

# Ohio Commission on Minority Health

## Administrative Rules

### Minority Health Grants 5001

### Demonstration Minority Health Month

These rules govern administration of grants funded by the Commission through General Revenue Fund (GRF). Grants awarded to the Commission through public or private funds (sub-grant or sub-contractors), will be administered in accordance with the requirements of the funding source.

3704-1-01 Public notice of proposed rules.

- (A) Prior to the adoption, amendment or rescission of a rule, except an emergency rule, the commission on minority health shall give public notice at least thirty days prior to the date set for the public hearing by:
- (1) Publishing a notice of intention to consider adoption, amendment or rescission of a rule in newspapers of general circulation for one day in the cities of Columbus, Cleveland, Cincinnati, Dayton, Toledo and Youngstown.
  - (2) The notice shall contain:
    - (a) A synopsis or general statement of the contents of the proposed rule to be adopted, amended or rescinded;
    - (b) The date, time and place of the hearing;
    - (c) A statement of the reason or purpose for the adoption, amendment or rescission of the rule; and
  - (3) A statement that any interested person may attend the public hearing and be heard in person or by his/her representative.
- (B) Interested parties may be notified of public hearings as they are scheduled by the commission for a minimal fee covering photocopying and mailing costs.

Effective date: \_\_\_\_\_

119.032 Review Date: \_\_\_\_\_

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Certification

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Date

Promulgated under: Ohio Revised Code Chapter 119.  
Statutory authority: Ohio Revised Code Section 3701.78  
Rule Amplifies: Ohio Revised Code Section 121.22  
Prior effective date: January 7, 1988 (emergency),  
April 4, 1988

3704-1-02 Commission on minority health.

The commission on minority health shall facilitate health promotion and disease prevention among minority groups by:

- (A) Facilitating the development of innovative, culturally sensitive and specific educational materials and services for targeted, at-risk minority communities by providing grant funds to community-based health groups;
- (B) Assuring the impact of grant dollars by limiting the scope of funding consideration to chronic diseases and conditions which can be ameliorated by health promotion and disease prevention activities; and
- (C) Implementing the recommendations of the governor's task force on black and minority health.

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3704-2-01 Definitions.

The following definitions shall apply to all rules promulgated by the commission on minority health, unless a specific paragraph explicitly defines or uses the word or term in a different manner:

- (A) "Commission" means the commission on minority health.
- (B) "Community-based health groups" mean any public or private nonprofit organizations providing services in Ohio whose primary functions include health awareness, health promotion, health risk reduction, health education, disease prevention; and/or whose primary function is to serve minority groups; and which are located in or have established ties to medically underserved minority communities.
- (C) "Minority groups" mean residents of Ohio who are economically disadvantaged members of the following groups: Blacks, Native American Indians, Hispanics and Orientals.
- ~~(D) "Medically underserved populations (MUP)" means that specific shortages of personal health services exist in an area or population group.~~
- ~~(E) "Health manpower shortage area (HMSA)" means a designation based on population to provider ratio, which takes into account variables such as poverty rate and infant mortality rate.~~
- ~~(F) "Provider shortage area" means a medically underserved population which is particularly short of providers. Such areas are also defined by measuring the health status of the resident population rather than the supply of resources.~~

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3704-2-02 Grantee criteria for funding.

- (A) Priority shall be given to grant applicants who develop services in accordance with the mission of the commission pursuant to rule 3704-1-02 of the Administrative Code. To receive consideration for funding, applicants must demonstrate:
- (1) That at least twenty per cent of its funds AND/OR RESOURCES are received from sources other than grants awarded by the commission on minority health;
  - (2) Be a public or private nonprofit organization;
  - (3) Develop a plan which establishes a management board for the administration of the grant, composed of proportionate representation of the population to be served and submit said plan with the grant application;
  - (4) Provide services in close proximity to minority communities or include minority communities in their stated service area; and
  - ~~(5) Provide services to populations which meet the criteria for medically underserved, health manpower shortage and/or provider shortage areas.~~
- (B) The following are ineligible for funding consideration:
- (1) Individuals.
  - (2) National organizations. Local chapters or affiliates of national organizations may be eligible if they meet the definition of a “community-based health group” in paragraph (B) of rule 3704-2-01 of the Administrative Code.
  - (3) Organizations applying for the sole purpose of acquiring funds to supplement existing programs without any plan for enlarging their scope of work.
  - (4) Organizations in the process of creating or starting a community-based health group for the sole purpose of applying for grants from the commission.

