



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

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MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP
COMMANDANT OF THE COAST GUARD
COMMANDERS OF THE COMBATANT COMMANDS
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Changes to Command Notification of Pregnancy Policy

In his October 20, 2022 memorandum, "Ensuring Access to Reproductive Health Care," the Secretary of Defense directed the Department of Defense to take a series of actions to ensure that Service members and their families can access reproductive health care and that DoD health care providers can operate effectively consistent with federal law. Most relevant here, the Secretary's October 20, 2022 memorandum requires the establishment of uniform policies to protect the privacy of reproductive health information.

Secretary Austin has made clear that the health and well-being of our Service members and their family members is a top priority. This policy provides Service members the time and flexibility to make private health care decisions in a manner that is consistent with the responsibility of commanders to meet operational requirements and protect the health and safety of those in their care. We remain committed to taking care of all our people and ensuring that the entire Force remains ready and resilient.

The updated policy on command notification of pregnancy is detailed in the attachment, and will be effective within 30 days following the date of this memorandum. The forthcoming DoD Instruction on reproductive health care will incorporate this policy. More information about the Secretary of Defense's memorandum and the actions taken to date can be found at www.health.mil/EnsuringAccessToReproductiveHealth.

Gilbert R. Cisneros, Jr.

Attachment:
As stated

cc:
Assistant Secretary of Defense
for Manpower and Reserve Affairs
Assistant Secretary of Defense for Health Affairs
Deputy Chief of Staff, G-1, U.S. Army
Deputy Commandant for Manpower and Reserve
Affairs, U.S. Marine Corps
Chief of Naval Personnel, U.S. Navy
Deputy Chief of Staff for Personnel, U.S. Air Force
Deputy Chief of Space Operations, Personnel
Assistant Commandant for Human Resources (CG-1)

Command Notification of Pregnancy

1. Policy. It is DoD policy that:

a. Service members shall be provided the time and flexibility to make private health care decisions in a manner that is consistent with the responsibility of commanders to meet operational requirements and protect the health and safety of those in their care.

b. To provide Service members with appropriate privacy protections in the early months of pregnancy, DoD health care providers shall follow a presumption that they are not to notify a Service member's command authorities of a Service member's pregnancy status prior to 20 weeks gestation unless this presumption is overcome by one of the notification standards listed below. In making a disclosure pursuant to the notification standards established below, DoD health care providers shall provide the minimum amount of information required to satisfy the purpose of the disclosure, consistent with applicable policy.

c. Any DoD personnel required to make mandatory notifications, such as those related to domestic abuse or sexual assault, in accordance with applicable DoD or Military Department/Service regulations, will do so without disclosing the Service member's pregnancy status.

d. Consistent with existing law and Departmental policy, commanders will protect the privacy of protected health information they receive under this policy, as they should with any other protected health information. Such health care information shall be restricted to personnel with a specific need to know; that is, access to the information must be necessary for the conduct of official duties. Personnel shall also be accountable for safeguarding this health care information consistent with existing law and Departmental policy.

2. Applicability. This policy guidance applies to the Office of the Secretary of Defense, the Military Departments (including the U.S. Coast Guard at all times, including when it is a Service in the Department of Homeland Security by agreement with the U.S. Coast Guard), the Office of the Chairman of the Joint Chiefs of Staff, the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD.

3. Confirmation of Pregnancy, Procedures for Pregnancy Notification, and Assessment of Duties. A Service member who believes they are pregnant should confirm their pregnancy as soon as possible through testing and counseling by a DoD health care provider, or through a licensed non-DoD health care provider from whom the Service member is receiving care, in order to receive the benefits of prenatal care and occupational health counseling.

a. Pregnancy Notification. A Service member who has confirmed their pregnancy and intends to carry the pregnancy to term must make every effort to meet with a DoD health care provider at a military medical treatment facility, Reserve or Guard medical unit, or with a TRICARE authorized provider, no later than 12 weeks gestation. The provider will assess whether the Service member's duties could adversely impact their health, their pregnancy, or

whether the pregnancy impacts the Service member's ability to safely accomplish their mission. The Service member should also consult with appropriate public health officials, if available. While not all pregnancies will require significant alteration of the work environment, modification of job tasks may be required, based on medical advice and operational requirements, resulting in the need for limited or light duty status.

(1) Notification to Commanders Upon Confirmation. A Service member intending to carry their pregnancy to term is encouraged to notify appropriate command authorities upon confirmation of pregnancy, validated through a DoD health care provider or licensed non-DoD health care provider from whom the Service member is receiving care. This notification should include the DoD health care provider's assessment of whether the pregnancy impacts the Service member's ability to safely accomplish their mission, the potential impact of their duties on the pregnancy, and any limitations recommended by the health care provider. A Service member receiving care from a licensed non-DoD health care provider is required to submit any limitations recommended by the health care provider to appropriate command authorities, in accordance with applicable Military Department/Service guidelines.

(2) Delayed Notification to Commanders. A Service member who has confirmed their pregnancy and chooses to delay pregnancy notification to appropriate command authorities will notify the appropriate command authorities no later than 20 weeks gestation, unless notification must be made prior to 20 weeks gestation in the circumstances detailed in section 4 of this attachment.

