

118TH CONGRESS
1ST SESSION

H. R. 445

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 2023

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

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 2023”.

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

8 (a) IN GENERAL.—

9 (1) POSITION ESTABLISHED.—There shall be
10 within the Department of Health and Human Serv-

1 ices (in this section referred to as the “Depart-
2 ment”) an Ombuds for Reproductive and Sexual
3 Health (in this section referred to as the
4 “Ombuds”).

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

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

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

23 (c) STAFFING.—The Secretary shall take appropriate
24 action to ensure that the Ombuds’s office is sufficiently

1 staffed and resourced to carry out its duties effectively and
2 efficiently.

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

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

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

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

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

20 (B) provide an analysis of any gaps in
21 such coverage.

22 (4) To disseminate information about how indi-
23 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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