



# National Monitoring Standards Ryan White HIV/AIDS Program Part B Overview

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**HIV/AIDS Bureau (HAB)**

**Vision: Healthy Communities, Healthy People**



# HRSA's HIV/AIDS Bureau (HRSA HAB) Vision and Mission

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## Vision

Optimal HIV care and treatment for all to end the HIV epidemic in the U.S.

## Mission

Provide leadership and resources to advance HIV care and treatment to improve health outcomes and reduce health disparities for people with HIV and affected communities.



# Announcements

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- FY 2022 Non-Automatic Waivers Letter
- Integrated HIV Prevention and Care Plan Guidance, including the Statewide Coordinated Statement of Need, CY 2022-2026
- FY 2021 RWHAP Part B WICY Expenditure Report Worksheet (Revised)
- FY 2022 RWHAP Part B Supplemental NOFO (HRSA-22-034)
- 2022 National Ryan White Conference on HIV Care & Treatment



# Questions



# Poll

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# Agenda

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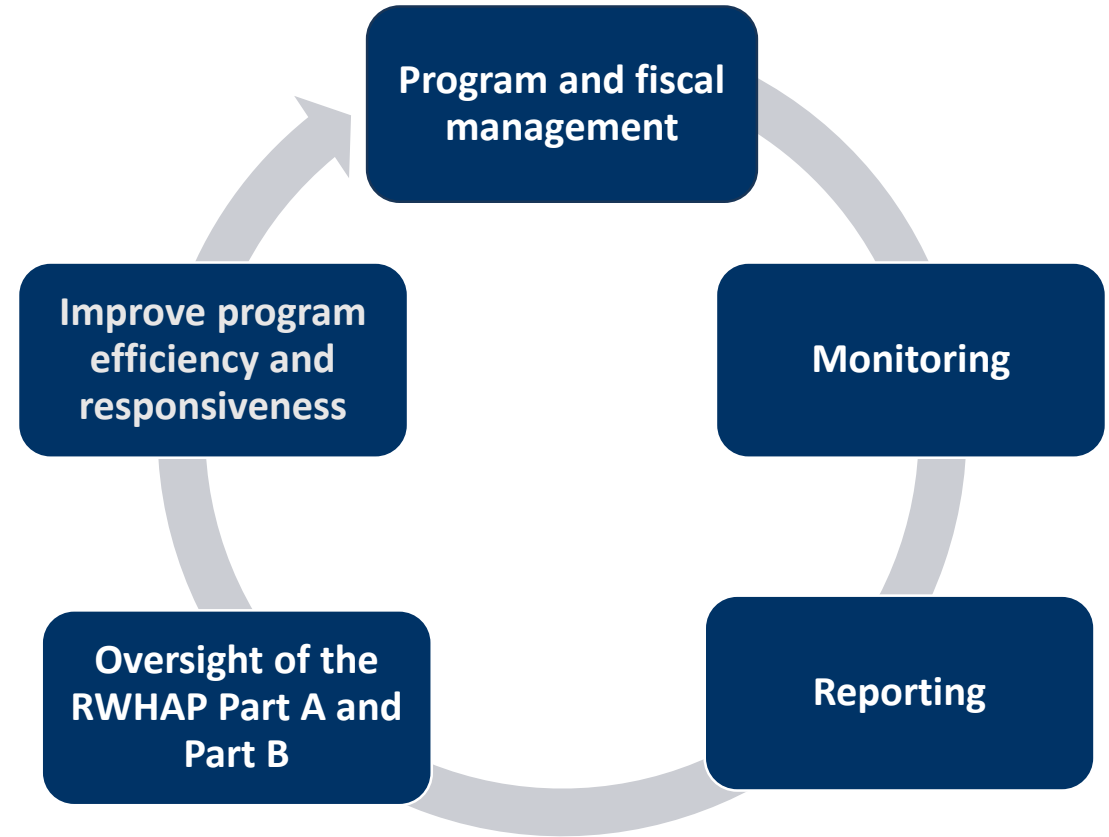
1. Background
2. National Monitoring Standards (NMS)
  - a. Purpose
  - b. Structure
  - c. Components
  - d. Implementation
  - e. Examples
3. Questions and Answers





