

2018 Title X Targeted RFA Questions and Answers

- 1. When a patient is referred to the hospital or emergency room for a complication related to her pregnancy, we don't really know until the patient gets to the hospital what will occur. Then getting the records from the hospital takes time. If the hospital is a non-Title X provider, do we have to send the record to DHHS?**

There is no reporting requirement if the clinic directs or refers a patient to a hospital emergency department for complications related to her pregnancy.

- 2. Does this reporting requirement apply only to Title X grantees receiving a subaward under this RFA?**

All Title X subrecipients will need to be in compliance with the state law.

- 3. Can current Title X providers in Lincoln and Omaha apply for the Targeted RFA in an attempt to increase capacity?**

Yes. The Targeted Request for Application was intended to fill potential gaps in the existing network of Title X Family Planning service providers.

- 4. Please advise under what authority the additional reporting of emergency referrals, and subsequent patient record review, is established?**

LB 944 states that organizations receiving Title X funds may not refer for abortions unless it is an emergency as described by NRS 28-326 (4). If a clinic receiving Title X funds exercises this option, DHHS must determine that the subrecipient complied with the law.

- 5. How is the review of individual patient information by DHHS exempt from HIPAA privacy requirements?**

Review of individual patient information is not exempt from HIPAA requirements. As a health oversight agency the Department is authorized to receive protected health information under 45 CFR 164.512.

- 6. Under what circumstances would DHHS deem an individual patient record review necessary?**

DHHS will deem an individual patient record review necessary when a subrecipient exercises the option to make a referral for an abortion. DHHS will limit patient record review to what is needed to determine that the subrecipient complied with the law.

- 7. Who would be conducting patient record review within DHHS?**

DHHS will convene individuals with applicable expertise to conduct the record review.

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- 8. In the event it is determined a referral was not made in accordance with subdivision (4) of Neb. Rev. Stat. § 28-326, what is the process for appeal of that review?**

The process for receipt and review of records under this reporting requirement is not finalized. Upon report of a referral under an emergency situation, DHHS will contact the subrecipient to gather more information regarding the circumstances, and request any documentation that is needed. The subrecipient will have an opportunity to present to DHHS any information it feels necessary to show that it is in compliance with the state law. After review of all necessary documents, DHHS will identify an appropriate action should it determine that a subrecipient was non-compliant. Appropriate actions could range from education to termination of subaward agreements.

- 9. As federal grantees under Section 330 of the Public Health Services Act, health centers are required to provide a host of preventative health services, including services related to reproductive health, voluntary family planning services, appropriate cancer screening, and prenatal and perinatal services. In short, Title X is not the only program under which family planning services are provided in health centers. It is not uncommon for clinical time to be budgeted across both the Section 330 grant and the Title X grant. How does DHHS intend to address reporting requirements and/or patient record requests where the clinical services may be proportionally distributed among more than one federal funding source?**

Title X subrecipients must be able to justify and document how Title X funds are expended. Activities that are funded via a Title X award must follow reporting requirements as described on page 12 of the RFA released on May 30, 2018.

Because LB 944 restrictions on distributing Title X funds apply to organizations as a whole, not simply those activities funded via Title X awards, any emergency referrals for an abortion must be reported to DHHS. It is important to note, however, that this requirement to report to DHHS for referring a patient in an emergency situation only applies if the Title X clinic refers a patient for an abortion. If the clinic refers a patient to a hospital emergency department, there is no requirement to report to DHHS.