



# COMMONWEALTH of VIRGINIA

M. NORMAN OLIVER, MD, MA  
STATE HEALTH COMMISSIONER

*Department of Health*  
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RICHMOND, VA 23218

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October 9, 2019

The Honorable Thomas K. Norment, Jr.  
Co-Chair, Senate Finance Committee  
Virginia Senate  
P.O. Box 6205  
Williamsburg, Virginia 23188

The Honorable Emmett W. Hanger, Jr.  
Co-Chair, Senate Finance Committee  
Virginia Senate  
P.O. Box 2  
Mount Solon, Virginia 22843

The Honorable Chris S. Jones  
Chair, House Appropriations Committee  
Virginia House of Delegates  
P.O. Box 5059  
Suffolk, Virginia 23435

Dear Senators Norment and Hanger, and Delegate Jones:

Item 289 I of the 2019 Appropriation Act states that “The Virginia Department of Health shall report for each month within 30 days after the end of each month, on the number of procedures approved for payment pursuant to § [32.1-92.2](#), Code of Virginia, and include a description of the nature of the fetal abnormality, to the extent permitted by law, as required for eligibility under § [32.1-92.2](#), Code of Virginia. The department shall report the information by letter to the Chairmen of the House Appropriations and Senate Finance Committees.” This requires VDH to report on the number of state-funded abortions approved for payment due to a gross and totally incapacitating deformity or deficiency.

However, Item 4-5.04 I of the 2019 Appropriation Act states, “No expenditures from general or non-general fund sources may be made out of any appropriation by the General

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Assembly for providing abortion services, except otherwise as required by federal law.” This provision prohibits VDH from approving payments in the above circumstances.

Therefore, VDH does not and will not have anything to report unless the Appropriation Act is changed to allow payment in these circumstances.

If you have any questions or need more information, please do not hesitate to contact Emily Yeatts, VDH’s Reproductive Health Unit Supervisor, by phone at (804) 864-7753 or by email at [emily.yeatts@vdh.virginia.gov](mailto:emily.yeatts@vdh.virginia.gov).

Sincerely,



*Chief Deputy Commissioner  
in lieu of Dr. Oliver.*

M. Norman Oliver, MD, MA  
State Health Commissioner