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SUBJ/PREGNANCY NOTIFICATION POLICY//

REF/A/SECDEF MEMORANDUM/20OCT22//

REF/B/ALNAV 071/22//

REF/C/USD-PR MEMORANDUM/16FEB23//

REF/D/NMCPHC TM-6260.01D/MAY2019//

REF/E/DODI 6025.19/13JUL22//

REF/F/SECNAVINST 1000.10B/16JAN19//

REF/G/OPNAVINST 1300.20/25SEP18//

REF/H/OPNAVINST 6000.1D/12MAR18//

REF/I/MCO 5000.12F CH-1/10MAR21//

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REF/K/CNAF M-3710.7/15MAY22//

REF/L/BUMEDINST 6200.15A/28JUL16//

REF/M/MANMED, NAVMED P-117/06FEB23//

NARR/REF A IS GUIDANCE FROM THE SECRETARY OF DEFENSE ENTITLED, "ENSURING ACCESS

TO REPRODUCTIVE HEALTH CARE." REF B IS ALNAV ENTITLED "REPRODUCTIVE HEALTH SERVICES AND SUPPORT". REF C IS UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND

READINESS GUIDANCE ENTITLED "CHANGES TO COMMAND NOTIFICATION OF PREGNANCY POLICY." REF D IS NAVY AND MARINE CORPS PUBLIC HEALTH CENTER TECHNICAL MANUAL

6260.01D - REPRODUCTIVE AND DEVELOPMENTAL HAZARDS: A GUIDE FOR OCCUPATIONAL HEALTH PROFESSIONS. REF E IS DOD ISSUANCE ENTITLED "INDIVIDUAL MEDICAL READINESS." REF F IS SECNAV INSTRUCTION ENTITLED "DEPARTMENT OF THE NAVY POLICY ON PARENTHOOD AND PREGNANCY." REF G IS OPNAV INSTRUCTION ENTITLED "DEPLOYABILITY ASSESSMENT AND ASSIGNMENT PROGRAM." REF H IS OPNAV INSTRUCTION

ENTITLED "NAVY GUIDELINES CONCERNING PREGNANCY AND PARENTHOOD." REF I IS MARINE CORPS ORDER ENTITLED "MARINE CORPS POLICY CONCERNING PARENTHOOD AND PREGNANCY." REF J IS DOD ISSUANCE ENTITLED "RETENTION DETERMINATIONS FOR NON

-DEPLOYABLE SERVICE MEMBERS." REF K IS CHIEF OF NAVAL AIR FORCES MANUAL ENTITLED "NAVAL AIR TRAINING AND OPERATING PROCEDURES STANDARDIZATION GENERAL

FLIGHT AND OPERATING INSTRUCTIONS." REF L IS ENTITLED "SUSPENSION OF DIVING DUTY DURING PREGNANCY." REF M IS ENTITLED "MANUAL OF THE MEDICAL DEPARTMENT."//

RMKS/1. The Department of the Navy (DON) is committed to ensuring the

health, safety, and well-being of those who serve our country, and their families in an environment of safety, privacy, and respect. References (a) and (b) announced the intent to establish additional privacy protections for reproductive health care information, including standardizing and extending the time Service Members have to fulfill their obligation to notify commanding officers (CO) of a pregnancy to no later than 20 weeks unless specific requirements to report sooner, such as those necessitated by occupational health hazards, are set forth in policy. Reference (c) is newly-released policy that provides those privacy protections and associated procedures.

2. Policy

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

b. To provide Service Members with appropriate privacy protections in the early months of pregnancy, in accordance with reference (c), DON health care providers shall follow a presumption that they are not to disclose to a Service Member's command authorities 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, Department of Defense (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 DON personnel required to make mandatory notifications, such as related to domestic abuse or sexual assault, in accordance with applicable DoD, DON, or Service regulations, will do so without disclosing the Service Member's pregnancy status.

d. Consistent with existing law and Department policy, CO 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 Department policy.

