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Description of document: Indian Health Service (IHS) Abortion Geographic Breakdown and Financial Breakdown 2020-2022

Requested date: 08-April-2019
Requested date: 22-December-2021 (misabeled as 2022)

Release date: 07-July-2022

Posted date: 26-December-2022

Source of document: FOIA Request
Indian Health Service FOIA Office
Division of Regulatory and Policy Coordination (DRPC)
5600 Fishers Lane
Mailstop 09E70
Rockville, Maryland 20857
[Online FOIA Request Form](#)
Email: IHSFOIAMailbox@ihs.gov

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July 7, 2022

SENT VIA EMAIL

Re: Final Determination Letter FOIA Case 22-036

I am responding to your request dated and received December 9, 2022, by the FOIA Office of the Indian Health Service (IHS). You requested the following:

"A copy of records providing statistics on the number of abortions requested, referred out, performed and denied, at IHS clinics, during the years 2002 to the present."

Your request was processed pursuant to the FOIA and IHS regulations. We apologize for the delay. At this time, we are providing two (2) document with a total of four (4) pages of material, in part, to you with the following exceptions: withholding information within three (3) of the four (4) pages using exemption (b) (6).

Exemption 6 allows an agency to withhold "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b) (6).

The information that has been withheld under Exemption 6 consists of personal information, i.e. numbers below the acceptable threshold per the HIPAA Privacy Rule, 45 CFR 164.514(b).

The documents provided to you identify the number of patients with a diagnosis code and/or procedure code related to abortion and the number of claims related to abortion submitted for reimbursement.

There are no agency records for abortions performed for years 2002-2005. There are no agency records for abortion related claims sometimes referred to as 'referrals' for years 2002-2015. In addition, there are no records that would identify the number of denials based on a diagnosis code or procedure code. For your information, denials are issued against claims and since abortions are generally not a covered service the program does not receive claims.

As this constitutes a partial denial of your request for agency records, I am providing you your appeal rights. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency's decision. Your appeal must be electronically transmitted within 90 calendar days of the date of this letter, to:

Ms. Carol Maloney
Deputy Agency Chief FOIA Officer
U.S. Department of Health and Human Services
Office of the Assistant Secretary for Public Affairs

<https://requests.publiclink.hhs.gov/App/ReferenceGuide.aspx>

Please clearly indicate on your appeal “Freedom of Information Act Appeal.” You may also e-mail your appeal to: HHS.ACFO@hhs.gov.

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact the IHS FOIA Public Liaison for assistance at:

ATTN: IHS FOIA Public Liaison
Division of Regulatory and Policy Coordination
Office of Management Services
Indian Health Service (IHS)
5600 Fishers Lane
Rockville, MD, 20857
E-mail: IHSFOIAMailbox@ihs.gov

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman’s office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road–OGIS
College Park, MD 20740-6001
Telephone: 202-741-5770
Toll-Free: 1-877-684-6448
E-mail: ogis@nara.gov
Fax: 202-741-5769

If you have any questions or need further assistance, please contact David Meservey at IHSFOIAMailbox@ihs.gov.

Sincerely,

Carl G. Mitchell -S  Digitally signed by Carl G. Mitchell
Date: 2022.07.07 15:17:32 -04'00'

Carl G. Mitchell
FOIA Officer, Director, Division of Regulatory and Policy Coordination

CC: 22-036 File



July 7, 2022

SENT VIA EMAIL

Re: Final Determination Letter FOIA Case 19-084

I am responding to your request dated and received April 8, 2019, by the FOIA Office of the Indian Health Service (IHS). You requested the following:

"A copy of records that contain a detailed geographic breakdown of abortions performed by the IHS and its health care providers, during the last several years. A copy of any internal IHS reports during the last 10 years on any aspect of abortions."

Your request was processed pursuant to the FOIA and IHS regulations. We apologize for the delay. At this time, we are providing one (1) page of material, in part, to you with the following exceptions: withholding information within the one (1) page using exemption (b) (6).

