

California Abortion Coverage in Medi-Cal and Private Insurance

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California Abortion Coverage in Medi-Cal and Private Insurance

Access to comprehensive health care, which includes abortion care, is critical to every person's health and well-being. Abortions are legal in California.¹ Both Medi-Cal and private health insurance plans in California are required to cover all abortions.² This FAQ provides information on abortion coverage in the state, including the scope of coverage, cost-sharing, procedural requirements, and resources for assistance.

1. Is abortion legal in California?

Yes. In California, an individual may have an abortion under any circumstance, and without medical justification.³ An abortion may be performed at any time prior to fetal viability.⁴ After fetal viability, an abortion may be performed to protect the life or health of the pregnant person.⁵ An individual may have an abortion without consent or involvement of their parent/guardian, spouse, or the biological parent of the fetus.⁶

Medi-Cal Coverage of Abortion

2. Is abortion covered under Medi-Cal?

Yes. California covers abortion services for all Medi-Cal enrollees.⁷ Medi-Cal enrollees can receive an abortion from either in-network or out-of-network providers.⁸ The state pays for all abortion services using state-only funds. Medi-Cal enrollees do not have any cost-sharing for abortion care. They cannot be charged co-insurance or co-payments.⁹ The state prohibits Medi-Cal managed care plans from requiring medical justification for an abortion.¹⁰

3. Is prior authorization allowed for an abortion under Medi-Cal?

Generally, no. Prior authorization is the process of requesting authorization from a health plan to provide a service, thereby ensuring that the provider will be reimbursed. Medi-Cal managed care plans are prohibited from requiring prior authorization for an abortion, including if an enrollee seeks care out-of-network.¹¹ The only exception is that prior authorization is allowed for non-emergency abortions that require inpatient hospitalizations.¹² The prior authorization approval or

disapproval only determines whether the abortion can be performed on an inpatient basis, and not whether or not the pregnant person is allowed to have an abortion. If an abortion will require a hospital stay, the hospital must contact the Medi-Cal managed care plan directly to request prior authorization.¹³

4. Is a referral required for an abortion under Medi-Cal?

No. A referral is the process of an assigned primary care provider “referring” their patient to another health care provider for a service. Medi-Cal managed care plans are prohibited from requiring a referral for an abortion, even if the beneficiary has chosen to seek an abortion from an out-of-network provider.¹⁴

5. What services related to an abortion are covered by Medi-Cal?

Medi-Cal covers all services and supplies incidental or preliminary to an abortion, including office visits, laboratory exams, ultrasounds, and urine pregnancy tests.¹⁵

6. Is contraception covered by Medi-Cal after an abortion?

Yes. Medi-Cal covers all forms of contraception at the time of an abortion or at any other time. Enrollees have freedom of choice of providers to obtain contraception from any Medi-Cal provider in or out-of-network, so long as they are a Medi-Cal provider. Medi-Cal plans are prohibited from requiring a referral for contraception.¹⁶

7. Does Medi-Cal cover transportation?

Yes. Medi-Cal covers Non-Medical Transportation Benefit (NMT) for enrollees to access their abortion care, regardless of where the provider is located in California.¹⁷ There is no limitation on how many times an enrollee can utilize the NMT service.¹⁸ Because the process to receive the NMT benefit varies by health plan and county, enrollees must contact their Medi-Cal managed care plan or local county Medi-Cal office to get more information on how to access this benefit.

Private Insurance Coverage of Abortion

8. Are abortions covered by private insurance?

Generally, yes. California law requires most private health care plans, including employer and individual plans, to cover all abortions without medical justification.¹⁹ The private insurance requirement to cover abortions does not apply to multi-state plans participating in the Marketplace Exchange or to employers who self-fund their plans.²⁰ Additionally, private insurance health care plans are required to cover abortion services without a co-payment, deductible, or any type of cost-sharing.²¹

9. Is prior authorization allowed for an abortion under private insurance?

No. Starting January 1, 2023, insurance plans that cover abortion are required to cover all abortion services with no prior authorization.²²

10. Is a referral required for an abortion under private insurance?

No. Private plans may not require a referral for certain reproductive health care services, including abortions and pregnancy care.²³

11. What services related to an abortion are covered by private insurance?

In accordance with coverage of all other basic health services, private insurance covers all services and supplies incidental to an abortion.²⁴

