

2000-18

DATE: September 13, 2000

DOCUMENT TITLE: Federally Qualified Health Centers Participation in Implementation of the National Voter Registration Act

TO: Community Health Centers
Migrant Health Centers
Health Care for the Homeless Grantees
Health Services for Residents of Public Housing Grantees
Primary Care Associations
Primary Care Offices
Federally Qualified Health Center Look-Alikes

As we embark upon a national election, I wish to bring your attention to the National Voter Registration Act (NVRA) and the role of Federally Qualified Health Centers (FQHCs) in implementing this law. This Program Assistance Letter (PAL) re-affirms information provided in PAL 96-17, Title: "Federally Qualified Health Centers Participation in Implementation of the National Voter Registration Act."

Widely known as Motor Voter, the NVRA, passed into law in 1993 and implemented in January 1995, is designed to encourage voter registration and to remove discriminatory and unfair obstacles to voter registration. More than 9 million people have registered to vote since NVRA went into effect. It is expected that another 6 million people will register by the end of the year.

The NVRA has a provision to designate offices that provide "public assistance" as voter registration agencies. Public assistance agencies include any site where an individual may apply or receive an application for Medicaid, such as FQHCs. Under this law, FQHCs with State, city, or county employees as outstationed Medicaid eligibility workers are considered public assistance offices and must provide voter registration services. The FQHCs that use non-governmental employees as outstationed Medicaid eligibility workers (e.g., clinic staff, volunteers) may provide voter registration services.

Voter Registration Services

Voter registration services include distributing voter registration forms, providing assistance in completing forms, accepting completed forms, and transmitting them to appropriate authorities to ensure that they are filed within registration deadlines.

Voter registration assistance must be a nonpartisan activity, conducted to educate and to promote voter registration. The FQHCs shall not seek to influence a party preference; display party-affiliated materials; discourage registration; or imply in any way that the availability of services or benefits is dependent upon a decision to register or not to register to vote.

Medicaid Reimbursement for Voter Registration Assistance

Federal financial assistance is available to States for voter registration services provided at any Medicaid outstation, including those staffed by non-government employees. Accordingly, FQHCs should seek confirmation of reimbursement for associated costs from their State Medicaid Agency.

If an FQHC provides voter registration services, FQHCs should be able to obtain payment for most of the costs from Medicaid. Residual costs, if any, may be covered with funds other than the Bureau of Primary Health Care (BPHC)-grant funds (e.g., State and local, foundation, program income), absent other restrictions. The BPHC has determined that voter registration services provided at FQHC Medicaid outstations are consistent with the federally approved scope of project. Enclosed are a memorandum from the Director of the Medicaid Bureau in the Health Care Financing Administration at the time PAL 96-17 was issued, and a “Dear State Medicaid Director” letter, reiterating these points.

Background on Medicaid Outstationing

The Medicaid outstationed enrollment program was established to make the Medicaid application process more accessible. States must provide pregnant women and children opportunities to apply for Medicaid at locations other than welfare offices, specifically at FQHCs and Disproportionate Share Hospitals. The final Medicaid eligibility determination must be made by the appropriate State agency.

Program Assistance Letter 2000-18

The need for outstationing has been demonstrated by studies showing that enrollment sites outside the welfare office greatly assist in efforts to enroll children in Medicaid and State Children's Health Insurance Programs. The law requires that outstationed enrollment be available to all children under 19 and pregnant women, and, at State option, to all other Medicaid applicants.

If you have any questions regarding this PAL, please contact Pamela Perry in the Central Office on (301) 594-4067.

Marilyn Hughes Gaston, M.D.
Assistant Surgeon General
Associate Administrator

Enclosures

TO: Associate Regional Administrator
Attention: Division of Medicaid Regions I-X

FROM: Director
Medicaid Bureau

SUBJECT: Implementation of the National Voter Registration Act (NVRA) of 1993 - ACTION

In the course of various conferences, meetings, and reviewing correspondence, it has come to our attention that the National Voter Registration Act (NVRA) of 1993 may not have been fully implemented by all Medicaid agencies, especially at outstation locations such as public hospitals. Therefore, we have prepared the attached letter which we are requesting that you send to all State Medicaid Directors in your region. The purpose of this letter is two-fold, first to remind States of their responsibilities with respect to the implementation of the NVRA, and second to offer States assistance with its implementation.

The Administration for Children and Families (ACF), the agency responsible for providing technical assistance to State agencies implementing the NVRA, is working, along with HCFA, to assist States with the implementation of this new law. We are attaching an Information memorandum issued by ACF detailing the experiences of several States, which we request that you enclose in your letter to the States. We regret that we do not have an electronic copy of the attachment to send. We will, however, forward the file containing the letter to the State Medicaid Directors to your office by e-mail.

Questions regarding the NVRA and its implementation should be directed to ACF regional staff. If you have any NVRA questions specific to Medicaid, you can contact Mark Ross of my staff at (410) 786-5855.

/s/
Sally K. Richardson

Attachment

cc: All Regional Administrators

Dear State Medicaid Director:

The purpose of this letter is to remind States of the provisions of the National Voter Registration Act (NVRA) of 1993. This law, which was effective January 1, 1995, makes it easier for individuals to register to vote in elections for Federal office. The right to vote is important for all individuals and we encourage States to do all that they can to promote the goals of the NVRA by offering voter registration assistance at all public assistance offices and at other offices as appropriate.

Under the NVRA, States must designate as voter registration agencies, among others, all offices that provide 'public assistance' and 'State-funded programs primarily engaged in providing services to persons with disabilities.' Public assistance agencies are defined as those that administer the Food Stamp, Medicaid, Women, Infants, and Children and Aid to Families with Dependent Children programs. At their option, States may designate other offices as voter registration agencies as well.

For purposes of the NVRA, 'public assistance offices' include any site where an individual may apply or receive an application for public assistance and a State, city, or county employee is involved in furnishing or receiving that application including Medicaid outstation locations. Medicaid outstation locations that are staffed by non-government employees, such as employees of a provider of medical services, are not considered public assistance offices for purposes of the NVRA and are, thus, not required to provide voter registration assistance under the law. However, under section 7(a)(3)(A) of the NVRA, States, at their option, and with the agreement of the office, may designate other offices within the State as voter registration agencies.

Federal financial participation is available for voter registration assistance provided by public assistance offices including assistance provided at Medicaid outstations staffed by non-government employees. However, as with other administrative costs, the State agency may only claim that portion of the outstationed non-government employee's time that is clearly identified as voter registration activity. This administrative cost claim must be included in a cost allocation plan that is approved by HCFA.

Public assistance offices must distribute mail registration forms, provide assistance in completing the forms, and transmit completed forms to appropriate authorities. We acknowledge that this law has required States to make some operational changes to their programs. As a result, the Administration for Children and Families (ACF), the agency responsible for providing technical assistance on NVRA matters to State agencies, received a number of requests from various parties asking for operational information and assistance on effective voter registration practices.

Consequently, ACF compiled a 'best practices' Information Memorandum (IM) to the State Public Assistance Agencies which highlights exemplary State registration activities. We have attached that IM for your use. The IM provides examples of practices used in States that have been effective in voter registration of beneficiaries of State and Federal public assistance programs, and offers information and assistance to States seeking to implement or improve upon the processes relative to the NVRA requirements. **(Note: IM not made available to BPHC)**

If you have any questions or, would like the attachment referred to on page 9 of the IM, please contact (add name and telephone number of regional contact).

(Closing and Name of Regional Administrator)

Attachment