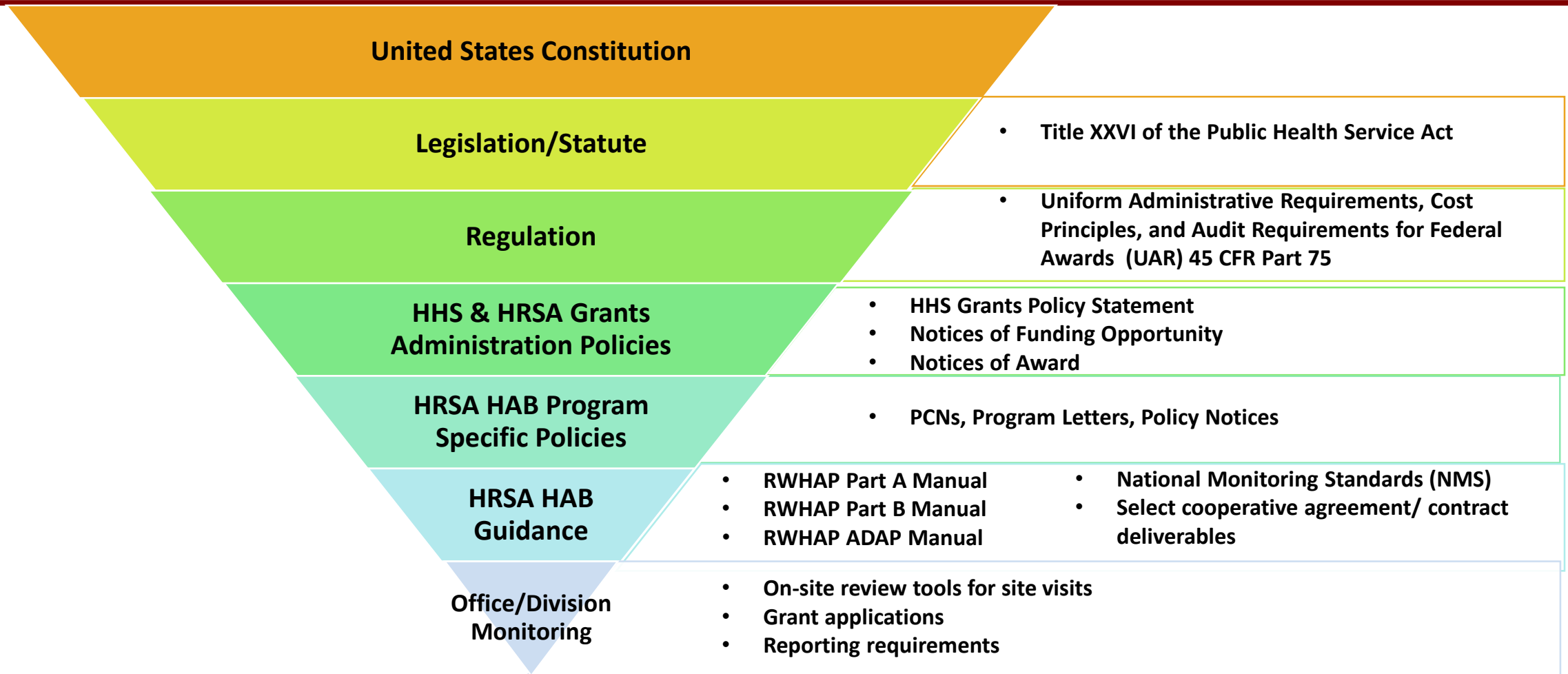
# National Monitoring Standards

- Provide a compilation of all major Ryan White HIV/AIDS Program documents used for compliance, oversight, and expectations
- Assist recipients in meeting federal requirements for program and fiscal management, monitoring, and reporting
- Serves as a reference for HRSA consultants and POs in conducting site visits



Administrative/Program, Fiscal, Clinical Quality Management and Subrecipient Site Visit Monitoring Tools were developed to monitor compliance of legislative and programmatic requirements.

