

Conditions of Award Acceptance Form

Grantee Name: _____

Grant Number: MU ADP _____

Approved Total Award Amount: \$ _____

The Alcohol and Drug Abuse Administration (ADAA) and the _____
agree:

1. To accept the Conditions of Award detailed in this Attachment (Attachment B, pages).
2. The amount of this Agreement for fiscal year 2011 is \$_____.

Signature:

President or Designee

Date

ATTACHMENT B

Alcohol and Drug Abuse Administration Substance Abuse Prevention Services

General Information:		Date:	
Vendor Name:		Grant No:	
		Fiscal Year: 2011	
Address:		Contact Person:	
		Phone:	
Type of Service: Substance Abuse Prevention Services		Award Period: Dates: <u>07/01/2010</u> Thru: <u>06/30/2011</u>	

Current Award Amount	Amount of This Action	New Total Award
\$	\$	\$

History of Budget Action(s) (including current action)

<u>DHMH Source Of Funds</u>	<u>Federal Funds Only CFDA No./ FF Tracking No.</u>	<u>Type of Budget Action</u>	<u>Project</u>	<u>Amount</u>

Total Award: \$ _____

Other Funding Sources

INTEREST INCOME: \$ _____

OTHER: \$ _____

COUNY CONTRIBUTION: \$ _____

Total Other Funding Sources: \$ _____

Total Budget:

Total Budget: \$ _____

IN-KIND CONTRIBUTION: \$ _____

ATTACHMENT B

**Alcohol and Drug Abuse Administration
Specific Conditions of Award**

Grantee: _____

Grant Number: MU ADP

Fiscal Year: 2011

Type of Service: Substance Abuse Prevention

The Grantee will provide for prevention services as described in the attached Prevention Financial Reporting and Allocation Network Form (P.F.R.A.N.).

FRAN FORM

ATTACHMENT B

Alcohol and Drug Abuse Administration (ADAA) Conditions of Award Prevention Program Grant

Grantee: _____
Grant Number: _____
Fiscal Year: 2011

Failure to comply with these Conditions of Award may result in the following, including but not limited to: loss of award, future audit exceptions, disallowance of expenditures, award reductions, and/or delay in payment of award funds, until such time that areas of non-compliance are corrected.

1. This award is based on estimated levels of Federal SAPT funds. If actual allocations differ from current estimates, this award may be adjusted accordingly.
2. All requests for changes in Prevention programming shall be submitted in writing to the Regional Services Manager for approval prior to implementation.
3. A full-time Alcohol and Other Drug Prevention Coordinator is required for the administration of the college, Preschool, and local jurisdiction prevention office services.
4. All local jurisdiction Prevention Coordinators shall attend ADAA mandated trainings and meetings provided or sponsored by the ADAA.
5. No pamphlets and/or written materials or other items supported with ADAA funds may be developed and/or published without prior approval from the ADAA Regional Services Manager. All literature, materials and/or promotional items shall contain an acknowledgement of ADAA and SAMHSA support. Expenditures for unapproved publications may be disallowed regardless of the quality of the publication.
6. All prevention data shall be submitted electronically through the MDS System to the ADAA not later than the tenth day after the end of the month. Late and/or inaccurate submissions of Prevention MDS data of two consecutive months may result in administrative action.

Attachment B
Conditions of Award
Prevention Program Grant
Page 2

7. All budget modification requests must be **received** by the ADAA Grants and Contracts Management Section **no later than April 15 or the first business day thereafter.**

Implementation of the budget modification may not begin until approval is received in writing from the ADAA. Implementation prior to approval may result in the disallowance of expenditures.

8. This grant period terminates on June 30th. Any monies not spent by June 30th shall revert to the State.
9. Prevention funds shall only be used for evidenced based strategies that comport with the Institute of Medicine (IOM) principles.
10. All programs shall maintain compliance with the ADAA Prevention Standards.
11. The Prevention office will collaborate with the ADAA funded University ATOD Prevention Center to implement prevention services/activities.
12. Other conditions may be imposed during the course of the fiscal year.

