

117TH CONGRESS  
2D SESSION

# H. R. 9254

To establish within the Department of Health and Human Services an  
Ombuds for Reproductive and Sexual Health.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 2022

Ms. WILLIAMS of Georgia (for herself, Ms. JACOBS of California, Ms. GARCIA of Texas, Ms. LEE of California, and Ms. ESCOBAR) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To establish within the Department of Health and Human Services an Ombuds for Reproductive and Sexual Health.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “HHS Reproductive and  
5 Sexual Health Ombuds Act of 2022”.

6 **SEC. 2. OMBUDS FOR REPRODUCTIVE AND SEXUAL**  
7 **HEALTH.**

8 (a) IN GENERAL.—

1           (1) POSITION ESTABLISHED.—There shall be  
2           within the Department of Health and Human Serv-  
3           ices (in this section referred to as the “Depart-  
4           ment”) an Ombuds for Reproductive and Sexual  
5           Health (in this section referred to as the  
6           “Ombuds”).

7           (2) QUALIFICATIONS.—To be eligible to be ap-  
8           pointed as the Ombuds, an individual shall, prior to  
9           such appointment, have expertise in sexual and re-  
10          productive health and demonstrated commitment to  
11          the provision of specified health care services, includ-  
12          ing abortion and the care of LGBTQ+ individuals,  
13          individuals belonging to a racial or ethnic minority,  
14          individuals with disabilities, and individuals of low  
15          socio-economic status.

16          (3) REPORTING DIRECTLY TO SECRETARY.—  
17          The Ombuds shall report directly to the Secretary of  
18          Health and Human Services (in this section referred  
19          to as the “Secretary”).

20          (b) ORGANIZATIONAL INDEPENDENCE.—The Sec-  
21          retary shall take appropriate action to ensure the inde-  
22          pendence of the Ombuds’s office from other officers or em-  
23          ployees of the Department engaged in reproductive and  
24          sexual health activities.

1           (c) STAFFING.—The Secretary shall take appropriate  
2 action to ensure that the Ombuds’s office is sufficiently  
3 staffed and resourced to carry out its duties effectively and  
4 efficiently.

5           (d) FUNCTIONS.—The functions of the Ombuds shall  
6 be as follows:

7               (1) To educate the public on specified health  
8 care services, including by making evidence-based,  
9 medically accurate educational materials available to  
10 the public.

11              (2) To analyze data collected by the Depart-  
12 ment of Health and Human Services about con-  
13 sumer access to specified health care services.

14              (3) In coordination with the Secretary of Labor,  
15 the Secretary of the Treasury, and State insurance  
16 commissioners (or their designees within the applica-  
17 ble agency), to—

18                   (A) gather information about benefits for  
19 specified health care services under health plans  
20 and programs specified under subsection (j)(1);  
21 and

22                   (B) provide an analysis of any gaps in  
23 such coverage.

24              (4) To disseminate information about how indi-  
25 viduals can connect with—

1 (A) health care providers receiving Federal  
2 funds under title X of the Public Health Service  
3 Act (42 U.S.C. 300 et seq.);

4 (B) abortion funds; and

5 (C) other clinics that provide specified  
6 health care services.

7 (5) To provide the public with evidence-based  
8 and medically accurate information related to medi-  
9 cation abortions conducted outside formal medical  
10 settings.

11 (6) To collect information regarding, and to ad-  
12 dress, reproductive and sexual health misinformation  
13 being disseminated to the public.

14 (7) To coordinate with the Federal Trade Com-  
15 mission to collect information about, and address  
16 consumer protection and data privacy concerns on,  
17 the provision of any services relating to reproductive  
18 and sexual health.

19 (8) In coordination with entities receiving  
20 grants under section 1311(i) of the Patient Protec-  
21 tion and Affordable Care Act (42 U.S.C. 18031(i))  
22 and other entities assisting individuals eligible to en-  
23 roll in qualified health plans (as defined in section  
24 1301(a) of such Act (42 U.S.C. 18021(a))) through  
25 an Exchange established pursuant to title I of such

1 Act, to promote awareness of the availability of such  
2 plans and the benefits under such plans for specified  
3 health care services.

4 (e) REQUEST FOR INVESTIGATIONS.—The Ombuds  
5 may request the Inspector General of the Department to  
6 conduct inspections, investigations, and audits related to  
7 any of the functions under subsection (d).

8 (f) PROTECTION OF INFORMATION.—The Ombuds  
9 shall comply with all applicable Federal privacy laws (and  
10 the regulations issued thereunder) in the collection, anal-  
11 ysis, or release of any information or data, including in  
12 any reports issued under subsection (i).

13 (g) COORDINATION WITH DEPARTMENT COMPO-  
14 NENTS.—Not later than 60 days after a request from the  
15 Ombuds to the Secretary for records of the Department  
16 necessary to execute the functions of the Ombuds under  
17 subsection (d), the Secretary shall establish procedures to  
18 provide the Ombuds access to all such records.

19 (h) PUBLIC OUTREACH.—The Secretary shall take  
20 all appropriate actions to advise and engage with the pub-  
21 lic regarding the existence, authorities, and duties of the  
22 Ombuds and the Ombuds’s office.

23 (i) ANNUAL REPORTING.—Not later than June 30,  
24 2023, and each June 30 thereafter, the Ombuds shall sub-  
25 mit to the Congress a report that—

1 (1) evaluates the efforts of the Ombuds (or the  
2 Secretary, as applicable) with respect to each of the  
3 functions specified in subsection (d); and

4 (2) contains such other information as the Sec-  
5 retary determines is appropriate.

6 (j) DEFINITIONS.—In this section:

7 (1) The term “health plans and programs” re-  
8 fers to any of the following:

9 (A) Each Federal health care program (as  
10 defined in section 1128B of the Social Security  
11 Act (42 U.S.C. 1320a–7b) but including the  
12 program established under chapter 89 of title 5,  
13 United States Code).

14 (B) Health insurance coverage offered in  
15 the large group market (as such terms are de-  
16 fined in section 2791 of the Public Health Serv-  
17 ice Act (42 U.S.C. 300gg–91)).

18 (C) Health insurance coverage offered in  
19 the small group market (as so defined).

20 (D) Health insurance coverage offered in  
21 the individual market (as so defined).

22 (E) Self-insured group health plans.

23 (2) The term “reproductive and sexual health  
24 misinformation” includes any information relating to  
25 reproductive and sexual health that is not evidence

1 based or medically accurate, including inaccuracy in  
2 the provision of any related services.

3 (3) The term “specified health care services”  
4 means evidence-based, medically accurate medical,  
5 surgical, counseling, or referral services relating to  
6 reproductive and sexual health, including services re-  
7 lating to pregnancy and the termination of a preg-  
8 nancy.

9 (k) RULE OF CONSTRUCTION.—Nothing in this Act  
10 shall be construed as authorizing the Ombuds to collect,  
11 or as requiring other Federal, State, local, or private enti-  
12 ties to provide to the Ombuds, individually identifiable in-  
13 formation about individual patients, including protected  
14 health information (as defined in section 160.103 of title  
15 45, Code of Federal Regulations (or successor regula-  
16 tions)) or individually identifiable health information (as  
17 defined in such section (or successor regulations)).

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