# RWHAP Hierarchy of Authorities





# NMS Structure

## Part A

Executive Summary

Program Standards

Fiscal Standards

Universal Standards

## Part B

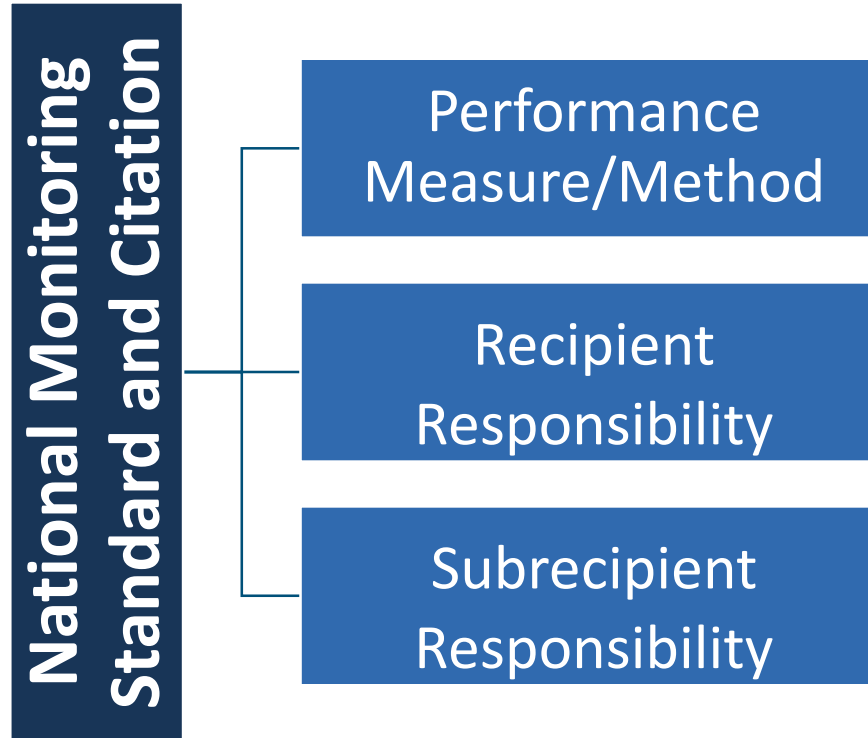
Executive Summary

Program Standards

Fiscal Standards

Universal Standards

# NMS Structure (continued)



# NMS Components

## Universal Standards

### Part A and Part B

Access to Care

Eligibility Determination

Payor of Last Resort

Anti-Kickback Statute

Recipient Accountability

Reporting

Monitoring



# NMS Components- Program Standards

## Part B

Allowable Uses of RWHAP Part B Service Funds

Core Medical Services

Support Services

Quality Management

Administration

Other Service Requirements

Prohibition on Certain Activities and Additional Requirements

Chief Elected Official (CEO) Agreements & Assurances

Minority AIDS Initiative (MAI)

Data Reporting Requirements

Consortia

Integrated HIV Prevention and Care Plan, Including Statewide Coordinated Statement of Need



# NMS Components- Fiscal Standards

## Part B

Limitation on Uses of RWHAP Part B Funding

Unallowable Costs

Program Income and Rebates

Imposition & Assessment of Client Charges

Financial Management

Property Standards - Equipment

Cost Principles

Auditing Requirements

Matching or Cost-Sharing Funds

Maintenance of Effort

Fiscal Procedures

Unobligated Balances and Carryover Requests



# NMS Implementation

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## Recipients are encouraged to:

- Review the NMS and share with program and fiscal staff who have monitoring responsibilities
- Share the standards with subrecipients as appropriate
- Hold meetings with subrecipients to introduce the NMS and clarify compliance issues
- Make standards easily accessible to subrecipients
- Meet with legal, contracts, procurement, finance and other government entities to familiarize them with the NMS



# NMS Implementation (continued)

- Review request for proposals (RFPs) and contract language to assure that they specify services to be provided and data to be collected and reported
- Review current monitoring systems, procedures, and tools for potential revision/updates/changes
- Fully implement any needed changes in subrecipient monitoring
- Implement recipient and subrecipient responsibilities
- Contact Project Officer if there are additional questions or concerns





# Knowledge Checks



# NMS - Universal Standards: Eligibility Determination

## Determining Client Eligibility & Payor of Last Resort in the Ryan White HIV/AIDS Program

**Number:** Policy Clarification Notice 21-02

**Replaces:** HRSA HAB Policy Clarification Notice 13-02 *Clarifications on Ryan White Program Client Eligibility Determinations and Recertification Requirements*

**Issue Date:**

### I. Purpose

This Policy Clarification Notice (PCN) outlines the Health Resources and Services Administration's (HRSA) HIV/AIDS Bureau (HAB) guidance for Ryan White HIV/AIDS Program (RWHAP) recipients and subrecipients for determining client eligibility and complying with the payor of last resort requirement, while minimizing administrative burden and enhancing continuity of care and treatment services.<sup>1</sup>

### II. Scope and Applicability

This PCN applies to RWHAP Parts A, B, C, D, and Part F when funding supports direct care and treatment services. As of the effective date, this PCN applies to competing continuation, non-competing continuation, and new awards.