Exemption 6 allows an agency to withhold "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(b) (6).

The information that has been withheld under Exemption 6 consists of personal information, i.e. numbers below the acceptable threshold per the HIPAA Privacy Rule, 45 CFR 164.514(b).

There are no other agency records as it relates to your request for "any internal IHS reports" on abortion.

As this constitutes a partial denial of your request for agency records, I am providing you your appeal rights. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency's decision. Your appeal must be electronically transmitted within 90 calendar days of the date of this letter, to:

Ms. Carol Maloney
Deputy Agency Chief FOIA Officer
U.S. Department of Health and Human Services
Office of the Assistant Secretary for Public Affairs
<https://requests.publiclink.hhs.gov/App/ReferenceGuide.aspx>

Please clearly indicate on your appeal "Freedom of Information Act Appeal." You may also e-mail your appeal to: HHS.ACFO@hhs.gov.

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact the IHS FOIA Public Liaison for assistance at:

ATTN: IHS FOIA Public Liaison
Division of Regulatory and Policy Coordination
Office of Management Services
Indian Health Service (IHS)
5600 Fishers Lane
Rockville, MD, 20857
E-mail: IHSFOIAMailbox@ihs.gov

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

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E-mail: ogis@nara.gov
Fax: 202-741-5769

If you have any questions or need further assistance, please contact David Meservey at IHSFOIAMailbox@ihs.gov.

Sincerely,

Carl G. Mitchell -S

Digitally signed by Carl G. Mitchell
-S
Date: 2022.07.07 07:19:02 -04'00'

Carl G. Mitchell
FOIA Officer, Director, Division of Regulatory and Policy Coordination

CC: 19-084 File

Headquarters Area Abortion Summary Report - FY 2016-2021

Purpose	The enclosed report will aid Great Plains Area in reviewing abortion related claim financials for Fiscal Year (FY) 2016 – POFY 2021.
Data files used	The Fiscal Intermediary files were used to extract the data current through April 30, 2022.
Selection Criteria	<p>Data was limited to:</p> <ul style="list-style-type: none">• Federal Areas• FY: 2016 - 2021 (dates of service 10/01/2015 through 09/30/2021)• CPT Codes: 59840-59866, 01965-01966, 59812-59830• HCPCS Codes: S2260-S2267, S0199• ICD-10 Diagnosis Codes: O02xxx, O03xxx, O311xxx• ICD- 10 Procedure Codes: 10A0
Excel Worksheet	<p>There is one Excel report; <i>FY16-21 HQ Abortion Summary.xlsx</i>. The report is summarized by FY and Area and contains the following fields:</p> <ul style="list-style-type: none">• POFY• Area• Billed Amount• Allowed Amount• Alternate Resource Amount• FI Paid Amount• Claim Count
Notes	Amounts are for the entire claim and may include other diagnosis and procedure financials.

**Great Plains Area
Abortion Summary Report
POFY 2014 - POFY 2020**

**Headquarters Area Abortion Related Claim Summary Report
FY 2016 - FY 2021 (date of service 10/01/2015-09/30/2021; as of 04/30/2022)**

