



2.11 COMPLIANCE WITH LEGISLATIVE MANDATES

POLICY:

Legislative Mandates Expectations regarding the provision of family planning services also come from legislative mandates that apply to Title X recipients whose awards are funded by the annual HHS appropriations act. (Consolidated Appropriations Act, 2022, Pub. L. No. 117-103, 136 Stat. 49, 444, 466 (2022)).

- “None of the funds appropriated in this Act may be made available to any entity under Title X of the PHS Act unless the applicant for the award certifies to the Secretary [of Health and Human Services] that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities;”
- “Notwithstanding any other provision of law, no provider of services under Title X of the PHS Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.”
- “That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office.”

PROCEDURE:

To the extent practical, staff shall encourage family participation. However, Title X projects may not require the consent of parents or guardians to provide services to minors, nor can any Title X project staff notify a parent or guardian before or after a minor has requested and/or received Title X family planning services.

Staff must provide counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities and to comply with State laws requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

State law must be followed requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, incest, intimate partner violence, or human trafficking:

- CHAPTER 50-25.1 CHILD ABUSE AND NEGLECT [North Dakota Century Code t50c25.1 \(ndlegis.gov\)](#)
- CHAPTER 12.1-20 SEX OFFENSES [North Dakota Century Code t12.1c20 \(ndlegis.gov\)](#)
- CHAPTER 12.1-41 UNIFORM ACT ON PREVENTION OF AND REMEDIES FOR HUMAN TRAFFICKING [North Dakota Century Code t12.1c41 \(ndlegis.gov\)](#)

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- CHAPTER 50-25.2 VULNERABLE ADULT PROTECTION SERVICES [North Dakota Century Code t50c25.2 \(ndlegis.gov\)](#)

Subrecipients must have a local agency policy in place for complying with state law and description of the reporting process to include how, where, when and what to report for suspected child abuse.

Documentation at service sites demonstrates that all staff have reviewed and signed the Family Planning Statement of Understanding.

Documentation that all staff (whether or not they are employees) serving clients for, or on behalf of, the project regarding state notification laws have received timely and adequate annual training.

Medical records of minors must document encouragement regarding family participation in their decision to seek family planning services and counseling on how to resist attempts to be coerced into engaging in sexual activities.

Compliance will be monitored by annual submission of required annual trainings and required per 5 year project period trainings to state office.

RESOURCES:

[Title X Statutes, Regulations, and Legislative Mandates | HHS Office of Population Affairs](#)

Family Planning Statement of Understanding

<https://www.hhs.nd.gov/sites/www/files/documents/DOH%20Legacy/Family%20Planning/Grantees/Fo rms/Family%20Planning%20Statement%20of%20Understanding.pdf>

Policy 2.6 Clinical Protocols and Standards of Care

Prevent Child Abuse North Dakota [PCAND](#)

North Dakota Child Protection Program [North Dakota Child Protection Program | Health and Human Services North Dakota](#)

SFN 960 REPORT OF SUSPECTED CHILD ABUSE OR NEGLECT [sfn00960.pdf \(nd.gov\)](#)

ND DHHS Sexual Violence & Intimate Partner Violence [North Dakota Prevention Tool Kit \(ndhealth.gov\)](#)

ND Domestic Violence / Sexual Assault Service Providers [Domestic Violence/Rape Crisis Program | Health and Human Services North Dakota](#)

[Sexual-Assault-Medical-Treatment-Reporting-Options.pdf](#)

HIPAA Guidance Materials [Guidance Materials | HHS.gov](#)

CHAPTER 23-01.3 HEALTH INFORMATION AND PROTECTION

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North Dakota Century Code t23c01.3 (ndlegis.gov)

CHAPTER 43-17-41 Duty of Physicians and Others to Report Injury

North Dakota Century Code t43c17 (ndlegis.gov)

CHAPTER 23-07 REPORTABLE DISEASES

North Dakota Century Code t23c07 (ndlegis.gov)