ATTACHMENT B

Alcohol and Drug Abuse Administration (ADAA) General Conditions of Award

Grantee Name: _____

Grant Number: _____

Fiscal Year: 2011

Failure to comply with these General Conditions of Award may result in the following, including but not limited to: loss of award, future audit exceptions, disallowance of expenditures, award reductions, and/or delay in payment of award funds, until such time that areas of non-compliance are corrected.

1. Grantee shall convey General Conditions of Award to all sub-grantee recipients of State and Federal funds. The grantee shall review sub-grantee compliance with COMAR and Conditions of Award on a quarterly basis through conducting on-site visits and using an ADAA provided monitoring tool. The grantee shall identify areas of non-compliance, require a corrective action plan, and monitor corrective action progress of all non-compliant sub-grantees. The grantee shall submit the completed monitoring report to the ADAA Compliance Section within five business days of the end of the quarter.
2. Grantee and all sub-grantees shall admit pregnant women within 24 hours of request.
3. Grantees and all sub-grantees shall utilize best practices for every age group in the provision of treatment services. Best practices refer to services that reflect research based findings
4. Grantees and all sub-grantees shall have a patient/counselor ratio of 40 slots for every full-time counselor (40:1) for Adult Level I services.
5. Grantee and all sub-grantees providing treatment services shall:
 - a) assess every patient upon admission for eligibility for Primary Adult Care (PAC) and Medical Assistance (MA);
 - b) retain proof of application for these entitlements;
 - c) for eligible recipients, bill PAC and MA for services covered by those entitlements; and
 - d) no longer use ADAA funds for costs covered by PAC and MA.

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General Conditions of Award
Page 2

6. Grantee shall submit expenditure reports per the following schedule stated below to the ADAA via e-mail to aborzymowski@dhhm.state.md.us and fgivens@dhhm.state.md.us . Refer to the ADAA website, www.maryland-adaa.org for expenditure reporting forms.

Reporting Period	Due Date
July 1 – September 30	October 15
October 1 – December 31	January 15
January 1 – March 31	April 15
April 1 – June 30	July 15

7. Grantee and all sub-grantee recipients of State and Federal funds shall neither
- a) deny admission or continued stay for a patient solely due to being on full or partial opiate agonist therapy medication regardless of dose;
 - b) make admission contingent upon eventual detoxification from full or partial opiate agonist; nor
 - c) limit the number of patients on full or partial opiate maintenance or detoxification that are admitted to a program.
8. Grantee agrees to serve as the ADAA’s designee regarding Health General Article 8-505, Health General Article 8-506 and Health General 8-507 legislative requirements:
- a) Provides clinical staff in compliance with DHMH Code of MD Regulations, Title10, Subtitle 47 to conduct Health General Article 8-505 substance abuse evaluations.
 - b) Once ADAA has approved the Health General Article 8-505 evaluator’s level of care recommendation, the locally managed services that are ADAA funded must accept the treatment recommendation for placement.
 - c) If a commitment for treatment under Health General Article 8-507 is ordered, the grantee shall exhaust all ADAA funded locally managed treatment services for the committed individual before accessing ADAA contracted services.
9. Grantee and all sub-grantees shall comply with the Department of Health and Mental Hygiene (DHMH), Code of Maryland Regulations, Title 10, Subtitle 47, and recovery housing and continuing care standards approved by the Alcohol and Drug Abuse Administration.
10. This award is based on estimated levels of State and/or Federal funds. If actual allocations differ from current estimates, this award may be adjusted accordingly.

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General Conditions of Award
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11. The grantee shall comply with all requirements and conditions set forth in the DHMH Human Services Agreements Manual.
12. Throughout the fiscal year, ADAA will monitor and review the program slot allocation utilization rates. This monitoring process will ensure that utilization is consistent with the established ADAA funding level. If the program receives funding for additional treatment services during the fiscal year, the slot allocation will be adjusted accordingly.
13. All funded early intervention, outpatient, intensive outpatient, and OMT treatment programs shall provide the ADAA with all required State of Maryland Automated Record Tracking (SMART) data sets including, but not limited to:
 - a) Substance Abuse Management Information System (SAMIS) data,
 - b) The type of service provided (assessment, individual, group, etc.) to each patient, the length of the service (15 minutes, hour, etc.), and the funding source of that service (grant, MA, PAC, etc.) using the first page of the SMART encounter note,
 - c) Use of the electronic referral in SMART when referring a patient to another agency for ongoing treatment.