FY	Area Name	Billed	Allowed	Alternate Resource	Paid	Claim Count
2016	ALBUQUERQUE	\$42,984.76	\$10,932.57	\$5,904.89	\$5,027.68	(b) (6)
2016	BEMIDJI	\$34,559.30	\$24,573.14	\$5,311.56	\$19,261.58	27
2016	BILLINGS	\$176,721.40	\$95,108.32	\$11,534.25	\$83,574.07	98
2016	GREAT PLAINS	\$126,010.10	\$66,354.28	\$4,761.24	\$61,593.04	59
2016	NASHVILLE	\$1,281.00	\$1,281.00	\$0.00	\$1,281.00	(b) (6)
2016	NAVAJO	\$10,355.50	\$3,591.70	\$301.83	\$3,289.87	(b) (6)
2016	OKLAHOMA	\$145,040.24	\$36,354.41	\$9,716.47	\$26,637.94	56
2016	PHOENIX	\$70,633.46	\$27,098.02	\$4,956.07	\$21,258.55	48
2016	PORTLAND	\$35,711.13	\$27,213.33	\$14,999.35	\$12,213.98	(b) (6)
2016 Total		\$643,296.89	\$292,506.77	\$57,485.66	\$234,137.71	331
2017	ALBUQUERQUE	\$41,949.54	\$9,918.67	\$3,311.93	\$6,606.74	(b) (6)
2017	BEMIDJI	\$32,172.10	\$9,018.09	\$2,672.27	\$6,345.82	20
2017	BILLINGS	\$76,815.71	\$26,712.68	\$950.01	\$25,762.67	33
2017	GREAT PLAINS	\$172,613.47	\$69,480.99	\$13,992.14	\$55,488.85	83
2017	NASHVILLE	\$8,935.32	\$2,704.03	\$0.00	\$2,704.03	(b) (6)
2017	NAVAJO	\$11,749.59	\$2,394.13	\$0.00	\$2,394.13	(b) (6)
2017	OKLAHOMA	\$196,066.73	\$34,238.28	\$20,690.55	\$13,547.73	68
2017	PHOENIX	\$69,041.40	\$21,951.42	\$4,842.21	\$17,109.21	35
2017	PORTLAND	\$644.00	\$240.42	\$0.00	\$240.42	(b) (6)
2017	TUCSON	\$477.00	\$132.42	\$0.00	\$132.42	(b) (6)
2017 Total		\$610,464.86	\$176,791.13	\$46,459.11	\$130,332.02	268
2018	ALBUQUERQUE	\$56,939.09	\$13,019.30	\$797.08	\$12,222.22	21
2018	BEMIDJI	\$42,431.77	\$11,609.49	\$2,229.59	\$9,379.90	24
2018	BILLINGS	\$78,252.87	\$21,072.75	\$5,527.35	\$15,545.40	38
2018	GREAT PLAINS	\$104,676.69	\$34,869.96	\$7,019.51	\$27,850.45	44
2018	NASHVILLE	\$5,765.00	\$1,138.94	\$0.00	\$1,138.94	(b) (6)
2018	NAVAJO	\$3,998.00	\$1,233.93	\$362.96	\$870.97	(b) (6)
2018	OKLAHOMA	\$318,812.37	\$66,893.26	\$25,208.40	\$41,684.86	97
2018	PHOENIX	\$51,009.55	\$11,680.12	\$341.01	\$11,339.11	(b) (6)
2018	PORTLAND	\$1,418.00	\$741.19	\$483.78	\$257.41	(b) (6)
2018 Total		\$663,303.34	\$162,258.94	\$41,969.68	\$120,289.26	244
2019	ALBUQUERQUE	\$35,094.78	\$9,602.12	\$6,479.92	\$3,122.20	(b) (6)
2019	BEMIDJI	\$12,698.52	\$4,585.90	\$191.37	\$4,394.53	(b) (6)
2019	BILLINGS	\$57,084.24	\$22,242.19	\$8,347.00	\$13,895.19	26
2019	GREAT PLAINS	\$146,869.24	\$49,656.73	\$9,448.84	\$40,207.89	55
2019	NASHVILLE	\$282.25	\$74.33	\$0.00	\$74.33	(b) (6)
2019	NAVAJO	\$22,740.02	\$6,675.20	\$809.48	\$5,865.72	(b) (6)
2019	OKLAHOMA	\$290,048.46	\$60,591.34	\$6,909.46	\$53,661.48	58
2019	PHOENIX	\$59,295.42	\$18,375.69	\$4,019.25	\$14,356.44	24