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3704-2-03 Notification of availability of funds.

The commission shall notify prospective grantees that grant dollars for the ~~fiscal year~~ BIENNIUM are available by:

- (A) Distributing requests for proposals AND/OR NOTICES to those agencies registered with the commission. The request for proposal in any fiscal year shall clearly delineate the following:
  - (1) Priority areas for funding during the grant period;
  - (2) Limitations on utilization of resources or activities; and
  - (3) The manner in which applications will be reviewed and the criteria utilized for funding decisions;
- (B) Placing public notices in metropolitan newspapers ~~no later than five days after~~ WITHIN FIVE DAYS OF distributing requests for proposals advising the availability of funds and the process to obtain a grant application; and
- ~~(C) Distribution of a notice regarding availability of funds to large statewide and/or regional agencies whose purpose is to exclusively serve communities defined in paragraphs (D), (E), and (F) of Rule 3704-2-01 of the Administrative Code.~~

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3704-2-04 Application process.

- (A) Consideration for prospective grantees shall be limited to agencies meeting the criteria set forth in rule 3704-2-02 of the Administrative Code and those who submit a completed application within the time period specified in the request for proposal. The deadline for consideration shall be based on receipt of the application in the commission office by four thirty p.m. on the date indicated.

A completed application must include the following documents:

- (1) An internal revenue service tax exempt certificate. AGENCIES USING THE TAX EXEMPTION OF A NATIONAL PARENT ORGANIZATION, MUST ALSO SUBMIT A LETTER OF AUTHORITY TO USE THE CERTIFICATE. THE LETTER MUST BE ON ORIGINAL LETTERHEAD OF THE PARENT ORGANIZATION AND BEAR THE ORIGINAL SIGNATURE OF THE CEO OF THE PARENT ORGANIZATION;
  - (2) Evidence of compliance with Titles VI and VII of the 1964 Civil Rights Act and amendments thereto, which prohibit discrimination because of race, sex, national origin, age or color;
  - (3) Evidence of compliance with Section 504 of the 1973 Rehabilitation Act and any amendments thereto, which prohibit discrimination in any facet of the agency's operation; and
  - (4) ~~A noncompetitive bid statement~~ A W-9 FORM.
- (B) Applications submitted to the commission must contain all of the following:
- (1) Goals and objectives based on defined needs which are clearly stated and measurable;
  - (2) Demographics of targeted populations and geographic areas to be served;
  - (3) An implementation plan which is specifically timelined;
  - (4) Itemized and quantified resources needed to complete the project;
  - (5) A definition of the parameters of the project in order to distinguish this project from other activities conducted by the grantee;
  - (6) Provide statistical information and/or graphic illustrations to verify the need for proposed activities;

- (7) Precautions to be taken to assure that services are provided only to specific populations and geographic areas when required by the program;
  - (8) Performance indicators and procedures designed to measure accomplishment of objectives during project period; and
  - (9) Quantified budget information stating and justifying resources needed to perform project activities. All projects must start up within thirty days of award notification.
- (C) Applicants who are ineligible for grants participation will be notified in writing by the commission.

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3704-2-05 Grant review.

The commission may delegate such authority as deemed appropriate to the grant review committee and any standing committee(s) or subcommittee(s) of the commission to review grants and make recommendations for funding consideration to the commission.

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3704-2-06 Project costs.

- (A) “Allowable costs” are the expenses for budgeted line items that have been approved by the commission and that are allowable by the state granting authority. Allowable project costs must:
- (1) Be necessary and reasonable for proper and efficient administration of the project, be allocable, and except as specifically provided, not be a general expense required to carry out the overall expense of the grantee;
  - (2) Be authorized or not prohibited under state or local laws or regulations;
  - (3) Be consistent with other policies, regulations, and procedures that apply to other activities of the grantee agency;
  - (4) Be accorded consistent treatment through application of generally accepted accounting principles appropriate to the circumstances; and
  - (5) Not be allocable to or included as a cost of any other state or federally financed program in the current or prior period.
- (B) Personnel costs are allowable project expenses under commission grants. Project funds may be used to compensate employees for the time devoted specifically to execution of grant programs. “Employees” constitute those individuals who are entered into the agency employment system, are receiving fringe benefits provided to grantee agency employees, are eligible to participate in the agency retirement program and are subject to grantee agency employment rules and policies.
- (C) Compensation for project employees shall include all remuneration paid currently or accrued for services rendered during the period of performance under the grant agreement including wages, salaries, supplementary compensation and benefits. Compensation for project employees shall be considered reasonable to the extent that it is consistent with that paid for similar work in other activities of the grantee agency. The commission reserves the right to disapprove the use of project funds for any employee benefit included in the budget request if, in the commission’s opinion, the benefit is inconsistent with allowable cost requirements.
- (D) Individuals providing services under personal service contracts that do not meet the conditions of paragraph (B) of this rule are considered as contract employees. All contracts and subcontracts entered into by the grantee agency with project funds shall contain all of the following:

- (1) Clear and unambiguous provisions sufficient to define a sound and complete agreement;
  - (2) Provisions or conditions for administrative, contractual or legal remedies if the contractor violates or breaches terms of the contract;
  - (3) Suitable provisions for termination of the contract by the grantee agency, including but not limited to the manner of termination and the basis for settlement; and
  - (4) A description of conditions for termination for default and circumstances beyond the control of the contractor.
- (E) Travel costs are allowable expenses and include transportation, lodging, subsistence and related items incurred by project employees under this rule. Contractual employees are eligible for travel reimbursement; however, the terms for reimbursement shall be included in the contractual agreement. Costs shall be budgeted and reported under contractual expenses.
- (1) Costs may be charged on an actual basis, per diem or mileage basis in lieu of actual costs incurred, provided the method used results in charges consistent with those normally allowed in like circumstances for nongrant activities.
  - (2) Travel costs are allowable for client transportation when necessary to meet project objectives.
  - (3) Project funds shall not be utilized for any expenses related to out-of-state travel.
- (F) “Indirect costs” OR ADMINISTRATIVE FUNDS are those incurred for a common project purpose benefiting more than one cost objective.
- (1) Project ADMINISTRATIVE/indirect costs apply to costs originating in the grantee agency for providing goods, equipment and services necessary to support the project and include but not limited to rent, utilities, supplies, bookkeeping services and management.
  - (2) The commission shall set a fixed ADMINISTRATIVE/ indirect cost applicable to all grantees.

(G) A budget revision may be submitted to the commission to revise an existing project budget. When approved by the director of the commission, the revised budget supersedes the existing budget. All approvals shall be in writing. A budget revision will be submitted for:

(1) ADMINISTRATIVE/INDIRECT COSTS—ONCE APPROVED MAY BE DECREASED BUT NOT INCREASED;

~~(1)~~ (2) A decrease in the grant award or total project budget;

~~(2)~~ (3) Additional line items to the project budget;

~~(3)~~ (4) A transfer of funds ~~among~~ BETWEEN budgeted line items; or

~~(4)~~ (5) A change in the quarterly distribution of project funds.

(a) Project expenditures shall not be allowed when the budget revision request is submitted after the expenditure is made.

(b) Budget revisions must be received at least forty-five days before the end of the ~~grant award period~~ QUARTER. Projects are limited to one budget revision a quarter unless acceptable justification can be provided.

(c) Approval of the budget revision shall be acknowledged by return of a copy of the request form, with the budget revision number entered and signed by the director of the commission.

(d) A notice of rejection of a budget revision request shall be provided by an explanatory letter from the commission.

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3704-2-07 Payment of grant funds.

- (A) A notice of award OR ACKNOWLEDGEMENT OF TERMS signed by the director of the commission shall activate the grant.
- (B) ACCEPTANCE OF RESPONSES TO SUBSTANTIVE SPECIAL CONDITIONS ACTIVATES THE GRANT.
- ~~(B)~~ (C) Grant payments are based on reimbursement generated on a quarterly basis. Payment will be based on the amount requested as approved in the budget portion of the project application or its subsequent revision(s).
- ~~(C)~~ (D) Payments may be delayed if:
- (1) ~~Expenditure~~ QUARTERLY reports have not been received;
  - (2) ~~An approved budget has not been received~~ A BUDGET HAS NOT BEEN APPROVED; or
  - (3) If specified SPECIAL conditions have not been met by the grantee.
- ~~(D)~~ (E) Unless stated otherwise in the grant award, the payment cycle shall coincide with the quarterly reporting period. The initial payment to a project is usually sent during ~~its~~ THE first quarter of grant funding. Subsequent payments are processed upon receipt of ~~expenditure~~ QUARTERLY reports.
- (1) ~~An expenditure~~ A QUARTERLY (PROGRAM AND FISCAL) report is due fifteen days after the ~~report period ends~~ END OF THE QUARTER.
  - (2) Payments should be received between the end of the second month of the next period and the middle of the third month.
- ~~(E)~~ (F) In specific situations or upon the request of the grantee, a project may be issued two payments in a period. The first payment begins prior to receipt of ~~an expenditure~~ A QUARTERLY report, up to two-thirds of the anticipated amount. The second payment is processed upon receipt of the ~~expenditure~~ QUARTERLY report and contains any adjustments for the quarterly allotment. The two criteria for accepting a grantee request for this payment system are:
- (1) Documentation that other funding sources are unable to contribute resources within the quarter or that there are not other funding sources to meet allowable costs; and
  - (2) Timely submission of ~~expenditure~~ QUARTERLY reports.