All data shall be submitted in accordance with the schedule outlined in the SAMIS Manual. Late and/or inaccurate submission of SAMIS and other Management Information data of two consecutive months may result in administrative action.

14. The grantee shall provide the ADAA with SMART data as required by the Administration for all ADAA funded recovery housing services.
15. All budget modification requests must be **received** by the ADAA Grants and Contracts Management Section **no later than April 15 or the first business day thereafter**.

Implementation of the budget modification may not begin until approval is received in writing from the ADAA. Implementation prior to approval may result in the disallowance of expenditures.

16. The grantee shall agree to attend all meetings as required by the DHMH and the ADAA.

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General Conditions of Award
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17. Grantee and all sub-grantees providing treatment services shall comply with the Code of Maryland Regulation 10.02.01 of the DHMH and DHMH Policy #3416 that provide for the setting of charges and collection of fees for health services rendered under the jurisdiction of DHMH. This regulation and policy apply to all health facilities operated by the Department of Health and Mental Hygiene, its subordinate units and those operated by political subdivisions and vendors whose programs are funded in whole or in part with funds administered by the Department of Health and Mental Hygiene.
18. This grant period terminates on June 30th. Any monies not spent by June 30th shall revert to the State.
19. Grantee and all sub-grantees shall report to the ADAA improper use of and possible criminal conduct related to awarded funds as soon as it becomes known to the grantee or sub-grantee.
20. The following Managing for Results (MFR) performance measures apply to FY11 ADAA treatment grants:
 - a. 62% of the adult and adolescent patients in ADAA funded Level I outpatient programs are retained in treatment at least 90 days.
 - b. 58% of patients in the ADAA funded halfway house programs are retained in treatment at least 90 days.
 - c. 40% of adolescent and 58% of adult patients completing/transferred/referred from ADAA funded intensive outpatient programs enter another level of treatment within thirty days of discharge.
 - d. 79% of the patients completing/transferred/referred from ADAA funded residential detoxification programs enter another level of treatment within 30 days of discharge.
 - e. The number of patients using substances at completion/transfer/referral from non-detox treatment will be reduced by 82% among adolescents and 81% among adults from the number of patients who were using substances at admission to treatment.
 - f. The number of employed adult patients at completion/transfer/referral from non-detox treatment will increase by 30% from the number of patients who were employed at admission to treatment.
 - g. The number arrested during the 30 days before discharge from non-detox treatment will decrease by 70% for adolescents and 66 % for adults from the number arrested during the 30 days before admission

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General Conditions of Award
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21. The following additional performance measures apply to FY11 ADAA treatment grants:
 - a. 50% of patients dis-enrolled from a Level III.7 will enter another level of care within 30 days.
 - b. 50% of patients dis-enrolled from a Level III.5 will enter another level of care within 30 days.
 - c. 50% of patients dis-enrolled from a Level III.3 will enter another level of care within 30 days.
22. All requests for changes in treatment programming shall be submitted in writing to the Regional Services Manager for approval prior to implementation
23. Grantees subcontracting for services using a cost reimbursement contract method shall submit copies of all sub-provider budgets to ADAA.
24. All funded programs certified to provide Level I Outpatient treatment must also have a Level II.1 Intensive Outpatient treatment certification. All funded programs certified to provide Level II.1 Intensive Outpatient treatment must also have a Level I Outpatient treatment certification.
25. The grantee must provide, purchase, or otherwise access a continuum of care, defined at a minimum as Level I, Level II.1, Level III.1, Level III.7, and maintenance treatment for opiate addiction for adults. Grantee must provide, purchase, or otherwise access a continuum of care, defined at a minimum as Level I, Level II.1 and Level III.7 for adolescents.
26. Beginning January 1, 2011, the grantee and all sub-grantees providing treatment services shall use the Treatment Assignment Protocol (TAP) to assist in determining patient placement in levels of care.
27. The grantee must provide a representative to participate in the ADAA Recovery Oriented Systems of Care (ROSC) Learning Collaborative.
28. The grantee must either provide or maintain documented referral arrangements for the provision of pharmacotherapy services to patients.
29. The grantee and all sub-grantees providing treatment services must provide clinical supervision to all clinical staff employed by or volunteering at the program.
30. The grantee must submit to the ADAA a plan including goals, objectives and timeframes for the implementation of ROSC within their jurisdiction.