### III. Effective Date

The effective date of this PCN is

### IV. Eligibility Requirements for RWHAP Services

People are eligible to receive RWHAP services when they meet each of the following factors:

#### 1. HIV Status

- A documented diagnosis of HIV.<sup>2</sup> (Note: People who do not have an HIV diagnosis are eligible to receive certain services as outlined in HRSA HAB PCN 16-02 *Ryan White HIV/AIDS Program Services: Eligible Individuals & Allowable Uses of Funds*,<sup>3</sup> and as otherwise stipulated by HRSA HAB.)

#### 2. Low-Income

- The RWHAP recipient defines low-income. Low-income may be determined based on percent of Federal Poverty Level (FPL),<sup>4</sup> which can be measured in several ways (e.g., Modified Adjusted Gross Income,<sup>5</sup> Adjusted Gross Income, Individual Annual Gross Income, and Household Annual Gross Income).

<sup>1</sup> RWHAP recipients (including AIDS Drug Assistance Programs) and subrecipients may collect additional information as necessary for program administration.

<sup>2</sup> HIV Clinical Guidelines: Adult and Adolescent ARV. <https://clinicalinfo.hiv.gov/en/guidelines/adult-and-adolescent-arv/whats-new-guidelines>

<sup>3</sup> HRSA HAB Policy Clarification Notice 16-02 *Ryan White HIV/AIDS Program Services: Eligible Individuals & Allowable Uses of Funds*. [https://hab.hrsa.gov/sites/default/files/hab/programs-grants-management/ServiceCategoriesPCN\\_16-02Final.pdf](https://hab.hrsa.gov/sites/default/files/hab/programs-grants-management/ServiceCategoriesPCN_16-02Final.pdf)

<sup>4</sup> U.S. Federal Poverty Guidelines Used to Determine Financial Eligibility for Certain Federal Programs. <https://aspe.hhs.gov/poverty-guidelines>

<sup>5</sup> HRSA HAB Policy Clarification Notice 13-03 *Ryan White HIV/AIDS Program Client Eligibility Determinations: Considerations Post Implementation of the Affordable Care Act*. <https://hab.hrsa.gov/sites/default/files/hab/Global/pcn1303eligibilityconsiderations.pdf>

- Purpose
- Scope and Applicability
- Effective Date
- Eligibility Requirements
  - Guidance on Determining RWHAP Eligibility
    - ✓ Policies and Procedures for Establishing RWHAP Eligibility
    - ✓ Policies and Procedures for Confirming RWHAP Eligibility
    - ✓ Best Practices to Promote Continuity of Services and Care in the RWHAP
- Payor of Last Resort
  - Guidance on Complying with the Payor of Last Resort Requirement
  - Coverage of Services



# NMS – Universal Standards: Eligibility Determination (continued)

## Section B: Eligibility Determination

### B.1. Eligibility determination of clients as specified by the jurisdiction or AIDS Drug Assistance Program (ADAP):

Eligibility determination of clients for RWHAP services within a predetermined timeframe.

#### B.1.i. Performance Measure/Method

- a) Documentation of eligibility required by the jurisdiction or ADAP in client records, including the following:
  - *A documented diagnosis of HIV,*
  - *Low-income status as defined by the recipient, and*
  - *Proof of residency within its service area, as defined by the recipient.*
- b) Eligibility policy and procedures on file.
- c) Documentation that all staff involved in eligibility determination have participated in required training on appropriate policies and procedures.
- d) Subrecipient client data reports consistent with eligibility requirements specified by the recipient.

#### B.1.ii. Recipient Responsibility

- a) Establish a process and policies for determining eligibility and confirming ongoing eligibility.
- b) Conduct site visits to review client records for appropriate documentation that meets the eligibility requirements.
- c) Provide training to new and existing agencies and new staff on eligibility determination and confirmation.
- d) Review data reports for accuracy.
- e) Monitor subrecipients' procedures for identifying challenges in the process of determining and confirming eligibility and tracking those challenges to resolution.
- f) Ensure eligible clients are receiving allowable services that are fundable with RWHAP dollars.