(a) When a Service member chooses to delay notification, the DoD health care provider will — after consultation with the Service member — place the pregnant Service member in a medical temporary non-deployable status and limited duty or light duty status without making any reference to the Service member's pregnancy status for up to 20 weeks gestation. A Service member choosing to delay notification will be advised by their health care provider that such delay could result in delayed access to non-medical resources or assessments, related to their pregnancy or health, which may benefit the Service member.

(b) No later than 20 weeks gestation, the Service member will be placed on a medical temporary non-deployable status with limitations specific to pregnancy in accordance with Department of Defense Instruction (DoDI) 6025.19, "Individual Medical Readiness," July 13, 2022, and applicable Military Department/Service policies.

b. Pregnancy Termination. A Service member considering pregnancy termination is encouraged to consult with a DoD health care provider or a licensed non-DoD health care provider from whom the Service member is receiving care. The DoD health care provider will place the Service member considering pregnancy termination in a medical temporary non-deployable status without reference to the Service member's pregnancy status, until appropriate medical care and the necessary recovery period are complete.

c. Resources for Service members. Service members may access Military OneSource and chaplain resources, if desired, to understand the reproductive health care and other resources available to them.

d. Guidance for Remote Locations. Service members assigned to remote locations, away from a military installation, and who receive care from a licensed non-DoD health care provider, are responsible for coordinating their individual medical readiness status with their nearest DoD health care provider, or Reserve or Guard medical unit, in accordance with applicable Military Department/Service guidelines.

4. Special Circumstances Affecting Notification to a Commander.

a. Duties, Hazards, and Conditions. There are military duties, occupational health hazards, and medical conditions where the proper execution of the military mission outweighs the interests served by delaying commander notification. In these situations, DoD health care providers will place the pregnant Service member on a medical temporary non-deployable status, limited duty status, or light duty status with limitations specific to a medically confirmed pregnancy in accordance with DoDI 1332.45, "Retention Determinations for Non-Deployable Service members," July 30, 2018, and DoDI 6025.19. These situations are:

(1) Special Personnel. The Service member is in a position pre-identified by Military Department/Service regulations as having mission responsibilities or being subject to occupational health hazards that would significantly risk mission accomplishment should notification to a commander of the Service member's pregnancy be delayed.

(2) Acute Medical Conditions Interfering with Duty. The treating DoD health care provider has determined that there are special medical circumstances related to the Service member's pregnancy that would interfere with their ability to safely accomplish their military mission.

(3) Other Special Circumstances. The notification is based on other special circumstances in which proper execution of the military mission outweighs the interests served by delaying notification, as determined on a case-by-case basis by a DoD health care provider (or other authorized official of the military medical treatment facility involved) at the grade of O-6 or higher, or civilian employee equivalent level.

b. Required Pregnancy Testing. When pregnancy testing is included as part of health screenings for pre-deployment, specific job training, theater entry requirements, or other authorized reasons, test results will first be reviewed by the DoD health care provider and will not be automatically sent to the appropriate command authorities. In the event of a positive pregnancy test, the DoD health care provider will consult with the Service member to determine their preferred course of action, in accordance with this guidance.

(1) If the Service member intends to carry their pregnancy to term, the Service member must notify appropriate command authorities immediately. The Service member will immediately be placed on a medical temporary non-deployable status with limitations specific to pregnancy in accordance with DoDI 6025.19, with applicable Military Department/Service specific policy and procedures, and this guidance.

(2) If the Service member informs the DoD health care provider that they intend to or are considering pregnancy termination the Service member will be placed in a medical temporary non-deployable status without reference to pregnancy status, until appropriate medical care and the necessary recovery period are complete. Neither the Service member nor the DoD health care provider shall be required to notify the appropriate command authorities that pregnancy is the basis for the restricted duty status, in accordance with this guidance.

c. Deployed or Underway. If a Service member is confirmed to be pregnant while deployed or underway, as defined in Military Department/Service policies, the treating DoD health care provider will consult with the Service member to determine their preferred course of action.

(1) If the Service member intends to carry their pregnancy to term, the DoD health care provider will place the Service member on a temporary non-deployable status with limitations as defined by applicable Military Department/Service policy. The Service member will redeploy to their permanent duty station in accordance with the applicable Military Department/Service or theater-level policy.

(2) If the Service member informs the DoD health care provider that they intend to or are considering pregnancy termination, the DoD health care provider will place the Service member in a medical temporary non-deployable status without reference to the Service member's pregnancy status. The Service member will be redeployed to their permanent duty station if required by Service or theater-level policy or based on the recommendation from the DoD health care provider. When the appropriate medical care and the necessary recovery period are complete, the Service member may be eligible to return to the theater based on mission requirements and applicable Military Department/Service or theater-level policy.

d. Provider Notification to the Service Member. For notifications made pursuant to sections 4.a., 4.b(1), and 4.c(1) of this attachment, DoD health care providers must provide the Service member reasonable notice of no less than 1 business day, unless exigent mission requirements necessitate notification more quickly, prior to placing the Service member on a medical temporary non-deployable status, limited duty status, or light duty status with limitations specific to a medically confirmed pregnancy.