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General Conditions of Award
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31. If the grantee chooses to fund recovery housing services, services must be purchased using a fee-for-service method.
32. Other conditions may be imposed during the course of the fiscal year.

ATTACHMENT B.

FEDERAL CONDITIONS OF AWARD

**Alcohol and Drug Abuse Administration (ADAA)
Substance Abuse Prevention and Treatment (SAPT) Block Grant
CFDA # 93.959**

Grantee Name: _____
Grant Number: _____
Fiscal Year: 2011 _____

The Substance Abuse Prevention and Treatment (SAPT) Block Grant funds are subject to a variety of restrictions and requirements. Grantees, as well as sub-grantees/sub-contractors, of SAPT Block Grant funds shall comply with specific provisions of the Public Health Services Act, as well as general federal conditions of award. Use of these federal funds also continues to be governed by the Code of Maryland Regulations (COMAR) Title 10-Subtitle 47, ADAA policy bulletins and guidelines.

**FEDERAL CONDITIONS OF AWARD
(Specific and General)**

As a recipient of the Federal Substance Abuse Prevention and Treatment (SAPT) Block Grant, the program must adhere to all applicable requirements.

96.124 Certain Allocations: *(Required Services for Programs Receiving Block Grant Funds Set Aside for Pregnant Women and Women with Dependent Children)*

If the program receives Block Grant funds set aside for pregnant women and women with dependent children (including women attempting to regain custody of their children), the program must adhere to items (1.) through (7.).

1. The program treats the family as a unit and, therefore, admits both women and their children into treatment services, if appropriate.¹
2. The program provides or arranges for primary medical care for women who are receiving substance abuse services, including prenatal care.
3. The program provides or arranges for child care while the women are receiving services.
4. The program provides or arranges for primary pediatric care for the women's children, including immunizations.
5. The program provides or arranges for gender-specific substance abuse treatment and other therapeutic interventions for women that may address issues of relationships, sexual abuse, physical abuse, and parenting.
6. The program provides or arranges for therapeutic interventions for children in custody of women in treatment which may, among other things, address the children's developmental needs and their issues of sexual abuse, physical abuse, and neglect.
7. The program provides or arranges for sufficient case management and transportation services to ensure that the women and their children have access to the services provided by (2.) through (6.) above.

96.126 Capacity of Treatment for Intravenous Drug Abusers

If the program treats individuals for intravenous substance abuse, the program must adhere to items (8.) through (15.).

8. Within 7 days of reaching 90 percent of its treatment capacity, the program notifies the jurisdiction that 90 percent of the capacity has been reached.
9. The program admits each individual who requests and is in need of treatment for intravenous drug abuse not later than:
 - (a.) 14 days after making the request or
 - (b.) 120 days if the program has no capacity to admit the individual on the date of the request and, within 48 hours after the request, the

¹ Such admission may not be appropriate, however, if for example, the father of the child(ren) is able to adequately care for the child(ren).

program makes interim services available until the individual is admitted to a substance abuse treatment program