# NMS – Universal Standards: Eligibility Determination (continued)

## B.1.iii. Subrecipient Responsibility

- a) Develop and maintain client records that contain documentation of a client's eligibility determination, including the following:
  - b) Completion of an eligibility determination as specified by the recipient.
  - c) Documentation of eligibility determination required in client records, with copies of the following documents required by the recipient:
    - *Initial proof of HIV diagnosis (required only once).*
    - *Low-income.*
    - *Proof of residence.*
    - *Proof of compliance with eligibility determination as defined by the jurisdiction or ADAP.*
- d) Conduct periodic reviews based upon recipient policies and procedures to identify any potential changes that may affect eligibility, and require clients to report any such changes.
- e) Document compliance with eligibility determination as defined by the jurisdiction or ADAP.
- f) Document that all staff involved in eligibility determination and confirmation have participated in the required training.

## B.1.iv. Source Citations

- PHS Act § 2605(a)(6)
- PHS Act § 2616(b)(1)-(2)
- PHS Act § 2617(b)(7)(B)
- HAB PCN 21-02



# NMS - Program Standards:

## Service Category: Other Professional Services

### RWHAP Legislation (PHS Act § 2604(d))

#### (d) SUPPORT SERVICES.—

(1) IN GENERAL.—For purposes of this section, the term “support services” means services, subject to the approval of the Secretary, that are needed for individuals with HIV/AIDS to achieve their medical outcomes (such as respite care for persons caring for individuals with HIV/AIDS, outreach services, medical transportation, linguistic services, and referrals for health care and support services).

### HIV/AIDS Bureau Policy 16-02

#### Other Professional Services

##### *Description:*

Other Professional Services allow for the provision of professional and consultant services rendered by members of particular professions licensed and/or qualified to offer such services by local governing authorities. Such services may include:

- Legal services provided to and/or on behalf of the HRSA RWHAP-eligible PLWH and involving legal matters related to or arising from their HIV disease, including:
  - Assistance with public benefits such as Social Security Disability Insurance (SSDI)
  - Interventions necessary to ensure access to eligible benefits, including discrimination or breach of confidentiality litigation as it relates to services eligible for funding under the HRSA RWHAP
  - Preparation of:
    - Healthcare power of attorney
    - Durable powers of attorney
    - Living wills
- Permanency planning to help clients/families make decisions about the placement and care of minor children after their parents/caregivers are deceased or are no longer able to care for them, including:
  - Social service counseling or legal counsel regarding the drafting of wills or delegating powers of attorney
  - Preparation for custody options for legal dependents including standby guardianship, joint custody, or adoption
- Income tax preparation services to assist clients in filing Federal tax returns that are required by the Affordable Care Act for all individuals receiving premium tax credits.

##### *Program Guidance:*

Legal services exclude criminal defense and class-action suits unless related to access to services eligible for funding under the RWHAP.

See 45 CFR § 75.459



# NMS - Program Standards:

## Service Category: Other Professional Services (continued)

### C.9. Other Professional Services

[See Policy Clarification Notice \(PCN\) 16-02 for definitions and program guidance for each of the Core Medical and Support Services named in the statute, in addition to information on individuals who are eligible to receive these HRSA RWHAP services.](#)

#### C.9.i. Performance Measure/Method

- a) Documentation that funds are used only for allowable professional services, such as:
  - *Legal Services.*
  - *Permanency Planning.*
  - *Income Tax Preparation.*
  
- b) Assurance that program activities do not include any criminal defense or class action suits unrelated to access to services eligible for funding under the RWHAP.





# NMS - Program Standards:

## Service Category: Other Professional Services (continued)

### C.9.ii. Recipient Responsibility

- a) Develop RFPs, RFAs, contracts, provider agreements, MOUs/LOAs, and/or statements of work that clearly define allowable and non-allowable professional services and state the requirement that services must address needs directly necessitated by the individual's HIV status.
- b) Monitor subrecipients to ensure that:
  - *Funds are being used only for allowable services.*
  - *No funds are being used for criminal defense or class action suits unless related to access to services eligible for funding under the RWHAP.*

### C.9.iii. Subrecipient Responsibility

- a) Document and make available to the recipient upon request, services provided, including specific types of professional services provided.
- b) Provide assurance that:
  - *Funds are being used only for professional services directly necessitated by an individual's HIV status.*
  - *RWHAP serves as the payor of last resort.*
- c) Document in each client file:
  - *Client eligibility.*
  - *A description of how professional services are necessitated by the individual's HIV status.*
  - *Types of services provided.*
  - *Hours spent in the provision of such services.*

### C.9.iv. Source Citations

- PHS Act § 2604(d)
- HAB Policy Clarification Notice 16-02 and FAQs





# NMS - Fiscal Standards:

## Unallowable Costs: No Cash Payments

### RWHAP Legislation (PHS Act § 2604(i))

Construction- A chief elected official may not use amounts received under a grant awarded under this subpart to purchase or improve land, or to purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or to make cash payments to intended recipients of services.

