



Memorandum

Date: June 5, 2006

From: Deputy Assistant Secretary for Population Affairs

Subject: OPA Program Instruction Series, OPA 06-01: Compliance with State Reporting Laws – Reminder Notification (Revised)

To: Regional Health Administrators, Regions I-X

This memorandum serves as a reminder notification regarding the following longstanding provision governing the use of Title X funds, which is included as section 213 of the Fiscal Year 2006 HHS appropriations act (Pub. L. No. 109-149):

Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification, or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

Previously, on January 12, 1999, the Office of Population Affairs (OPA) issued OPA Program Instruction Series, OPA 99-1, "Compliance with State Reporting Laws." OPA 99-1, which is attached to this memorandum, remains in effect. A copy of this memorandum, as well as the attached OPA 99-1, should be provided to all Title X grantees in your region. Title X grantees should be reminded that they are responsible for ensuring that all sub-recipients receive the information contained in this memorandum and OPA 99-1, and for ensuring that policies and procedures are in place to appropriately address notification or reporting of child abuse, child molestation, sexual abuse, rape, or incest, or any other form of domestic violence, as required by applicable State law.

Regional Offices are responsible for periodic review of Title X grantees to ensure compliance with the provisions of the appropriations language as they relate to applicable State law. The Regional Office must undertake immediate steps to address any issues related to adherence to established policies and procedures. Outcome of all Regional Office reviews, including any corrective action, must be included in the official grant file for the applicable Title X grantee. Title X grantees are responsible for conducting periodic reviews of sub-recipient agencies for compliance, and must undertake immediate steps to address issues related to adherence to established policies and procedures. Grantees must maintain documentation of reviews, including outcomes, and any corrective action steps necessary.

Title X providers are encouraged to work with appropriate local authorities to ensure that policies and procedures are compliant with applicable State laws. In addition, providers are encouraged to establish formal referral relationships and community collaborations with other local health care providers who may also have reporting obligations under State law, law enforcement officials, child protective services, social service experts and others in order to explore how to best address the issues involved.

Title X grantees are encouraged to ensure that periodic training regarding the provisions of this mandate is available to project staff.

Questions relating to the requirements addressed in this memorandum and/or OPA 99-1 should be addressed to the appropriate Office of Family Planning Regional Office, or the Office of Family Planning/Office of Population Affairs, as applicable.

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Attachment: OPA Program Instruction Series, OPA 99-1: Compliance with State Reporting Laws