12. Is contraception covered by private insurance after an abortion?

Yes. Private insurance covers all forms of contraception at the time of an abortion or at any other time. Private plans are prohibited from requiring cost sharing for contraception.²⁵ Private plans may not require an enrollee to “receive a referral prior to receiving coverage or services for reproductive and sexual health care” or “obtain prior approval from another physician, another provider, or the health care service plan prior to obtaining direct access to reproductive and sexual health care services.”²⁶

13. What happens if there is no abortion provider available within a private plan network?

If there is no abortion provider available within the private network plan, the plan must ensure timely access to care by referring individuals to out-of-network providers.²⁷ Out-of-network costs to patients, including co-payments and co-insurance, for medically necessary referrals must not be greater than that for in-network care.²⁸

Services Related to Obtaining an Abortion

14. What confidentiality protections exist for abortion services?

An individual may have an abortion without the consent or involvement of their parent/guardian, spouse/partner, or the biological parent of the fetus.²⁹ Further, providers may not inform a parent or guardian that a patient has received reproductive health services, including an abortion or contraception, without the signed consent of the patient.³⁰ If a patient receives a “sensitive service,” including an abortion or contraception, both private and public insurance plans must comply with requests to send an explanation of benefits (EOB) or any other plan communications related to the service in the format and to the place of the enrollee’s choice.³¹ All Medi-Cal managed care plans are also required to “implement and maintain procedures that ensure confidential access to these sensitive services.”³²

15. Can abortion care be provided via telehealth?

Yes. Medication abortion can be facilitated via telehealth and the medicines may be available by mail after a telehealth visit with a qualified provider.³³ The telehealth visit should be covered by both Medi-Cal and private insurance.³⁴

16. Are transportation related expenses such as lodging, meals, or childcare covered?

Medi-Cal managed care plans are required to cover transportation-related travel expenses determined to be necessary for Non-Emergency Medical Transportation (NEMT) and Non-Medical Transportation (NMT), including the cost of transportation and reasonably necessary expenses for meals and lodging for enrollees receiving medically necessary covered services and their accompanying attendant.³⁵ However, support for lodging, meals, and childcare is not covered for every enrollee. An enrollee is eligible for coverage of related travel expenses including, but not limited to, circumstances where the enrollee is obtaining a medically necessary service that is not available within a reasonable distance from an enrollee’s home, such that the enrollee is unable to make the trip within a reasonable time.³⁶

Abortion funds may be able to provide additional support to anyone who is seeking abortion care, especially for people who may not get coverage through their health plan or private insurance. ACCESS REPRODUCTIVE JUSTICE is a California abortion fund that operates a Healthline. This healthline is operated by trained staff who can provide information, referrals, procedural and practical support around abortion care,

and can also help organize funding, transportation, lodging, childcare, meal funds, as well as doula and other emotional support care. The Healthline is open Monday through Friday from 10AM-4PM PST. English Healthline: 800.376.4636; Linea en Español: 888.442.2237.

17. What should an individual do if they encounter a violation of an enrollee's rights?

If individuals with Medi-Cal managed care or private insurance encounter a problem with their health plan, they can file a grievance or complaint with their plan.³⁷ All managed care plans are required to establish a grievance procedure and must provide enrollees with written notice of how to file grievances.³⁸ If the problem is urgent, an enrollee may request expedited review.³⁹ If the plan's internal process does not resolve the problem, the individual may request external review, as established by the plan.⁴⁰ There are different external review options available for private insurance and Medi-Cal plans.⁴¹ Medi-Cal enrollees may request a fair hearing from the State Hearings Office at the California Department of Social Services any time they are dissatisfied with Medi-Cal.⁴²

If an individual has difficulty navigating this process, they should contact the Health Consumer Alliance. The HCA offers free assistance over-the-phone or in-person to help people who are struggling to get or maintain health coverage and resolve problems with their health plans. They are able to assist individuals accessing health care services, including abortion care. You can reach the HCA at 1-888-804-3536 (TTY 1-877-735-2929) or at <https://healthconsumer.org>.

