

Summary of Policy Information Notice (PIN) 2010-01: “Confirming Public Agency Status under the Health Center Program and the FQHC Look-Alike Program”

NOTE: This document is a summary only and not a substitute for PIN 2010-01.

Purpose: The PIN describes the documentation that will be considered in confirming public agency status for organizations that self-identify as public agencies for Health Center grants or FQHC Look-Alike designation. It **does not** detail, convey, or clarify requirements around co-applicant arrangements.

Applicability: The PIN applies to all organizations funded or seeking funding under the Health Center Program authorized in section 330(e), (g), (h), or (i) of the Public Health Service (PHS) Act, as amended, *that self-identify as public agencies*. It **does not apply** to:

- Organizations that self-identify as private, non-profits
- Entities operated by a federally recognized Indian tribe / tribal organization in accordance with the Indian Self-Determination Act or Indian Health Care Improvement Act
- Organizations that are funded under an authority other than section 330(e), (g), (h), or (i).

Background: The term “public agency” is only defined in Section 330 of the PHS Act, as amended, in the context of defining a “public center” as a “health center funded (or to be funded) through a grant under this section to a public agency.” Section 330 contains two provisions that only apply to public centers: a) Public Centers are permitted a co-applicant structure; b) only 5% of the amount appropriated for section 330(e) and (g) can be given to public centers with co-applicant structures. The PIN creates documentation standards for organizations self-identifying as public agencies to demonstrate their status.

Documentation: The types of documentation that a self-identified public agency can submit are:

- If the organization is a State or political subdivision of a State with one or more sovereign powers - an “Affirm Instrumentality Letter” (4076C) from the IRS or a letter of authority from the Federal State or local government granting the entity one or more sovereign powers.
- If the organization is an “instrumentality” of government - a determination letter from the IRS, evidence of a past positive letter ruling by the IRS, or documentation that the organization is an instrumentality.
- If the organization is a subdivision, municipality, or instrumentality of a U.S. affiliated sovereign State - documentation from the sovereign State’s taxing authority, or authority granting the organization a sovereign power.

Review Process

- Health Centers that self-identify as public agencies are encouraged to research their qualifications as public centers under the PIN, however, existing health

centers will not be formally asked to confirm their public agency status with documentation until their next Service Area Competition (SAC) application.

- As necessary in unique circumstances, HRSA/BPHC has the option of requesting additional documentation to verify public agency status.