~~(F)~~ (G) Warrants shall be made payable to the grantee agency and shall be mailed to the project EXECUTIVE director.

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3704-2-08 Grants management.

- (A) It is the responsibility of the commission to ensure grantee financial accountability by:
- (1) Reviewing PROGRAM PLANS, budget applications, budget revisions and expenditure reports;
  - (2) Providing a fiscal review OR CONTRACTING FOR AN INDEPENDENT AUDIT when deemed necessary;
  - (3) Conducting administrative compliance reviews a minimum of two times during the fiscal year;
  - (4) Processing grant payments IN A TIMELY MANNER; and
  - (5) Ruling on the acceptability of late expenditure reports OR BUDGET REVISION.
- (B) The grantee shall:
- (1) Deposit grant funds promptly, no later than three days after receipt.
  - (2) Account for grant funds in accordance with sound accounting principles and expend funds only for allowable and approved costs.
  - (3) Provide the commission with an audit conducted by a certified public accountant within ~~sixty days~~ ONE HUNDRED TWENTY DAYS after the close of the fiscal year and make available for prompt return to the commission, unspent balance on the grant. GRANT AWARDS OF TWENTY-FIVE THOUSAND DOLLARS OR LESS ARE NOT REQUIRED TO BE AUDITED UNLESS DEEMED APPROPRIATE BY THE COMMISSION.
- (C) Outstanding obligations at the end of the fiscal year which are allowable costs and legally required may be paid out of the project funds. They include accounts payable for authorized services and/or goods that benefited the funded fiscal year; such as, costs for employee services during the final pay period for a fiscal year and/or supplies which were ordered and delivered during the fiscal year but paid in the following fiscal year.
- (D) Only in specific circumstances may fiscal year funds be obligated and used to pay for goods and/or services to be received after the end of the fiscal year. The grantee must request prior written approval from the commission and provide a written justification explaining the benefit of such goods or services to the project during the fiscal year.

(E) Project funds are not to be used for:

- (1) Liquidation of bad debts;
- (2) Contributions to a contingency fund;
- (3) Entertainment;
- (4) Fines, penalties, interest or other financial payments;
- (5) Recovery of costs incurred under grant agreements for contributions or donations to civic causes, or
- (6) Rental charges for grantee-owned space and equipment.

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3704-2-09 Grant and subgrant closeout, suspension, and termination.

(A) Definitions

- (1) “Grant closeout” means the process by which the commission determines that all applicable administrative actions and all required work of the grant have been completed by the grantee and the commission.
- (2) “Suspension” of a grant means temporary withdrawal of the grantee’s authority to obligate grant funds pending corrective action by the grantee or a decision to terminate the grant.
- (3) “Termination” of a grant means permanent withdrawal of the grantee’s authority to obligate previously awarded grant funds before authority would otherwise expire. It also means the voluntary relinquishment of the authority by the grantee.
  - (a) “Termination” does not include:
    - (i) Withdrawal of funds awarded on the basis of grantees underestimate of the unobligated balance in a prior period;
    - (ii) Refusal by the commission to extend a grant or award additional funds;
    - (iii) Withdrawal of the unobligated balance of the expiration of the grant; or
    - (iv) Annulment, i.e. voiding of a grant upon determination that the award was obtained fraudulently, or was otherwise illegal or invalid from inception.

(B) Violation of terms

- (1) When a grantee has materially failed to comply with the terms of a grant, the granting agency may suspend the grant, in accordance with Section 74.114 of the Federal Grants Management Handbook, terminate the grant for cause, as provided in Section 74.115 of the Federal Grants Management Handbook, or take such other remedies as may be legally available and appropriate to the circumstances.
- (2) If a project or program is supported over more than one funding period, a grant may be suspended or terminated in the current period for failure to submit a report still due from a prior period.