Other Special Circumstances

18. Are abortions covered for non California residents from out-of-state?

A person does not have to be a California resident to receive abortion care in the state. The person can travel to California if unable to get the abortion care they need in their state. However, states may have laws about residents receiving abortion services in other states so people should review their legal rights before seeking care.⁴³

As mentioned above, there may be additional support available from abortion funds in other states or here in California that can assist with securing travel, lodging, and childcare. The California Health and Human Services Agency has information about payment support resources and practical support services to help a person access

and obtain an abortion at <https://abortion.ca.gov/>.⁴⁴ In addition, the National Network of Abortion Funds has information about abortion funds in each state at <https://abortionfunds.org/need-abortion/>.

19. What is an abortion doula and how can someone receive support from one?

While many people are comfortable going through their abortion experience alone, others may find that having the care and company of friends, family, or an abortion doula makes things easier to handle. An abortion doula has specialized training in providing physical and emotional support during a surgical or medical abortion procedure. In addition to providing support, doulas can also provide information and education, or direct you to a nurse or doctor for medical advice.⁴⁵

Doula care is a covered Medi-Cal benefit and accessible to enrollees who would like to utilize doula services, including doula support for abortion care.⁴⁶ Most private insurance does not cover doula care. People should reach out to their private insurance to get more information on whether doula care is a covered benefit.

20. What if a person is in foster care and wants to know about their reproductive health care rights?

All youth and young adults in foster care have sexual and reproductive health care rights, including the right to access abortion care. Foster youth can get an abortion by their Medi-Cal healthcare provider or by any abortion provider that accepts Medi-Cal, even if they are not part of their health plan.⁴⁷ A youth of any age may consent to an abortion without the consent of their caregiver, and a health care provider is not permitted to inform a social worker or caregiver without authorization from the youth of such service.⁴⁸

More information on abortion services for foster youth can be found at the National Health Law Program's resource page on [Resources for California Foster Youth: Sexual, Reproductive, and Mental Health Medi-Cal Services](#). The California Department of Social Services (CDSS) has also created an informational [Know Your Sexual and Reproductive Health Care Rights brochure](#) for more information. If a person in foster care believes their personal rights have been violated or has other concerns, they may contact the Office of the Foster Care Ombudsperson for assistance via email at <http://www.fosteryouthhelp.ca.gov/> or toll-free at 1-877-846-1602.⁴⁹

21. What if a student attending University of California or a California State University wants to receive an abortion?

University of California and California State campuses are required by state law to provide medication abortion. The University of California Student Health Insurance Plan, which is required for students, will cover the cost of medication abortions. However, students in the Cal State system – and those who waive the insurance requirement at the UC – will have to pay to receive the medications.⁵⁰

22. Will immigration status prevent someone from receiving an abortion?

No. Medi-Cal covers abortion for California residents, regardless of immigration status.⁵¹ Receiving abortion care will not affect a person's immigration status and there is no requirement to share any information about receiving abortion services on an immigration or citizenship application.⁵² Health care providers cannot require a person to share their immigration status to receive an abortion.⁵³ If a person's private insurance does not cover an abortion or a person does not qualify for Medi-Cal or Covered California, please reach out to a California Abortion Fund to receive support, such as ACCESS REPRODUCTIVE JUSTICE. Abortion funds do not check for immigration status or proof of citizenship.

Additional Resources

National Health Law Program

3701 Wilshire Blvd. Suite 750
Los Angeles, CA 90010
310-204-6010
<https://healthlaw.org>

ACCESS REPRODUCTIVE JUSTICE

ACCSES REPRODUCTIVE JUSTICE
PO Box 3609
Oakland, CA 94609
510-923-0739
info@accessrj.org
<https://accessrj.org>
Healthline in English: 800-376-4636
Healthline En Espanol: 888-442-2237

California State Abortion Website

<https://abortion.ca.gov>

Health Consumer Alliance

Health Consumer Alliance
888-804-3536
TTY 877-735-2929
<https://healthconsumer.org>

