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State of California—Health and Human Services Agency  
Department of Health Care Services



GAVIN NEWSOM  
GOVERNOR

February 4, 2020

Life Advocates  
P.O. Box 935  
Sacramento, CA 95812

Re: Public Records Act Request # 2020-021-Life Advocates

Dear Life Advocates:

On January 13, 2020, the California Department of Health Care Services (DHCS) received your "CA Public Records Act Request," dated January 9, 2020, which DHCS identifies as # 2020-021- Life Advocates. DHCS has completed its review and we have enclosed copies of the requested applicable responsive records at no charge, and provided responses to the requested items.

1. What is the current status of abortion practice in California? What abortions are legally paid for by the state? Specifically, does the definition of "health" in Doe v. Bolton, 410 U.S. 179 (1973) (attached) control in CA Health and Safety Code Sec. 123468 (attached) – "the medical judgment may be exercised in the light of all factors - physical, emotional, psychological, familial, and the woman's age - relevant to the wellbeing of the patient."

**DHCS response:** DHCS cannot respond to this question or the following questions, as they are not under our purview.

- a) What method is used to ensure enforcement of CA law regarding abortions unauthorized according to Sec. 123468?
- b) Who has oversight of enforcement of CA abortion law?
- c) What is the penalty for failure to report an unauthorized abortion?
- d) For the most recent 10 years for which data is available, how many abortions were performed in California annually?
- e) What were the gestational ages of the children aborted?
- f) What was the health reason given for the abortions?

2. For the most recent 10 years for which data is available for Medi-Cal funded abortions, organized separately by year:

- a) Does Medi-Cal cover abortions regardless of gestational age, without any medical justification?

**DHCS Response:** As stated in the attached Provider Manual section, "Abortions," page 1,

The Medi-Cal program covers abortion performed as a physician service

- Abortion is a covered benefit regardless of the gestational age of the fetus.
- Medical justification and authorization for abortion are not required.
- Inpatient hospitalization for the performance of an abortion requires prior authorization under the same criteria as other medical procedures (see California Code of Regulations [CCR], Title 22, Section 51327).

- b) What were the gestational ages of aborted children as required to be reported in Medi-Cal Provider Manual Part 2 for Obstetrics -- Abortions pages 5 and 12 (attached), with total numbers given for each age group as specifically as possible, i.e. total number of 14 week abortions? If most specific available data is by month, then total number of 3 month old abortions, etc.

**DHCS response:** DHCS does not collect that data.

- c) What type of procedures were used, whether medical or specific surgical procedures, as required to be reported by Medi-Cal Provider Manual Part 2 for Obstetrics -- Abortions pages 5 and 12?

**DHCS response:** Please see the attached reports for 2009 through 2016.

- d) What was the health reason given for the abortions? **DHCS response:** DHCS does not collect that data.

3. CA Health and Safety Code Sec. 123435 (attached) states that a child born alive after an abortion has the same rights to medical care as an infant prematurely born spontaneously. For the most recent 10 years for which data is available,

**DHCS response:** DHCS does not collect the data or information requested for this or the following questions.

abortion on demand

gestational age

no health justification

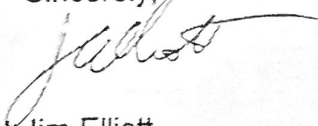
born alive infants

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- a) What is the number of children born alive after failed abortion?
- b) What is the gestational age of children born alive?
- c) What steps were taken to preserve the life of the children as required by Sec. 123435?
- d) What was the final outcome for infants of steps taken pursuant to CA Health and Safety Code Sec. 123435?
- e) What method is used to ensure enforcement of CA Health and Safety Code Sec. 123435 regarding infants born alive in the course of an abortion?
- f) Who has oversight of enforcement of CA Health and Safety Code Sec. 123435?
- g) What is the penalty for failure to report a child not given medical treatment as required by CA Health and Safety Code Sec. 123435?

If you have questions regarding this matter, please do not hesitate to contact Lyle Smith by telephone at (916) 345-8131 or by email at [Lyle.Smith@dhcs.ca.gov](mailto:Lyle.Smith@dhcs.ca.gov).

Sincerely,



Jim Elliott  
Chief, Policy Development and Analytics Team

Enclosure

cc: Lyle Smith, Division Public Records Act Coordinator