(C) Suspensions

- (1) When a grantee has materially failed to comply with the terms of a grant, the granting agency may, upon reasonable notice to the grantee, suspend the grant in whole or in part. The notice of suspension will state the reasons for the suspension, any corrective action required of the grantee and the effective date. The suspension may be made effective at once if a delayed effective date would be unreasonable considering the granting agency's responsibility to protect the state's interest. Suspensions shall remain in effect until the grantee has taken corrective action satisfactory to the granting agency, or given evidence satisfactory to the granting agency that such corrective action will be taken, or until the granting agency terminates the grant.
- (2) New obligations incurred by the grantee during the suspension period will not be allowed unless the granting agency expressly authorizes them in the notice of suspension or an amendment to it. Necessary and otherwise allowable costs which the grantee could not reasonably avoid during the suspension period will be allowed if they result from obligations properly incurred by the grantee before the effective date of the suspension and not in anticipation of suspension or termination.
- (3) Appropriate adjustments to payments under the suspended grant will be made either by withholding subsequent payments or by not allowing the grantee credit for disbursements made in payment of unauthorized obligations incurred during the suspension period.

(D) Termination

- (1) Termination for cause.
  - (a) The commission may terminate any grant in whole, or in part, at any time before the date of expiration, whenever it determines that the grantees has materially failed to comply with the terms of the grant. The commission shall promptly notify the grantee in writing of the determination and the reasons for termination, together with the effective date.
- (2) Termination on other grounds.
  - (a) Except as provided in paragraph (D)(1) of this rule, grants may be terminated in whole or in part as follows:

- (i) By the commission with the consent of the grantee, in which case the two parties shall agree upon the termination conditions, including the effective date in the case of partial terminations, the portions to be terminated, or
- (ii) By the grantee, upon written notification to the commission, setting forth the reasons for such termination, the effective date, and in the case of partial terminations, the portion to be terminated. However, if, in the case of a partial termination, the commission determines that the remaining portion of the grant will not accomplish the purposes for which the grant was made, the commission may terminate the grant in its entirety under either paragraph ~~(D)(1)~~ (A) or ~~(D)(2)~~ (B)(1) of this rule.

(3) Termination of settlements.

- (a) When a grant is terminated, the grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The commission shall allow full credit to the grantee for the state share of non-cancelable obligations incurred by the grantee prior to termination.

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3704-3-01 Meetings of the commission.

- (A) The annual meeting of the commission on minority health shall be held in Columbus, Ohio, in January of each year.
- (B) The commission may hold such regular and special meetings as it may deem necessary to conduct its business. The time, place and date of such meetings shall be at the discretion of the commission and/or its chairperson. All members shall be notified in advance.
- (C) The secretary shall give public notice of all regular and special meetings and hearings of the commission. Notice for a regular meeting shall be made one time in one newspaper of general circulation in the cities of Cleveland, Columbus, and Cincinnati at least seven days prior to the date set for the meeting. Such notice shall also be in accordance with the provisions of Chapters 119. and 121.22 of the Revised Code.
  - (1) The time and place of all regularly scheduled meetings or hearings of the board may be obtained by:
    - (a) Written request sent to the commission on minority health; or
    - (b) Telephoning the Ohio commission on minority health.
  - (2) In the event a special meeting is to be held, the commission shall give at least twenty-four hours advance notice of the time, place and purpose of such meeting to the news media that have requested notification.
  - (3) In the event there is an emergency meeting requiring official action, the commission members calling the meeting shall notify the commission secretary who shall notify the news media that have requested notification immediately of the time, place and purpose of the meeting.

Any person may, upon request and payment of a reasonable fee, obtain reasonable advance notification of the time, place and purpose of any special meeting and of all meetings at which any specific type of public business is to be discussed.
- (D) At all special meetings of the commission anyone not a member of the commission will be prohibited to enter into discussion with the commission unless invited by a member of the commission or unless said person has requested permission to enter into discussion with the commission. Such requests must be in writing to the secretary of the commission and will state the nature of the business to be discussed. The date, time, and place of such discussion will be at the discretion of the chairperson. The secretary shall give such person(s) prior notification as the date, time and place of such meeting.

- (E) Any person desiring notification of all regular and special meetings of the commission may receive same by making a request in writing to the secretary, accompanied by several self-addressed, stamped envelopes.

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