



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Assistant Secretary for Health
Office of Population Affairs
Rockville, MD 20852

May 19, 2020

To: Title X Grantees

From: Dr. Diane Foley, Deputy Assistant Secretary for Population Affairs

Re: Use of Title X funds for COVID-19 Testing

The purpose of this memo is to provide guidance to Title X Family Planning service providers regarding the provision of COVID-19 tests as part of their Title X projects to both clients and clinic staff. Title X providers are permitted, but not required, to provide COVID-19 testing, and are able to provide the test either as part of the Title X project, or outside of the Title X project. When COVID-19 testing is provided as part of the Title X project, all Title X regulations must be followed (e.g., schedule of discounts, nondiscrimination, etc.). In addition, any other State or Federal requirements regarding testing must be followed. Title X providers that provide COVID-19 testing, but not as part of the Title X project, must account for those services and the corresponding charges (e.g., staff time, etc.) separate and distinct from the Title X project. Only clients that meet the FPAR definition of a "family planning user" and receive a family planning service as well as COVID-19 testing may be counted on the FPAR.

Title X regulations at 42 CFR Part 59, Subpart A, § 59.5 (b)(2), under "What requirements must be met by a family planning project," stipulate that each project must (unless the Secretary determines that the project has established good cause for its omission), "Provide for social services related to family planning, including counseling, referral to and from other social and medical services agencies, and any ancillary services which may be necessary to facilitate clinic attendance." Provision of COVID-19 testing by Title X clinics may increase confidence of clients to return to the clinics and encourage more individuals to access family planning services. In addition, providing COVID-19 testing may increase protection for clinic staff.

As a result, OPA has determined that COVID-19 testing for clients and staff may be considered "an ancillary service" and Title X funds may be used for these services. The guidelines for testing recommended by each state or local authority should be followed when determining the persons who should be tested. Further information about COVID-19 testing can be found at <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>.

Diane Foley MD