**Great Plains Area
Abortion Summary Report
POFY 2014 - POFY 2020**

2019	PORTLAND	\$11,443.00	\$3,596.16	\$0.00	\$3,596.16	(b)
2019 Total		\$635,555.93	\$175,399.66	\$36,205.32	\$139,173.94	202
2020	ALBUQUERQUE	\$74,084.86	\$11,616.32	\$6,086.59	\$5,529.73	(b) (6)
2020	BEMIDJI	\$5,732.00	\$1,614.11	\$0.00	\$1,614.11	(b)
2020	BILLINGS	\$153,686.49	\$45,515.54	\$321.04	\$45,194.50	46
2020	GREAT PLAINS	\$100,359.94	\$29,477.07	\$4,021.45	\$25,455.62	40
2020	NAVAJO	\$20,063.90	\$3,908.58	\$170.12	\$3,738.46	(b)
2020	OKLAHOMA	\$161,838.63	\$34,436.35	\$11,768.64	\$22,667.71	56
2020	PHOENIX	\$144,137.58	\$23,874.52	\$1,342.67	\$22,282.01	22
2020	PORTLAND	\$3,469.00	\$1,838.52	\$1,453.26	\$385.26	(b)
2020 Total		\$663,372.40	\$152,281.01	\$25,163.77	\$126,867.40	196
2021	ALBUQUERQUE	\$7,736.21	\$3,839.26	\$224.28	\$3,614.98	(b)
2021	BEMIDJI	\$2,581.00	\$889.41	\$0.00	\$889.41	(b)
2021	BILLINGS	\$171,479.38	\$43,455.96	\$11,353.88	\$32,102.08	63
2021	GREAT PLAINS	\$84,764.64	\$28,275.56	\$780.76	\$27,494.80	28
2021	NASHVILLE	\$4,390.35	\$349.55	\$0.00	\$349.55	(b)
2021	NAVAJO	\$9,771.12	\$1,873.71	\$775.78	\$1,047.93	(b)
2021	OKLAHOMA	\$373,194.49	\$40,273.33	\$8,420.49	\$31,852.84	30
2021	PHOENIX	\$103,453.13	\$17,884.90	\$743.91	\$17,140.99	(b) (6)
2021 Total		\$757,370.32	\$136,841.68	\$22,299.10	\$114,492.58	154
Grand Total		\$3,973,363.74	\$1,096,079.19	\$229,582.64	\$865,292.91	1,395

Number of IHS Patients with Abortion Procedures in Federal Portions of its Areas, FY 2006-2021										
Fiscal Year	ALBUQUERQUE	BEMIDJI	BILLINGS	GREAT PLAINS	NASHVILLE	NAVAJO	OKLAHOMA	PHOENIX	PORTLAND	Grand Total
2006	17		20	75		157	77	175		521
2007	14		15	64		143	86	229	(b)(6)	552
2008	10		(b)(6)	53		135	74	208	(b)(6)	489
2009	(b)(6)		(b)(6)	103		133	13	172		429
2010	12		11	75		154	13	177		442
2011	(b)(6)		(b)(6)	64		108	27	114		323
2012	(b)(6)		(b)(6)	49		96	19	115		290
2013	(b)(6)		(b)(6)	61		112	16	113		308
2014	(b)(6)		(b)(6)	67		83	20	146		323
2015	(b)(6)		(b)(6)	57		57	18	140		274
2016	(b)(6)		(b)(6)	(b)(6)	(b)(6)	38	(b)(6)	21	(b)(6)	85
2017	10		(b)(6)	15		28	(b)(6)	31	(b)(6)	91
2018	(b)(6)	(b)(6)	(b)(6)	(b)(6)		41	(b)(6)	25	(b)(6)	97
2019	(b)(6)		(b)(6)	(b)(6)		42	16	26		103
2020	(b)(6)		(b)(6)	21		33	(b)(6)	22	(b)(6)	98
2021	(b)(6)	(b)(6)	(b)(6)	12		31	11	(b)(6)	(b)(6)	71