### HIV/AIDS BUREAU POLICY 16-02

#### Unallowable Costs:

HRSA RWHAP funds may not be used to make cash payments to intended clients of HRSA RWHAP-funded services. This prohibition includes cash incentives and cash intended as payment for HRSA RWHAP core medical and support services. Where direct provision of the service is not possible or effective, store gift cards,<sup>2</sup> vouchers, coupons, or tickets that can be exchanged for a specific service or commodity (e.g., food or transportation) must be used.

HRSA RWHAP recipients are advised to administer voucher and store gift card programs in a manner which assures that vouchers and store gift cards cannot be exchanged for cash or used for anything other than the allowable goods or services, and that systems are in place to account for disbursed vouchers and store gift cards.<sup>3</sup>

<sup>2</sup> Store gift cards that can be redeemed at one merchant or an affiliated group of merchants for specific goods or services that further the goals and objectives of the HRSA RWHAP are allowable as incentives for eligible program participants.

<sup>3</sup> General-use prepaid cards are considered "cash equivalent" and are therefore unallowable. Such cards generally bear the logo of a payment network, such as Visa, MasterCard, or American Express, and are accepted by any merchant that accepts those credit or debit cards as payment. Gift cards that are cobranded with the logo of a payment network and the logo of a merchant or affiliated group of merchants are general-use prepaid cards, not store gift cards, and therefore are unallowable.



# NMS - Fiscal Standards:

## Unallowable Costs: No Cash Payments (continued)

### **B.3. No cash payments to intended recipients of services.**

Note: A cash payment is the use of some form of currency (paper or coins) or “cash equivalent” gift cards (e.g., a Visa gift card). Where the direct provision of a service is not possible or effective, vouchers, coupons, or tickets that can be exchanged for a specific service or commodity (e.g., food or transportation) are not considered to be cash payments.

#### **B.3.i. Performance Measure/Method**

- a) Implementation of actions specified in B.1.
- b) Review of policies and procedures for service categories involving payments made on behalf of individuals to ensure that no direct payments are made to individuals (e.g., emergency financial assistance, transportation, health insurance premiums, medical or medication copays and deductibles, food and nutrition).
- c) Review of expenditures by subrecipients to ensure that no cash payments were made to individuals.



# NMS - Fiscal Standards:

## Unallowable Costs: No Cash Payments (continued)

### B.3.ii. Recipient Responsibility

- a) Carry out actions specified in B.1.
- b) Ensure that Standards of Care/Service Standards for service categories involving payments made on behalf of clients prohibit cash payments to service recipients.
- c) Ensure that written policies and procedures for service categories involving payments made on behalf of clients prohibit cash payments to service recipients.
- d) Ensure that written policies are in place to ensure that voucher programs are administered in a manner that ensures that vouchers cannot be used for anything other than the allowable service and that systems are in place to account for disbursed vouchers.

### B.3.iii. Subrecipient Responsibility

- a) Carry out subrecipient actions specified in B.1.
- b) Maintain documentation of policies that prohibit the use of RWHAP funds for cash payments to service recipients.
- c) Administer voucher programs in a manner that ensures that vouchers cannot be used for anything other than the allowable service and that systems are in place to account for disbursed vouchers.

