

# Essential Elements of a Title X Client Consent Form



This job aid describes the essential elements of a Title X client consent form in accordance with the Title X Program statutes, regulations, legislative mandates, and Office of Population Affairs (OPA) expectations. Title X agencies can refer to this document to develop their client consent forms or other documentation, such as their patient bill of rights.

When developing a client consent form, Title X projects must ensure that all requirements and expectations have been clearly communicated to clients receiving Title X family planning services.

Essential elements to be incorporated from the Title X requirements and expectations, as well as contraceptive method-specific and other consent provisions, are briefly described below. For reference, sample consent form text that may be modified as needed by Title X agencies is included for each element. Title X agencies should also review the source documents linked in this job aid.

*This job aid is not intended to provide legal advice. Title X recipients should consult with their own legal counsel to develop client consent forms in accordance with all applicable federal and state laws and regulations.*

Title X agencies can use the table below to double-check what is in their current client consent forms, as well as to make sure that all essential elements are included and are in alignment with current Title X requirements and expectations. Title X recipients can also refer to these essential elements as a basis for developing client consent forms with subrecipients who will be joining their networks.

## Title X Requirements

The 2021 Title X final rule, [Ensuring Access to Equitable, Affordable, Client-Centered, Quality Family Planning Services](#), describes the requirements that must be met by a family planning project. The [Title X Program Handbook](#) provides additional information and resources on Title X requirements and expectations. The [Title X Program Review Tool](#), which is used by OPA staff and consultants to conduct program reviews, can also be used by Title X recipients as a self-assessment of compliance with Title X requirements and expectations.

Essential Element	Description and Sample Consent Form Language
Voluntary and Non-Coercive Services	<p>Family planning services are to be provided solely on a voluntary basis (Sections 1001 and 1007, PHS Act; 42 CFR 59.5 (a)(2)). Clients cannot be coerced to accept services or to use or not use any particular method of family planning (42 CFR 59.5 (a)(2)).</p> <p><i>I understand that my acceptance of family planning services is voluntary and that I may revoke my consent to services at any time. I understand that I am not required to accept family planning services or use any particular family planning method.</i></p>
Acceptance of Family Planning Services not a Prerequisite for Eligibility or Services	<p>A client's acceptance of family planning services must not be a prerequisite to eligibility for, or receipt of, any other services, assistance from, or participation in, any other program that is offered by the grantee or subrecipient (Section 1007, PHS Act; 42 CFR 59.5 (a)(2)).</p> <p><i>I understand that [Agency] does not require me to accept family planning services in order to receive, or be eligible for, any other services, or assistance from any other program that is offered by [Agency].</i></p>