10. When applicable, the program offers interim services that include, at a minimum², the following:
 - (a.) Counseling and education about HIV and tuberculosis (TB), the risks of needle-sharing, the risks of transmission to sexual partners and infants, and steps that can be taken to ensure that HIV and TB transmission do not occur
 - (b.) Referral for HIV or TB treatment services, if necessary
 - (c.) Counseling on the effects of alcohol and other drug use on the fetus for pregnant women and referrals for prenatal care for pregnant women
11. The program has established a waiting list that includes a unique patient identifier for each injecting drug abuser seeking treatment, including patients receiving interim services while awaiting admission.
12. The program has a mechanism that enables it to:
 - (a.) Maintain contact with individuals awaiting admission
 - (b.) Admit or transfer waiting list clients at the earliest possible time to an appropriate treatment program within a reasonable geographic area
13. The program takes clients awaiting treatment for intravenous substance abuse off the waiting list only when one of the following conditions exists:
 - (a.) Such persons cannot be located for admission into treatment *or*
 - (b.) Such persons refuse treatment
14. The program carries out activities to encourage individuals in need of treatment services for intravenous drug abuse to undergo such treatment by using scientifically sound outreach models such as those outlined below or, if no such models are applicable to the local situation, another approach which can reasonably be expected to be an effective outreach method:
 - (a.) The standard intervention model as described in *The NIDA Standard Intervention Model for Injection Drug Users: Intervention Manual*, National AIDS Demonstration Research (NADR) Program, National Institute on Drug Abuse, (Feb. 1992)
 - (b.) The health education model as described in Rhodes, F. Humfleet, G.L. et al., *AIDS Intervention Program for Injection Drug Users: Intervention Manual*, (Feb. 1992)
 - (c.) The indigenous leader model as described in Wiebel, W., Levin, L.B., *The Indigenous Leader Model: Intervention Manual*, (Feb. 1992)
15. The program ensures that outreach efforts (have procedures for):
 - (a.) Selecting, training, and supervising outreach workers
 - (b.) Contacting, communicating, and following up with high-risk substance abusers, their associates and neighborhood residents within the constraints of Federal and State confidentiality requirements
 - (c.) Promoting awareness among injecting drug abusers about the relationship between injecting drug abuse and communicable diseases such as HIV

² Interim services may also include federally approved interim methadone maintenance.

- (d.) Recommending steps that can be taken to ensure that HIV transmission does not occur

96.127 Requirements Regarding Tuberculosis

16. The program directly, or through arrangements with other public or nonprofit private entities, routinely makes available the following TB services to each individual receiving treatment for substance abuse:
 - (a.) Counseling the individual with respect to TB
 - (b.) Testing to determine whether the individual has been infected with mycobacteria TB to determine the appropriate form of treatment for the individual
 - (c.) Providing for or referring the individuals infected by mycobacteria TB appropriate medical evaluation and treatment
17. For clients denied admission to the program on the basis of lack of capacity, the program refers such clients to other providers of TB services.
18. The program has implemented the infection control procedures that are consistent with those established by the Department to prevent the transmission of TB and that address the following:
 - (a.) Screening patients and identification of those individuals who are at high risk of becoming infected.
 - (b.) Meeting all State reporting requirements while adhering to Federal and State confidentiality requirements, including 42 CFR part 2
 - (c.) Case management activities to ensure that individuals receive such services
19. The program reports all individuals with active TB to the local health department as required by State Law and in accordance with Federal and State confidentiality requirements, including 42 CFR part 2.

96.128 Requirements Regarding HIV

If the State is a designated State and the program is one of the State's HIV early intervention programs, the program must adhere to items (20.) through (25.).

20. The program makes appropriate pretest counseling for HIV and AIDS available at the sites at which the individuals are undergoing treatment for substance abuse.
21. The program makes available, at the sites at which the individuals are undergoing treatment for substance abuse, appropriate HIV/AIDS testing, including tests to diagnose the extent of the deficiency in the immune system and tests to provide information on appropriate therapeutic measures for preventing and treating the deterioration of the immune system and for preventing and treating conditions arising from the disease available.
22. The program makes available appropriate post-test counseling at the sites at which the individuals are undergoing treatment for substance abuse.
23. The program makes available, at the sites at which individuals are undergoing treatment for substance abuse, therapeutic measures for preventing and treating the deterioration of the immune system and for preventing and treating conditions arising from the disease.

24. The program has established linkages with a comprehensive community resource network of related health and social services organizations to ensure a wide-based knowledge of the availability of these services and to facilitate referral.
25. The program ensures that HIV early intervention services are undertaken voluntarily, provided with patients' informed consent, and are not required as a condition of receiving substance abuse treatment or any other services.

