

June 6, 2024

Dear Ryan White HIV/AIDS Program Colleagues,

Experiences with the legal system can pose a significant barrier for people with HIV in many critical areas, including housing, employment, and access to public benefits. The Health Resources and Services Administration's (HRSA) HIV/AIDS Bureau (HAB) is committed to ensuring that people with HIV who have had legal system involvement (defined as any person who is engaged at any point along the continuum of the legal system as a defendant, including arrest, incarceration, and community supervision) have access to core medical and support services to improve their HIV-related health outcomes.

As described in [HRSA HAB Policy Clarification Notice \(PCN\) #18-02 The Use of Ryan White HIV/AIDS Program \(RWHAP\) Funds for Core Medical Services and Support Services for People Living with HIV Who Are Incarcerated and Justice Involved](#), RWHAP funds may be used to support people with HIV who are incarcerated and are expected to be eligible for HRSA RWHAP services upon their release.<sup>1</sup> HRSA HAB funded two specific RWHAP Part F Special Projects of National Significance (SPNS) Program initiatives which included a focus on people who have been involved with the legal system: [Supporting Replication of Housing Interventions in the RWHAP \(SURE\)](#) and [Using Innovative Intervention Strategies to Improve Health Outcomes among People with HIV \(2iS\)](#), and HRSA HAB continues to learn best practices for supporting people with legal system involvement.

The expungement<sup>2</sup> of criminal records is an effective way to remove barriers to care and services, protect privacy, mitigate stigma, and support successful reentry into community.<sup>3</sup> RWHAP funds may be used to aid in the expungement of criminal records.

The scope of allowable legal services as outlined under the "Other Professional Services" service category in [HRSA HAB PCN #16-02 Ryan White HIV/AIDS Program Services: Eligible Individuals and Allowable Uses of Funds](#) includes matters "related to or arising from [an individual's] HIV." To the extent that expunging a client's record is done to assist in obtaining access to services and benefits that will improve HIV-related health outcomes, RWHAP funds can be used to pay for the expungement of criminal records and associated costs. As policy and legal landscapes vary by geographic area, it is advisable that RWHAP recipients and subrecipients partner with legal service professionals and consult their own state and local laws to determine eligibility for expungement assistance.

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<sup>1</sup> A case study of RWHAP funds being used for expungement: <https://publications.partbadap-2019.nastad.org/>

<sup>2</sup> Expungement is the process by which a defendant's criminal record is destroyed or sealed and thus treated as if it had never occurred. See [https://www.americanbar.org/groups/public\\_education/publications/teaching-legal-docs/what-is-expungement/](https://www.americanbar.org/groups/public_education/publications/teaching-legal-docs/what-is-expungement/)

<sup>3</sup> [https://www.americanbar.org/groups/criminal\\_justice/publications/criminal-justice-magazine/2024/winter/evolving-landscape-sealing-expungement-statutes/](https://www.americanbar.org/groups/criminal_justice/publications/criminal-justice-magazine/2024/winter/evolving-landscape-sealing-expungement-statutes/)

RWHAP recipients and subrecipients providing expungement services should develop policies and procedures to determine how RWHAP clients will receive expungement services.

In doing so, RWHAP recipients and subrecipients must ensure that:

- Such services are available and accessible to all eligible clients who seek them.
- The payor of last resort requirement<sup>4</sup> is met.

HRSA HAB remains committed to serving individuals involved with the legal system and strives to improve health outcomes and reduce disparities for people with HIV across the United States. We remain committed to addressing barriers to care and appreciate the community input we have received in this area. Thank you for your ongoing efforts and dedication to providing HIV care and treatment to more than half a million people with HIV across the country and continuing to provide a whole-person approach to improving the lives of people with HIV.

Sincerely,

/Laura W. Cheever/

Laura Cheever, MD, ScM  
Associate Administrator, HIV/AIDS Bureau  
Health Resources and Services Administration

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<sup>4</sup> The Payor of Last Resort Requirement is described in HRSA HAB PCN #21-02 Determining Client Eligibility & Payor of Last Resort in the Ryan White HIV/AIDS Program at <https://ryanwhite.hrsa.gov/sites/default/files/ryanwhite/grants/pcn-21-02-determining-eligibility-polr.pdf>