



## COMMONWEALTH of VIRGINIA

Department of Health  
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Karen Shelton, MD  
State Health Commissioner

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R. Christopher Lindsay  
Chief Operating Officer.

September 28, 2023

### MEMORANDUM

TO: The Honorable Janet D. Howell  
Co-Chair, Senate Finance and Appropriations Committee

The Honorable George L. Barker  
Co-Chair, Senate Finance and Appropriations Committee

The Honorable Barry D. Knight  
Chair, House Appropriations Committee

The Honorable Terry L. Austin  
Vice Chair, House Appropriations Committee

FROM: Karen Shelton, MD  
State Health Commissioner, Virginia Department of Health

SUBJECT: State Funding of Abortions in Cases of Fetal Anomalies

This report is submitted in compliance with the Virginia Acts of the Assembly – [Appropriation Act - Item 291 G. \(Special Session I, 2022\)](#), which states:

*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 and Appropriations Committees.*

Should you have any questions or need additional information, please feel free to contact me at (804) 864-7002.

KS/AJ

Enclosure

Pc: The Honorable John Littel, Secretary of Health and Human Resources

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**EXECUTIVE SUMMARY**

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The Virginia Appropriation Act - Item 291 G. (Special Session I, 2022) requires the Virginia Department of Health to submit monthly reports to the House Appropriations and Senate Finance and Appropriations Committees. The reports shall include the number of procedures approved for payment pursuant to § 32.1-92.2, Code of Virginia, and 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.

Descriptions of the nature of the anomalies are withheld pursuant to Code of Virginia §§ 32.1-41, 32.1-127.1:03, and 2.2-3705.5(1), as well as the Richmond Circuit Court's ruling in *The Family Foundation v. Oliver* (2020).

MONTHLY REPORT

STATE FUNDING OF ABORTIONS IN CASES OF FETAL ANOMALIES MANDATE

Month	Number of applications received	Number of applications approved	Nature of the fetal abnormality*
July 2022	3	3	--
August 2022	2	2	--
September 2022	3	2	--
October 2022	4	4	--
November 2022	4	3	--
December 2022	1	1	--
January 2023	1	1	--
February 2023	2	2	--
March 2023	2	2	--
April 2023	3	3	--
May 2023			
June 2021			
July 2023			
August 2023			
September 2023			
October 2023			
November 2023			
December 2023			
January 2024			
February 2024			
March 2024			
April 2024			
May 2024			
June 2024			

\*Descriptions of the nature of the anomalies are being withheld pursuant to Code of Virginia §§ 32.1-41, 32.1-127.1:03, and 2.2-3705.5(1), as well as the Richmond Circuit Court’s ruling in *The Family Foundation v. Oliver* (2020).