96.131 Treatment Services for Pregnant Women

26. The program preference in admission to pregnant women who seek or are referred for and would benefit from Block Grant-funded treatment services. Further, the program gives preference to clients in the following order:
 - (a.) To pregnant injecting drug users first
 - (b.) To other pregnant substance abusers second
 - (c.) To other injecting drug users third
 - (d.) To all other individuals fourth

96.132 Additional Requirements

27. The program makes continuing education in treatment services available to employees who provide the services.
28. The program has in effect a system to protect patient records from inappropriate disclosure, and the system:
 - (a.) Is in compliance with all applicable State and Federal laws and regulations, including 42 CFR part 2
 - (b.) Includes provisions for employee education on the confidentiality requirements and the fact that disciplinary action may occur upon inappropriate disclosure

96.135 Restrictions on the Expenditure of the Grant

29. The program does not expend SAPT Block Grant funds to provide inpatient hospital substance abuse services, except in cases when each of the following conditions is met:
 - (a.) The individual cannot be effectively treated in a community-based, nonhospital, residential program.
 - (b.) The daily rate of payment provided to the hospital for providing the services does not exceed the comparable daily rate provided by a community-based, nonhospital, residential treatment program
 - (c.) A physician makes a determination that the following conditions have been met:
 - (i) The primary diagnosis of the individual is substance abuse and the physician certifies that fact
 - (ii) The individual cannot be safely treated in a community-based, nonhospital, residential treatment program
 - (iii) The service can reasonably be expected to improve the person's condition or level of functioning

- (iv) The hospital-based substance abuse program follows national standards of substance abuse professional practice.
 - (d). The service is provided only to the extent that it is medically necessary (e.g., only for those days that the patient cannot be safely treated in a residential, community-based program)
30. The program does not expend SAPT Block Grant funds to purchase or improve land; purchase or construct, or permanently improve (other than minor remodeling) any building or other facility; or purchase major medical equipment.
 31. The program does not expend SAPT Block Grant funds to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal Funds.
 32. The program does not expend SAPT Block Grant funds to provide financial assistance to any entity other than a public or nonprofit private entity.
 33. The program does not expend SAPT Block funds to make payments to intended recipients of health services.
 34. The program does not expend SAPT Block Grant funds to provide individuals with hypodermic needles or syringes.
 35. The program does not expend SAPT Block Grant funds to provide treatment services in penal or correctional institutions of the State.

96.136 Requirements Regarding Independent Peer Review

All providers receiving federal funds are subject to Peer Review consistent with the requirements of the federal Substance Abuse Prevention and Treatment (SAPT) Block Grant. Federal Regulations 42 U.S.C. 300x-53(a); 45 C.F.R. 96.136; and 45 C.F.R. 96.122(f) (3) (v) specifically mandate that the State shall for the fiscal year for which the grant is provided, provide for independent peer review to assess the quality, appropriateness, and efficacy of treatment services provided in the State to individuals under the program involved, and ensure that at least 5 percent of the entities providing services in the State under such program are reviewed. The programs reviewed shall be representative of the total population of such entities.

As part of the independent peer review, the reviewers shall review a representative sample of patient/client records to determine quality and appropriateness of treatment services, while adhering to all Federal and State confidentiality requirements, including 42 CFR Part 2.

The reviewers shall examine the following:

- (1) Admission criteria/intake process;
- (2) Assessments;
- (3) Treatment planning, including appropriate referral, e.g., prenatal care and tuberculosis and HIV services;
- (4) Documentation of implementation of treatment services;

(5) Discharge and continuing care planning; and

(6) Indications of treatment outcomes.

(e) The State shall ensure that the independent peer review will not involve practitioners/providers reviewing their own programs, or programs in which they have administrative oversight, and that there be a separation of peer review personnel from funding decision makers. In addition, the State shall ensure that independent peer review is not conducted as part of the licensing/certification process.

(f) The States shall develop procedures for the implementation of this section and such procedures shall be developed in consultation with the State Medical Director for Substance Abuse Services.

As a specific condition regarding continuous receipt of SAPT funds, the above mandate must be adhered to.