National Network of Abortion Funds

<https://abortionfunds.org/need-abortion>



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Endnotes

- ¹ See *Comm. to Defend Reprod. Rights v. Myers*, 625 P.2d 779, 886 (Cal. 1981) (striking down abortion funding restrictions as an unconstitutional invasion of a woman's freedom of reproductive choice).
- ² Cal. Dep't of Health Care Svcs., *Medi-Cal Provider Manual* Ch. Abortions at p. 1; Michelle Rouillard, Director of Department of Managed Health Care letter to Mark Morgan, California President of Anthem Blue Cross, RE: Limitations or Exclusions of Abortion Services. August 22, 2014. <https://www.dhcs.ca.gov/Portals/O/082214letters/abc082214.pdf>; Cal. Dep't of Health Care Svcs., Letter to all Medi-Cal Managed Care Health Plans, All Plan Letter No. 22-022: Abortion Services (Oct. 28, 2022), <https://www.dhcs.ca.gov/formsandpubs/Documents/MMCDAPLsandPolicyLetters/APL2022/APL22-022.pdf>.
- ³ *Id.*
- ⁴ Fetal viability is defined by California law as “the point in the pregnancy when, in the good faith medical judgment of a physician, on the particular facts of the case before that physician, there is a reasonable likelihood of the fetus’ sustained survival outside the uterus without the application of extraordinary medical measures.” Cal. Health & Safety Code § 123464(d) (West).
- ⁵ Cal. Health & Safety Code § 123466 (West).
- ⁶ See *Am. Acad. of Pediatrics v. Lungren*, 16 Cal. 4th 307 (1997) (holding that the right to privacy found in the California Constitution invalidates a statute requiring that pregnant minors obtain judicial or parental consent prior to abortion).
- ⁷ Cal. Dep't of Health Care Svcs., *Medi-Cal Provider Manual* Ch. Abortions at p. 1.
- ⁸ Cal. Dep't of Health Care Svcs., Letter to all Medi-Cal Managed Care Health Plans, All Plan Letter No. 22-022: Abortion Services (Oct. 28, 2022), <https://www.dhcs.ca.gov/formsandpubs/Documents/MMCDAPLsandPolicyLetters/APL2022/APL22-022.pdf>.
- ⁹ S.B. 245: The Abortion Accessibility Act, signed into law March 22, 2022.
- ¹⁰ Cal. Dep't of Health Care Svcs., *Medi-Cal Provider Manual* Ch. Abortions at p. 1.
- ¹¹ Cal. Dep't of Health Care Svcs., Letter to all Medi-Cal Managed Care Health Plans, All Plan Letter No. 22-022: Abortion Services (Oct. 28, 2022), <https://www.dhcs.ca.gov/formsandpubs/Documents/MMCDAPLsandPolicyLetters/APL2022/APL22-022.pdf>.
- ¹² *Id.*; Cal. Dep't of Health Care Svcs., *Medi-Cal Medical Services Provider Manual* Ch. Abortions at p. 1.
- ¹³ Cal. Dep't of Health Care Svcs., *Medi-Cal Medical Services Provider Manual* Ch. Abortions at p.1; Cal. Code Regs. Tit. 22, § 51327.
- ¹⁴ Cal. Dep't of Health Care Svcs., Letter to all Medi-Cal Managed Care Health Plans, All Plan Letter No. 22-022: Abortion Services (Oct. 28, 2022), <https://www.dhcs.ca.gov/formsandpubs/Documents/MMCDAPLsandPolicyLetters/APL2022/APL22-022.pdf>.
- ¹⁵ Cal. Dep't of Health Care Svcs., *Medi-Cal Medical Services Provider Manual* Ch. Abortions at p. 2.
- ¹⁶ Cal. Health & Safety Code § 1367.25; Cal. Dep't of Health Care Svcs., Letter to all Medi-Cal Managed Care Health Plans, All Plan Letter No. 18-019: Family Planning Services Policy for Self-Administered Hormonal Contraceptives (Nov. 21, 2018), <https://www.dhcs.ca.gov/formsandpubs/Documents/MMCDAPLsandPolicyLetters/APL2018/APL18-019.pdf>.
- ¹⁷ Cal. Dep't of Health Care Svcs., Letter to all Medi-Cal Managed Care Health Plans, All Plan Letter No. 22-008: Non-Emergency Medical and Non-Medical Transportation Services and Related Travel Expenses (May 18, 2022), <https://www.dhcs.ca.gov/formsandpubs/Documents/MMCDAPLsandPolicyLetters/APL2022/APL22-008.pdf>.
- ¹⁸ *Id.*