### B.3.iv. Source Citations

- PHS Act § 2604(i)
- HAB Policy Clarification Notice 16-02 and FAQs



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# Questions







# Ryan White HIV/AIDS Program (RWHAP) Part B Manual Overview

*April 28, 2022*

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**HIV/AIDS Bureau (HAB)**

**Vision: Healthy Communities, Healthy People**



# Agenda

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- Purpose
- Background
- Summary of Changes
- Manual Structure
- Questions and Answers





# Purpose

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- Orientation Guide
- Reference Document
- Tool Guide
- Information Source



# Background

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- Target Audience
- Last Updated
- Future Updates

# Summary of Changes

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- Incorporates 45 CFR Part 75
- Includes Updates to HRSA HAB Policy Clarification Notices (PCNs)
- Integrates Updated Language Related to Various RWHAP Part B Policies and Procedures
- Introduces Additional Information to Ensure Understanding of Key Issues



# Manual Structure

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- Introduction
- Relevant Authorities
- Program Direction and Implementation
- Technical Assistance Links and Resources



# Introduction

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## Section V: Recipient and Subrecipient Monitoring

### V. Chapter 1. Introduction

Monitoring, whether HRSA monitoring of recipients, recipient monitoring of subrecipients, or the recipient and subrecipient monitoring of contractors, is a critical component of the RWHAP. This section provides a high-level overview of the oversight and monitoring responsibilities of recipients and subrecipients, as well as information regarding useful tools that will assist with providing oversight of both subrecipients and contractors.



# Relevant Authorities

## V. Chapter 2. Relevant Authorities

### Definitions and Roles

The UAR establishes the following relevant definitions in 45 CFR § 75.2 pertaining to awarding of federal funding:

- **Federal awarding agency**, defined as “the Federal agency that provides a Federal award directly to a non-Federal entity.”
- **Recipients**, defined as “an entity, usually but not limited to non-Federal entities, that receives a Federal award directly from a Federal awarding agency to carry out an activity under a Federal program. The term recipient does not include subrecipients.”
- **Pass-through entities**, defined as “a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.” A pass-through entity may be a recipient or subrecipient.



# Relevant Authorities (continued)

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- **Subrecipients**, defined as “a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.”
- **Contractors**, defined as “an entity that receives a contract,” which is defined as “a legal instrument by which a non-Federal entity purchases property or services needed to carry out the project or program under a Federal award.”



# Relevant Authorities (continued)

Please note that the RWHAP legislation uses the term “subcontractor” in reference to entities that receive funding directly from the recipient, or from a lead agency or consortia acting on behalf of the recipient.

The UAR also clarifies the role of the recipient and subrecipient with regard to the following:

- Procurement standards (45 CFR §§ 75.326 – 75.340, particularly 45 CFR § 75.326 – 75.329);
- Performance and financial monitoring and reporting (45 CFR §§ 75.341-75.343);
- Access to records related to a federal award (45 CFR § 75.364);
- Distinguishing subrecipients from contractors (45 CFR § 75.351); and
- Subrecipient monitoring and management/requirements for pass-through entities (45 CFR § 75.352).



# Program Direction and Implementation

## Subrecipient Monitoring

- As was noted earlier, all RWHAP Part B recipients are responsible for adequate oversight and monitoring of all activities supported by the federal award, including subawards and contracts. As such, the recipient must ensure that subrecipient monitoring requirements are met.
- Per 45 CFR § 75.352, all RWHAP Part B recipients must ensure that any RWHAP Part B subaward (including those made by a lead agency or consortium) is clearly identified as a subaward, and includes information regarding all federal requirements pertaining to the award. The subaward must also include any additional requirements imposed by the pass-through entity to meet its responsibilities to the HHS awarding agency (i.e., HRSA HAB).



# Program Direction and Implementation (continued)

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All RWHAP Part B recipients also are responsible for ensuring the following and related activities:

- The evaluation of subrecipient risk for non-compliance;
- The monitoring of subrecipient activities to ensure compliance and that performance goals are met;
- Verification of subrecipient auditing; and
- Enforcement action is taken as appropriate to address noncompliance.

# Technical Assistance Links and Resources

## V. Chapter 7. Technical Assistance Links and Resources

This section provides resources for recipient and subrecipient monitoring to ensure compliance with legislative, regulatory, and programmatic requirements.

- **National Monitoring Standards:** <https://ryanwhite.hrsa.gov/grants/manage/recipient-resources>.
- **HRSA HAB Policy Notices:** <https://ryanwhite.hrsa.gov/grants/policy-notice>
- **HRSA HAB Program Letters:** <https://ryanwhite.hrsa.gov/grants/program-letters>
- **45 CFR Part 75:** <https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=4d52364ec83fab994c665943dadf9cf7&ty=HTML&h=L&r=PART&n=pt45.1.75#sp45.1.75.b>.
- **TargetHIV:** <https://targethiv.org>.



# Contact Information

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# Questions and Answers

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