

## **FY 2009 General Conditions of Award for Ryan White Part A**

This award is subject to the following conditions. The grantee and all its sub-grantees must comply with these conditions and develop budgets and work plans that conform to these conditions. Failure to comply may result in reduction of overall award, audit exceptions and /or reductions in future awards.

### **Federal Funding Requirements**

1. The grantee/sub/grantee awarded Ryan White funds must comply with Federal grant requirements pursuant to the law and program guidelines of Ryan White CARE Act. Part A funds are to be used in a manner consistent with current and future program policies as developed by the Division of Service Systems, HIV/AIDS Bureau, the Health Resources and Services Administration (HRSA). These policies are available on the HAB website: [www.hab.hrsa.gov](http://www.hab.hrsa.gov).
2. The grantee must document referral relationships with key Points of Entry that detail linkages to promote access to HIV related services to HIV+ individuals not in care. Examples of Key Points of Entry are emergency rooms, substance abuse programs, detoxification programs, adult and juvenile detention facilities, Sexually transmitted Disease clinics, federally qualified health centers, HIV counseling, testing and referral sites, mental health programs and homeless shelters. This must be accomplished through the development of Memoranda of Understandings.
3. The grantee/subgrantee must establish a mechanism to ensure that referrals occur at the client level for needed health or support services outside of the grant agency.
4. Grant funds may not be used to supplant or replace current state or local funding. Grantees with continuing awards are encouraged to adopt a fiscal methodology, which is consistent year to year and includes the same program accounts. HRSA requires that documentation of the spending of dollars must be maintained and clear. This requirement is subject to audit.
5. Under Section 2605 (a)(6) Part A funds cannot be used to pay for any item or service that can reasonably be expected to be paid under any other State compensation program, insurance policy, or any other Federal or State health benefits program or by any entity that provides health services on a prepaid basis. This means that providers are expected to make reasonable efforts to secure other funding instead of CARE Act funds whenever possible.
6. If the provider elects to use Ryan White CARE Act funds for client services, which are eligible for both third party reimbursement and grant

funding, the provider must have a system in place to bill and collect from the appropriate third party payer. Only if the client has been determined to not be eligible for reimbursement from Medicaid or other third party payers, may the grantee use grant funds to provide these services. The applicant may use Ryan White CARE Act funds while a Medicaid eligibility determination is pending, but must back bill Medicaid during the retroactive period of enrollment. Associated Black Charities (ABC) reserves the right to audit records and or require proof that grant funds are not being used to support clients enrolled in third party reimbursement programs. Under Section 2604 (e), ABC can only contract with Medicaid certified providers if the service is covered under Medicaid.

7. Services supported by Part A funds must be offered without regard to the individual's ability to pay, the individual's past or present health condition and in a setting that is accessible to low income individuals living with HIV disease. The Baltimore City Health Department (BCHD), as the Grantee, has established eligibility requirements as follows: 1) Lab slip documenting the HIV positive status and or medical diagnosis as evidence by the signature of a physician; 2) residency in the Baltimore EMA; 3) income at 300% of poverty or below; 4) assessment of third party payer capacity; and 5) use of the Eligibility Verification System (EVS) of the State of Maryland. Agencies are expected to establish and monitor procedures to verify and document client eligibility.
8. The grantee and sub grantees shall not use Part A funds in order to:
  - Support the costs of operating clinical trials of investigational agents or treatments;
  - Cover the costs of funeral, burial, cremation or other related expenses;
  - Purchase clothing;
  - Make payments directly to recipients of services,
  - Support legal services for criminal defense;
  - Provide direct maintenance expenses of privately owned vehicles or any other costs associated with a vehicle, such as lease or loan payments, vehicle insurance, or license registration fees;
  - Purchase or improve land, or to purchase, construct, or make permanent improvement to any building, except for minor remodeling;
  - Pay property taxes.
9. Per Presidential Executive Order issued August 11, 2000, every program that receives federal funds is required to take reasonable steps to assure meaningful access to their programs by Limited English Proficiency (LEP) persons. Each covered entity that provides services or benefits directly to the public shall develop language assistance procedures for 1) assessing the language needs of the population served; 2) translating both oral and

10. Ryan White Part A grantee/sub-grantees shall assure that administrative costs do not exceed 10% of the total award. Administrative costs include: depreciation, use allowances on buildings and equipment, costs of operating and maintaining facilities, general administrative expenses associated with executive offices, personnel administration, accounting, costs associated with the management and oversight of program, quality assurance, and other related activities and 'overhead' costs. Examples of administrative costs include: rent, utilities, telecommunications (unless directly related to the provision of service), liability and professional insurance, office supplies, audits, computer hardware/software, payroll/accounting services, data collection activities related to the Annual CARE Act Data Report.
11. An indirect cost rate is only allowable for those agencies, which have a negotiated indirect cost rate with the federal government. Agencies with a negotiated rate must submit a copy of the rate agreement. Vendors with a negotiated rate are still restricted to a maximum administrative and indirect cost of 10%.

### **Personnel Requirements**

1. Per instructions in the budget package, the Grantee and sub grantee(s) must provide to the BCHD program officer, within 30 days of hiring or assignment, the names, job titles, resume and applicable certificates, salaries and percentage of full time equivalency of all personnel funded by this award and hired during this funding period.
2. The Grantee and sub grantee(s) shall obtain written approval from ABC before affecting changes regarding positions funded under this award. Requests for changes in personnel must include a job description, a work plan detailing assignments and time line, the position classification, and information on FTE equivalency.
3. All staff that implement HIV funded projects shall be trained and educated in HIV knowledge and skills relevant to the funded project and attend periodic Departmental trainings as required.
4. Criminal Background investigation records shall be obtained on all employees and volunteers who work with youth under the age 18, pursuant to Sec. 5-560 through 5-568 of the Family Law Article of the Annotated Code of Maryland.