<p>Facilities and Accessibility of Services</p>	<p>Services must be provided in a manner that is client-centered, culturally and linguistically appropriate, inclusive, and trauma-informed; protects the dignity of the individual; and ensures equitable and quality service delivery consistent with nationally recognized standards of care (42 CFR 59.5 (a)(3)). Projects may not discriminate on the basis of disability and, when viewed in their entirety, facilities must be readily accessible to people with disabilities (45 CFR 84).</p> <p><i>I have been informed that [Agency] must provide services in a manner that is client-centered, culturally and linguistically appropriate, inclusive, and trauma-informed; that protects the dignity of the individual; and that ensures equitable and quality service delivery consistent with nationally recognized standards of care.</i></p> <p><i>I have been informed that [Agency] must provide services that are not discriminatory on the basis of disability, and that are readily accessible to people with disabilities.</i></p>
<p>Non-Discriminatory Services</p>	<p>Services must be provided without regard to religion, race, color, national origin, disability, age, sex, sexual orientation, gender identity, sex characteristics, number of pregnancies, or marital status (42 CFR 59.5 (a)(4)).</p> <p><i>I have been informed that [Agency] must provide services without regard to religion, race, color, national origin, disability, age, sex, sexual orientation, gender identity, sex characteristics, number of pregnancies, or marital status.</i></p>
<p>Confidentiality Generally</p>	<p>Every project must have safeguards to ensure client confidentiality. Information obtained by project staff about an individual receiving services may not be disclosed without the individual's documented consent, except as required by law or as may be necessary to provide services to the individual, with appropriate safeguards for confidentiality. Concern with respect to the confidentiality of information may not be used as a rationale for noncompliance with laws requiring notification or reporting of child abuse, child molestation, sexual abuse, rape, incest, intimate partner violence, human trafficking, or other similar reporting laws. Information may otherwise be disclosed only in summary, statistical, or other form that does not identify the individual (42 CFR 59.10 (a)).</p> <p><i>I have been informed that [Agency] must ensure my confidentiality and that information obtained about me in the process of receiving family planning services may not be disclosed (shared) without my written consent—except as required by law or as may be necessary to provide me with services and with all appropriate safeguards for maintaining my confidentiality.</i></p> <p><i>I understand that [Agency] may be required to disclose my information to comply with laws requiring notification or reporting of child abuse, child molestation, sexual abuse, rape, incest, intimate partner violence, human trafficking, or other similar reporting laws.</i></p> <p><i>I understand that [Agency] may be required to report data in summary, statistical, or another form that does not identify me individually.</i></p>
<p>Confidentiality and Third-Party Billing</p>	<p>Title X projects must take all reasonable efforts to obtain third-party payment without application of any discounts, if a third party (including a government agency) is authorized or legally obligated to pay for services. The project must inform the client of any potential for disclosure of their confidential health information to policyholders where the policyholder is someone other than the client (42 CFR 59.10 (a)).</p> <p><i>I have been informed that [Agency] may disclose my information in order to obtain payment from a third party, such as an insurance company or Medicaid, that is authorized or required to pay for my services.</i></p> <p><i>If I am not the policyholder, I understand that [Agency] must inform me of any potential for disclosure of my confidential health information. I understand that I have the ability to request that services be provided confidentially and without payment from a third party, to avoid the disclosure of my confidential health information.</i></p>

Confidentiality and Family Participation	<p>To the extent practical, Title X projects shall encourage family participation. However, Title X projects may not require consent of parents or guardians for the provision of 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 (Section 1001, PHS Act; 42 CFR 59.10(b)).</p> <p><i>I have been informed that [Agency] must ensure my confidentiality and that information obtained about me in the process of receiving family planning services may not be disclosed (shared) without my written consent—except as required by law or as may be necessary to provide me with services and with all appropriate safeguards for maintaining my confidentiality.</i></p> <p><i>I understand that [Agency] may be required to disclose information to comply with laws requiring notification or reporting of child abuse, child molestation, sexual abuse, rape, incest, intimate partner violence, human trafficking, or other similar reporting laws.</i></p> <p><i>I understand that [Agency] may not require the consent of my parent or guardian for the provision of family planning services. I also understand that [Agency] may not notify my parent or guardian before or after I have requested and/or received services.</i></p> <p><i>I understand that if I consent to family participation (participation of my parent or guardian) when I receive family planning services, I have the right to revoke that consent at any time and to request that services be provided confidentially.</i></p>
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## Other Consent Provisions

Specific birth control methods may require separate and additional consents based on federal regulations or current standards of care. Additionally, client consent forms generally include an explanation of HIPAA-compliant privacy practices.

Element	Description
Sterilization	<p>Sterilization of clients as a part of the Title X Program must be consistent with <a href="#">42 CFR Part 50, Subpart B</a> (“Sterilization of Persons in Federally Assisted Family Planning Projects”).</p> <p><i>Links to the sterilization consent form that Title X projects must use are included in Appendix A (Resources) of the <a href="#">Title X Program Handbook</a>.</i></p>
Long-acting Reversible Contraceptives	<p>Current standards of care recommend client consent prior to providing long-acting reversible contraceptives, including intrauterine contraception [IUC] insertion and contraceptive implant insertion.</p> <p><i>Sample consents are available for the insertion of IUCs and contraceptive implants from the device manufacturers.</i></p>
HIPAA Privacy Practices	<p>The <a href="#">Health Insurance Portability and Accountability Act of 1996</a> (HIPAA) (Public Law 104-191) and the <a href="#">HIPAA Privacy Rule</a> require covered entities to provide individuals with adequate notice of how protected health information about the individual may be used and disclosed, as well as an individual’s rights and the covered entity’s obligations with respect to protected health information.</p> <p><i>The U. S. Department of Health and Human Services has issued <a href="#">model notices of privacy practices</a> for use by health care providers.</i></p>

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