96.137 Payment Schedule

36. The program uses the Block Grant as the “payment of last resort” for services for pregnant women and women with dependent children, TB services, and HIV services and, therefore, makes every reasonable effort to do the following:
 - (a.) Collect reimbursement for the costs of providing such services to persons entitled to insurance benefits under the Social Security Act, including programs under title XVIII and title XIX; any State compensation program, any other public assistance program for medical expenses, any grant program, any private health insurance, or any other benefit program
 - (b.) Secure from patients or clients payments for services in accordance with their ability to pay

Strongly Encouraged Services for All Programs that Provide (Substance Abuse) Services to Women

The program provides pregnant women, women with dependent children, and their children, either directly or through linkages with community-based organizations, a comprehensive range of services to include:

- 1) Case management to assist in establishing eligibility for public assistance programs provided by Federal, State, or local governments
- 2) Employment and training programs
- 3) Education and special education programs
- 4) Drug-free housing for women and their children
- 5) Prenatal care and other health care services
- 6) Therapeutic day care for children
- 7) Head Start
- 8) Other early childhood programs

Grantee agrees to comply with general conditions of federal fund awards, herein attached entitled "SAPT Block Grant - General Conditions of Federal Award Supplement."

(Cite: OMB Document No. 0930-0080)

- a. Certification Regarding Debarment and Suspension
- b. Certification Regarding Drug-Free Workplace Requirements
- c. Certification Regarding Lobbying and Disclosure of Activities
- d. Certification Regarding Program Fraud Civil Remedies Act (PFCRA)
- e. Certification Regarding Environmental Tobacco Smoke
- f. Certification Regarding Non-Discrimination
- g. Certification Regarding OMB Circular A-133, Audits

1. Grantee agrees to convey federal conditions of award, specific and general, to all sub-grantee/sub-contractor recipients of SAPT Block Grant funds, to identify areas of non-compliance and to monitor corrective action plan progress.

Failure to comply with federal conditions of award may result in the following including, but not limited to; future audit exceptions, disallowance of funds, award reductions, and/or delay in payment of award funds, until such time that areas of non-compliance are corrected.

Supplement A: SAPT Block Grant - General Conditions of Federal Award Supplement
Appendix A: Code of Federal Regulations (CFR) Web Site Reference Link

SUPPLEMENT A.

SAPT Block Grant - General Conditions of Federal Award Supplement

a. Certification Regarding Debarment and Suspension

The authorized official signing the Federal Conditions of Award certifies to the best of his or her knowledge and belief that in accordance with 45 CFR 76, the grantee and its principals:

- (1) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency;
- (2) have not within a 3-year period preceding this award been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (3) are not presently indicted or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of the offenses enumerated in paragraph (2) of this certification; and
- (4) have not within a 3-year period preceding this award had one or more public transactions (Federal, State or local) terminated for cause or default.

Should the grantee not be able to provide this certification, an explanation as to why should be provided to the Maryland Alcohol and Drug Abuse Administration (ADAA). Grantee agrees to obtain from participants in lower tier covered transaction (sub-grantees/sub-contractors) a certification regarding debarment and suspension from Federal programs.

b. Certification Regarding Drug-Free Workplace Requirements

The authorized official signing the Federal Conditions of Award certifies that the grantee organization will provide a drug-free workplace in accordance with 45 CFR Part 76:

- (1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (2) Establishing an ongoing drug-free awareness program to inform employees about
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

- (3) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (1) above;
- (4) Notifying the employee in the statement required by paragraph (1) above, that, as a condition of employment under the grant, the employee will
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring the workplace no later than five calendar days after such conviction;
- (5) Notifying the agency in writing within ten calendar days after receiving notice under paragraph (4)(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working. Notice shall include the identification number of affected grant;
- (6) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (4)(b), with respect to any employee who is so convicted
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (b) Requiring such an employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency;
- (7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), (5) and (6).

c. Certification Regarding Lobbying and Disclosure of Activities

Title 31, United States Code, Section 1352, entitled "Limitation on use of appropriated funds to influence certain Federal contracting and financial transaction," generally prohibits recipients of Federal grants and cooperative agreements from using Federal (appropriated) funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific grant or cooperative agreement. Section 1352 also requires that each person who requests or receives a Federal grant or cooperative agreement must disclose lobbying undertaken with non-Federal (non-appropriated) funds. These requirements apply to grants and cooperative agreements EXCEEDING \$100,000 in total costs (45 CFR Part 93).

The authorized official signing the Federal Conditions of Award certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the grantee's authorized official signing the Unified Grant Award, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.