## **Program Requirements**

1. Grantees are required to submit monthly fiscal and program reports to ABC as well as program narrative and other data reports on a quarterly basis. The monthly program and fiscal reports are due on the 10<sup>th</sup> of each month. No payment will be made to the provider if the required programmatic and fiscal reports have not been received. Noncompliance with the reporting requirements will be reason to impose a penalty up to 10% of the payment request. Consistent patterns of late reporting will play a critical role in the rating of a sub grantee's performance that will be a major factor in the award process.
2. In meeting the Federal requirements under Section 2604 (4) (A), grantees are required to provide to HRSA data on the number of women, infants, children and youth. Grantees must submit monthly reports detailing the number of women, infants, youth and children served under each category. The age parameters for this report are as follows: females aged 25 and older, infants from birth though 24 months, children 2 through 12 years of age and youth 13-24.
3. Grantees are required to submit the CARE Act Data Report and client level unduplicated report.
4. The Provider must ensure that communicable disease reporting requirements have been met for all patients served by this grant, specifically reporting by name those with AIDS or symptomatic HIV disease and complying with applicable Department of Health and Mental Hygiene regulations.
5. Organizations providing services in the following service categories must submit current unexpired licenses and or certificates for programs/staff as described in the Standards of Care and /or as required by COMAR: Substance Abuse, Case management , home health, Food and Nutrition; hospice, nutritional counseling, primary medical care, oral health, mental health, legal assistance, transportation direct, and child care.

## **Budget Requirements**

1. All budget modification requests must have prior approval by the BCHD program officer assigned to the grantee/sub-grantee. Written requests for modifications to the budget shall be submitted by the Grantee at least thirty (30) days before the effective date of the proposed changes, and shall have prior written approval from the program officer before being implemented. Modifications are required for changes to Ryan White Part A budgets with a line item greater than 3% for that particular line item.

2. Ryan White revised budgets for FY 2006 are due by March 31, 2008 to ABC accountants. Extensions can only be granted through a written request to the Director of Grants Management and approval by the Deputy Director of Ryan White Part A Programs.
3. The grantee/sub-grantees must bill in accordance with Federal guidelines and show as grant income all third party reimbursements or fees collected in connection with this project, regardless of the location of service provision or the residence of the client/recipient within the Baltimore EMA.
4. Fee collections from third party payers and/or self-paying clients are to be projected in the budget submitted to ABC. Actual fee collections will be shown on the final budget reconciliation (B-3 Forms).
5. An existing Provider who fails to submit the FY 2007 Annual Report (Form 440 and Form 440A) will not receive payments after May 31, 2008, until the reports are submitted and reconciled.
6. The Provider will be held responsible for any funding shortfall that is a result of an overestimation in fee collections.
7. A grantee who subcontracts services, must submit on all-applicable budget forms for that portion of the award subcontracted out. Additionally, the subcontractor is responsible for all required programmatic reports.
8. Any training cost line item must be detailed in the budget justification, and include the name of the individual(s) and the purpose of the training. Training which is required to maintain licensure is not allowable under this program.
9. Any travel cost line item must be detailed in the budget justification, and include the individual(s) traveling and the stated purpose of the travel must be specific. No out-of-state travel is allowed.
10. New vendors must submit Articles of Incorporation as registered with the Maryland Department of Taxation and Assessments, Federal Tax ID Number and proof of 501©(3) status. A Provider must submit documentation of proof of their professional and general liability insurance coverage (\$3,000,000) and their fidelity bond purchase equal to 33% of the total award amount.
11. Ryan White Part A funds are awarded to support programs over a 12-month period. Work plans and performance measures must reflect this requirement. Failure to adequately plan and conduct services to meet this requirement, will impact future funding.

## **Required Meetings**

1. The sub-grantees are encouraged to participate as an active member of the Greater Baltimore HIV Health Services Planning Council.
2. The grantee/sub-grantees must attend the four mandatory management meetings per year, as well as any other mandatory meetings called by the ABC during the grant year. The grantee must attend any QIP meetings sponsored by the BCHD.
3. The Ryan White Part AV grantee/sub-grantees shall attend the quarterly Part AV Network meetings, held four times each year, and other meetings that may be convened by the AIDS Administration.

## **Monitoring Roles / Responsibilities**

1. The grantee/sub-grantees must participate in the BCHD's QIP activities which may include, but not be limited to: (a) QIP chart audits; (b) annual client satisfaction surveys; (c) mandatory meetings as needed and (d) any other reporting requirement as requested. ABC will be conducting site visits, which will include, but not be limited to: interviews of staff, review of fiscal and clinical records, interviews with clients, and observation of service delivery. The site visit may be conducted by ABC, Part A I representatives and/or by HRSA or a subcontractor appointed by HRSA.
2. The grantee and sub grantees shall adhere to all policies and procedures in the Standards of Care as developed by the Greater Baltimore HIV Planning Council. It is the responsibility of the grantee/sub grantees to keep the manual current. If these requirements change, the grantee and sub-grantees are required to meet the new requirements. A copy of the Standards of Care is available on the Web: <http://www.baltimorepc.org>.
3. Community Resource Directory Requirement - the BCHD received a grant from the Office of Minority Health, under the Technical Assistance and Capacity Development Demonstration Grant Program for HIV/AIDS. All funded providers in Baltimore City and Baltimore County must submit a profile for the establishment of a web-based resource database.