3. Confirmation of Pregnancy, Procedures for Pregnancy Notification, and Assessment of Duties.

a. A Service Member believing they are pregnant should confirm the 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, to receive the benefits of prenatal care and occupational health counseling.

b. Pregnancy Notification. A Service Member who has confirmed 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 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 using reference (d). 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 light duty status.

(1) Notification to CO Upon Confirmation. A Service Member intending to carry the 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 their pregnancy, and any limitations recommended by the provider. A Service Member receiving care from a licensed non-DoD health care provider is required to submit any limitations recommended by the provider to appropriate command authorities.

(2) Delayed Notification to CO. 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 paragraph 4.

(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 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 for pregnancy in accordance with references (e) through (i).

c. Pregnancy Termination. A Service Member considering terminating the pregnancy 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.

d. 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.

e. 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 a DoD health care provider at the Navy Medicine Readiness and Training Command with medical cognizance, or reserve medical unit.

4. Special Circumstances Affecting Notification to a CO.

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 CO notification. In these situations, DoD health care providers will recommend the Service Member be placed in a light duty status, to include temporary non-deployable status, with limitations specific to a medically-confirmed pregnancy in accordance with references (e) and (j). These situations are:

(1) Special Personnel. Many occupations in the DON are subject to occupational hazards that pose a risk to the Service Member and

pregnancy. Service Members should consult their relevant occupational guidelines for pregnancy. The DON has identified the following personnel as having mission responsibilities or being subject to occupational health hazards that would significantly risk mission accomplishment should notification to a CO of the Service Member's pregnancy be delayed.

(a) Naval Aviators, Naval Flight Officers, and Aircrew assigned to duty involving flight operations. These personnel shall adhere to the pregnancy regulations in accordance with reference (k).

(b) Sailors or Marines assigned to diving duty must immediately report presumptive pregnancy to a diving medicine representative as outlined in reference (l).

(c) Sailors on submarine duty must adhere to the guidelines outlined in reference (m), chapter 15-106.

(d) Sailors or Marines assigned or selected to other special duty assignments requiring completion of a Special Duty Assignment physical exam must adhere to the regulations governing those programs.

(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. The DON has identified the following special circumstances as requiring earlier notification:

(a) Sailors and Marines who intend to carry the pregnancy to term and are in receipt of orders to an officer accession program, to include the United States Naval Academy, Naval Reserve Officers Training Corps, or Officer Candidate School, must inform the program offices no later than 90 days prior to the report date for the program. Commands will coordinate with the accession program to determine whether the orders can be executed or need to be deferred.

(b) Sailors and Marines who intend to carry the pregnancy to term

and are in receipt of orders to a training or educational program that will not be completed prior to the expected delivery date must inform their commands no later than 90 days prior to the report date for the program. Commands will coordinate with Service assignment offices and the schoolhouses to determine whether the training orders can be executed or need to be deferred.

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 for pregnancy in accordance with reference (e), applicable Department and 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, 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 consistent with reference (d). The Service Member will redeploy to their permanent duty station in accordance with references (h) and (i), and/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 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 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), 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 or light duty status with limitations specific to a medically-confirmed pregnancy.

5. References (f), (h), and (i) will be updated to conform with this policy. The Navy and Marine Corps will ensure regulations governing special duty assignments that trigger notification earlier than 20 weeks under paragraph 4.a.(1)(d) do so only when non-disclosure prior to 20 weeks would significantly risk mission accomplishment.

6. I encourage you to visit the Navy and Marine Corps Public Health Center's, "Women's Health Toolbox," at <https://www.med.navy.mil/Navy-Marine-Corps-Public-Health-Center/Womens-Health/> for additional information and resources on myriad women's health issues. More information about the DoD policies can be found at <https://www.health.mil/EnsuringAccessToReproductiveHealth>.

7. Rest assured that the DON's work to implement the DoD's new policy is a priority. I expect cooperation from leaders across the Navy and Marine Corps to ensure appropriate input and efficient implementation of this new policy.

8. Released by the Honorable Carlos Del Toro, Secretary of the Navy.//
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