- ¹⁹ Michelle Rouillard, Director of Department of Managed Health Care letter to Mark Morgan, California President of Anthem Blue Cross, RE: Limitations or Exclusions of Abortion Services. August 22, 2014; <https://www.dmhc.ca.gov/Portals/0/082214letters/abc082214.pdf>. Although there were multiple attempts to challenge the requirement, all attempts failed and the requirement remains in effect. The private insurance abortion coverage requirement was challenged through a complaint to the Office for Civil Rights, which was upheld. A lawsuit was also subsequently filed to challenge the requirement, which was unsuccessful and the requirement remains in effect. U.S. Dept. of Health and Human Servs., Office for Civil Rights, Re: OCR Transaction Numbers: 14-193604, 15-193782, & 15-195665 (June 21, 2016), <https://adfllegal.blob.core.windows.net/web-content-dev/docs/default-source/documents/resources/media-resources/cdmhc-investigation-closure-letter.pdf?sfvrsn=2>. Compl. Filed with U.S. Dept. of Health and Human Servs., Office for Civil Rights, on behalf of Foothill Church and Foothill Christian School, et al. (Oct. 9, 2014), <https://adfmlegalfiles.blob.core.windows.net/files/CalifChurchesComplaint.pdf>.
- ²⁰ To learn more about multi-state health plans, please visit <https://www.opm.gov/healthcare-insurance/multi-state-plan-program/consumer/>. To learn more about self-funded plans, please visit <http://www.hcaa.org/page/selffunding>.
- ²¹ S.B. 245: The Abortion Accessibility Act, signed into law March 22, 2022.
- ²² *Id.*
- ²³ Cal. Health & Safety Code § 1367.31 (West).
- ²⁴ Cal. Health & Safety Code § 1340 et seq.; Michelle Rouillard, Director of Department of Managed Health Care letter to Mark Morgan, California President of Anthem Blue Cross, RE: Limitations or Exclusions of Abortion Services. August 22, 2014; <https://www.dmhc.ca.gov/Portals/0/082214letters/abc082214.pdf>.
- ²⁵ Cal. Health & Safety Code § 1367.25.
- ²⁶ Cal. Health & Safety Code § 1367.31.
- ²⁷ 28 CCR § 1300.67.2.2 (West).
- ²⁸ *Id.*
- ²⁹ See *Am. Acad. of Pediatrics v. Lungren*, 16 Cal. 4th 307 (1997) (holding that the right to privacy found in the California Constitution invalidates a statute requiring that pregnant minors obtain judicial or parental consent prior to abortion); Cal. Family Code Section 6925.
- ³⁰ Cal. Health & Safety Code Section 123110, 123115 (West).
- ³¹ Cal. Civil Code Section 56.107; SB 138: Confidential Health Information Act.
- ³² Cal. Dep't of Health Care Servs., Letter to all Medi-Cal Managed Care Health Plans, All Plan Letter No. 22-022: Abortion Services (Oct. 28, 2022), <https://www.dhcs.ca.gov/formsandpubs/Documents/MMCDAPLsandPolicyLetters/APL2022/APL22-022.pdf>.
- ³³ Cal. Health and Human Services Agency, *California abortion access: Types of abortion*, <https://abortion.ca.gov/getting-an-abortion/types-of-abortion/>.
- ³⁴ Cal. Health & Safety Code Section 1374.13 (West); Cal. Dep't of Health Care Servs., Medi-Cal Medical Services Provider Manual Ch. Telehealth (Jan. 2023).
- ³⁵ Cal. Dep't of Health Care Servs., Letter to all Medi-Cal Managed Care Health Plans, All Plan Letter No. 22-008: Non-Emergency Medical and Non-Medical Transportation Services and Related Travel Expenses (May 18, 2022), <https://www.dhcs.ca.gov/formsandpubs/Documents/MMCDAPLsandPolicyLetters/APL2022/APL22-008.pdf>.
- ³⁶ *Id.*
- ³⁷ Cal. Health and Safety Code 1367.01; Cal. Welf. & Inst. Code Section 14197.3; Cal. Dep't of Health Care Servs., Letter to all Medi-Cal Managed Care Health Plans, All Plan Letter No. 21-011: Grievance And Appeal Requirements, Notice And "Your Rights" Templates (Aug. 31, 2022), <https://www.dhcs.ca.gov/formsandpubs/Documents/MMCDAPLsandPolicyLetters/APL2021/APL21-011.pdf>.
- ³⁸ Cal. Welf. & Inst. Code Section 14197.3; Cal. Dep't of Health Care Servs., Letter to all Medi-Cal Managed Care Health Plans, All Plan Letter No. 21-011: Grievance And Appeal Requirements, Notice And "Your Rights" Templates (Aug. 31, 2022), <https://www.dhcs.ca.gov/formsandpubs/Documents/MMCDAPLsandPolicyLetters/APL2021/APL21-011.pdf>.

