEREAS, the most common issues reported with the form were
16 that the consent form was not completed, the minimum waiting
17 period had not elapsed, and the consent form contained errors;
18 and
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20 WHEREAS, almost one-half of individuals who had unfulfilled
21 sterilization requests had a pregnancy within one year, and
22 these pregnancies can incur substantial emotional, physical, and
23 financial costs to families and birthing individuals, as well as
24 a direct cost of billions of dollars annually to the healthcare
25 system; and
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27 WHEREAS, regulations that place an additional undue burden
28 on patients and families who already face systemic disadvantage
29 and poor health outcomes, particularly low-income people and
30 people of color, should be abolished or revised to ensure fair
31 and equitable access to all reproductive health services; now,
32 therefore,
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34 BE IT RESOLVED by the Senate of the Thirty-first
35 Legislature of the State of Hawaii, Regular Session of 2021, the
36 House of Representatives concurring, that the United States
37 Department of Health and Human Services is urged to promote
38 reproductive justice by amending its policies relating to
39 postpartum sterilization waiting periods for Medicaid receipts;
40 and
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1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the United States
3 Secretary of Health and Human Services and Administrator of the
4 Centers for Medicare and Medicaid Services.
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OFFERED BY:

A handwritten signature in black ink, appearing to be "C. Chen", written over a horizontal line.