- (2) If any funds other than Federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the authorized official signing the Federal Conditions of Award shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities" in accordance with its instructions. *(If needed, Standard Form-LLL, "Disclosure of Lobbying Activities," and its instructions is provided as part of this supplement and is also available in PDF format at website link –*
<http://www.whitehouse.gov/omb/grants/sflllin.pdf>
- (3) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, U.S. Code. "Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure."

d. Certification Regarding Program Fraud Civil Remedies Act (PFCRA)

The authorized official signing the Federal Conditions of Award certifies that the statements herein are true, complete and accurate to the best of his or her knowledge, and that he or she is aware that any false, fictitious, or fraudulent statements or claims may subject him to her to criminal, civil or administrative penalties. The grantee's authorized official signing the Unified Grant Award agrees that the grantee organization will comply with the Public Health Services terms and conditions of award.

e. Certification Regarding Environmental Tobacco Smoke

Public Law 103-227, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, daycare, early childhood development services, education or library services to children under the age of 18, if the services are funded by Federal programs, either directly or through State and local governments, by federal grant, contract, loan or loan guarantee. The law also applies to children's services that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds. The law does not apply to children's services provided in private residences; portions of facilities used for inpatient drug or alcohol treatment; service providers whose sole source of applicable Federal funds is Medicare or Medicaid; or facilities where WIC coupons are redeemed.

Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 for each violation and/or the imposition of an administrative compliance order on the responsible entity.

The authorized official signing the Federal Conditions of Award certifies that the grantee organization will comply with the requirements of the Act and will not allow smoking within any portion of any indoor facility used for the provision of services for children as defined by the Act.

The grantee organization agrees that it will require that the language of this certification be included in any sub-awards which contain provisions for children's services and that all sub-recipients shall certify accordingly.

The Public Health Services (PHS) strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of tobacco products. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

f. Certification Regarding Nondiscrimination

The authorized official signing the Federal Conditions of Award certifies that the grantee organization will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age, (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to the nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the award.

g. Certification Regarding OMB Circular A-133

OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations requires that grantees (both recipients and sub-recipients) which expend a total of \$500,000 or more in federal assistance have an independent "single audit" prepared annually or biannually (or in some specified cases, a program-specific audit). The audit must be performed in accordance with Single Audit Act Amendments of 1996, and the Office of Management and Budget (OMB) Circular A-133.

The authorized official signing the Federal Conditions of Award certifies that grantee and sub-grantee audit reports, performed in compliance with the aforementioned circular, shall be forwarded to the Maryland Department of Health and Mental Hygiene (DHMH),

Audit Division, 500 North Calvert Street, Fifth Floor, Baltimore, Maryland 21202 within thirty (30) days of issuance of said report.

The grantee organization agrees that it will require that the language of this certification be included in any sub-awards which contain federal funds and that all sub-recipients shall certify accordingly.

APPENDIX A.

**Alcohol and Drug Abuse Administration (ADAA)
Substance Abuse Prevention and Treatment (SAPT) Block Grant
CFDA # 93.959
Federal Conditions of Award**

Code of Federal Regulations
45 CFR
Public Welfare

SUBTITLE A
DEPARTMENT OF HEALTH AND HUMAN SERVICES

SUBCHAPTER A – GENERAL ADMINISTRATION

PART 96 – BLOCK GRANTS

- **Subpart A – Introduction**
- **Subpart B – General Procedures**
- **Subpart C – Financial Management**
- **Subpart D – Direct Funding of Indian Tribes and Tribal Organizations**
- **Subpart E – Enforcement**
- **Subpart F – Hearing Procedure**
- **Subpart L – Substance Abuse Prevention and Treatment Block Grants**

96.120 Scope. Subpart L applies to the Substance Abuse Prevention and Treatment Block Grant administered by the Substance Abuse and Mental Health Services Administration, 45 CFR Part 96, subparts A through F, are applicable to this subpart to the extent that those subparts are consistent with subpart L. To the extent that subparts A through F are inconsistent with subpart L, the provisions of subpart L are applicable.

The Code of Federal Regulations (CFR) is available in Text and PDF format at the following Link!

Web Site Link: <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html>
or Search “Code of Federal Regulations.”

- Click on “Browse Your Choice of CFR Titles”
- Scroll to “Title 45, Public Welfare”
- Click “Continue”
- Click on “Oct 1, 2002, Parts 1-199”
- Click on “Part 96