- ³⁹ Cal. Health and Safety Code Section 1367.01(h)(2); 42 CFR 438.210(d)(2)(i); Cal. Dep't of Health Care Servs., Letter to all Medi-Cal Managed Care Health Plans, All Plan Letter No. 21-011: Grievance And Appeal Requirements, Notice And "Your Rights" Templates (Aug. 31, 2022), <https://www.dhcs.ca.gov/formsandpubs/Documents/MMCDAPsandPolicyLetters/APL2021/APL21-011.pdf>.
- ⁴⁰ Cal. Health and Safety Code Section 1374.30.
- ⁴¹ *Id.*
- ⁴² Cal. Welf. & Inst. Code Section 10950(a).
- ⁴³ Cal. Health and Human Services Agency, *California abortion access: Types of abortion*, <https://abortion.ca.gov/getting-an-abortion/types-of-abortion/>.
- ⁴⁴ Cal. Health and Safety Code Section 123430(a)(1)-(2) & 123452.5; S.B. 1142: Abortion services, signed into law September 27, 2022.
- ⁴⁵ Sally Rashid, Abortion support: doulas, groups and emotional support (Oct. 24, 2022), <https://www.heyjane.co/articles/abortion-support-doulas-groups>.
- ⁴⁶ Cal. Dep't of Health Care Servs., *Doula Services as a Medi-Cal Benefit* (Dec. 8, 2022), <https://www.dhcs.ca.gov/provgovpart/Pages/Doula-Services.aspx>.
- ⁴⁷ Cal. Dep't of Health Care Servs., Letter to all Medi-Cal Managed Care Health Plans, All Plan Letter No. 22-022: Abortion Services (Oct. 28, 2022), <https://www.dhcs.ca.gov/formsandpubs/Documents/MMCDAPsandPolicyLetters/APL2022/APL22-022.pdf>.
- ⁴⁸ Cal. Family Code Section 6925; See *Am. Acad. of Pediatrics v. Lungren*, 16 Cal.4th 307 (1997) (a healthcare provider is not permitted to inform a social worker or caregiver without the minor's consent, and the provider can only share the minor's medical information with them with a signed authorization from the minor).
- ⁴⁹ Cal. Dep't of Social Servs., *Sexual and Reproductive Health Care Rights*, <https://www.cdss.ca.gov/inforesources/foster-care/healthy-sexual-development-project/resources-for-youth/rights-confidentiality>.
- ⁵⁰ Cal. Education Code Section 99251 (West); Mallika Seshadri, *Abortion pills will soon be available on California campuses*, July 13, 2022, <https://calmatters.org/education/higher-education/college-beat-higher-education/2022/07/abortion-pills-california-universities/>.
- ⁵¹ Cal. Health and Human Services Agency, *California abortion access: Communities*, <https://abortion.ca.gov/support/communities/>.
- ⁵² 8 C.F.R. Parts 103, 212, 213, and 245 (Public Charge Ground of Inadmissibility, <https://www.govinfo.gov/content/pkg/FR-2022-09-09/pdf/2022-18867.pdf>); U.S. Citizenship and Immigration Services, *Form I-485, Instructions for Application to Register Permanent Residence or Adjust Status*, <https://www.uscis.gov/sites/default/files/document/forms/i-485instr.pdf>; National Immigration Law Center, *KNOW YOUR RIGHTS: Abortion Access for Immigrants* (Sept. 22, 2022), https://www.nilc.org/wp-content/uploads/2022/10/KYR_Abortion-Access-for-Immigrants-English.pdf.
- ⁵³ 45 C.F.R. Section 160.103 (although immigration status is not considered personal health information protected under the Health Insurance Portability and Accountability Act (HIPPA), federal guidance includes a catch-all category for "any characteristic that could uniquely identify the individual"); 45 C.F.R. Section 164.502(a); 45 C.F.R. Section 164.512(f)(1); 45 C.F.R. Section 164.512(f).