

CR 88-144

CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I, Patricia A. Goodrich, Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to cancer control and prevention grants were duly approved and adopted by this Department on March 14, 1989.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 14th day of March, 1989.

SEAL:

Patricia A. Goodrich

Patricia A. Goodrich, Secretary
Department of Health and Social Services

RECEIVED

MAR 14 1989
2:20pm
Revisor of Statutes
Bureau

5-1-89

Order of the
Department of Health and Social Services
Creating Rules

RECEIVED

MAR 14 1989

Revisor of Statutes
Bureau

To create HSS 147, relating to cancer control and prevention grants.

Analysis Prepared by the Department of Health and Social Services

A recent session law, 1987 Wisconsin Act 399, created s. 146.027, Stats., which establishes a program of grants to be awarded by the Department for cancer control and prevention projects, and directs the Department to promulgate rules establishing the criteria and procedures for awarding grants for these projects. The projects are to be conducted by public agencies, nonprofit corporations, organizations, institutions, or individuals. Act 399 also created s. 20.435(1)(cc), Stats., under which the funds to support the projects were appropriated.

These rules establish the criteria and procedures under which the Department will administer the funds available for cancer control and prevention projects. The rules cover who may apply for a grant, how the Department will publicize an RFP, notice of intent to apply, how an application is made, preliminary and final reviews of applications, the offer of an award, required match, right to appeal rejection of an application, the award made contingent upon signing an agreement, restrictions on the use of funds, maintenance of records and submission of reports, and making an exception to a requirement when an alternative action meets the intent of the program.

The Department's authority to adopt these rules is found in s. 146.027(3), Stats. The rules interpret s. 146.027, Stats.

SECTION 1. HSS 147 is created to read:

CHAPTER HSS 147
CANCER CONTROL GRANTS

HSS 147.01 Authority and Purpose
HSS 147.02 Applicability
HSS 147.03 Definitions
HSS 147.04 Allocation of Funds
HSS 147.05 Application
HSS 147.06 Awards
HSS 147.07 Allowable Uses of Funds
HSS 147.08 Records and Reports
HSS 147.09 Exceptions to Requirements

HSS 147.01 AUTHORITY AND PURPOSE. This chapter is promulgated under the authority of s. 146.027, Stats., for the purpose of establishing criteria and procedures for the award of annual project grants from the appropriation under s. 20.435 (1)(cc), Stats., to institutions, nonprofit corporations, public agencies, and individuals operating or proposing to operate projects aimed at cancer control and prevention.

HSS 147.02 APPLICABILITY. This chapter applies to the department and to applicants for and recipients of grants awarded under this chapter.

HSS 147.03 DEFINITIONS. In this chapter:

(1) "Applicant" means an individual, institution, or organization applying for a grant under this chapter.

(2) "Continuation grant" means a grant awarded to an applicant for continued support of a given project funded during the preceding funding year.

(3) "Department" means the Wisconsin department of health and social services.

(4) "Division" means the department's division of health

(5) "Funding year" means the state fiscal year.

(6) "Grant" means a transfer of funds to an approved applicant for the conduct of a project on cancer control and prevention in accordance with s. 146.027, Stats., and this chapter.

(7) "Initial grant" means the first grant awarded to an applicant for a given project.

(8) "Institution" has the meaning specified in s. 146.027 (1)(a), Stats., namely, any hospital, nursing home, county home, county mental hospital, tuberculosis sanitorium, community-based residential facility or other place licensed or approved by the department under ss. 49.14, 49.16, 49.171, 50.02, 50.03, 50.35, 51.08, 51.09, 58.06, 149.01, and 149.02, Stats.

(9) "Match" means a contribution by a grantee of cash or in-kind resources for the support of grant activities, as defined in the relevant RFP.

Note: Examples of an in-kind match are the dedication of staff time not supported by the grant to grant activities and the use of buildings, furniture or equipment not obtained with grant income for grant activities.

(10) "Nonprofit corporation" has the meaning specified in s. 146.027 (1)(b), Stats., namely, a nonstock, nonprofit corporation, organized under ch. 181, Stats.

(11) "Organization" has the meaning specified in s. 146.027, (1)(c), Stats., namely, a nonprofit corporation or a public agency which proposes to provide services to individuals.

(12) "Project" means a time-limited cancer control and prevention effort supported by a grant awarded by the department under this chapter.

(13) "Project year" means the 12 - month period selected by the department over which period a project will be supported by a grant under this chapter.

(14) "Public agency" has the meaning specified in s. 146.027 (1)(d), Stats., namely, a county, city, village, town or school district or an agency of this state or of a county, city, village, town or school district.

(15) "Review committee" means a committee established by the department to review applications for grants under this chapter.

(16) "RFP" means a request for proposals, a document released by the department to solicit applications for project support, and which defines project priorities, who may apply for funding, the amounts available for support of given types of projects, the term of projects, application procedures, review criteria, and procedures for appealing rejection of an application.

(17) "Selected grantee" means an applicant to whom funds are to be awarded, but with whom an agreement under s. HSS 147.06(5) has not yet been signed.

HSS 147.04 ALLOCATION OF FUNDS. The department shall annually allocate funds available for the support of cancer control and prevention projects according to priorities established by the department. These priorities shall be based upon such factors as, for example, social need, target population, responsiveness of a condition to intervention, availability of a proposed service, availability of applicants capable of providing a needed service, the incidence rates of the various cancers which a proposed project would address, scientific merit and the cost of a proposed service.

HSS 147.05 APPLICATION. (1) WHO MAY APPLY. An applicant for a grant may be:

- (a) A public agency;
- (b) A nonprofit corporation;
- (c) An institution; or
- (d) An individual.

(2) SOLICITATION. (a) The department shall solicit applications for initial grants by preparing one or more RFPs, publishing legal notice of the availability of the RFPs in the official state newspaper, and distributing copies of the RFPs upon request.

(b) The department may solicit applications for continuation grants from currently-funded projects in a form determined by the department to be appropriate for the projects.

Note: Prospective applicants may ask to be placed on a mailing list of parties to be sent future RFPs by writing the Bureau of Community Health and Prevention, P.O. Box 309, Madison, Wisconsin 53701.

(3) MAKING APPLICATION. (a) Parties considering making application for a grant shall give notice to the department of intent to apply. Notice shall be given in the form and according to the instructions given in the relevant RFP or continuation grant application instructions.

(b) An application for a grant shall be made in accordance with the format specified in the relevant RFP or continuation grant application instructions.

(c) An application for a grant shall be submitted to the department, as specified in the appropriate RFP or continuation grant application instructions, by the deadline shown in the RFP or continuation grant application instructions.

(4) CONTENT OF AN APPLICATION. The department shall specify in each RFP or set of continuation grant application materials the format of and the required elements to be included in an application for these funds.

(5) REVIEW OF APPLICATIONS. (a) Preliminary review. The department shall review all applications for a grant for compliance with the format and content specifications of the relevant RFP or continuation grant application instructions. The department may reject any application failing to meet the specifications published in the RFP. Rejection of an application for failure to meet form and content specifications is not subject to appeal.

(b) Final review. 1. A review committee or review committees consisting of individuals selected by the department shall evaluate applications for initial and continuation grants. The number and expertise of members of a review committee or committees shall be determined by the department based on the nature and number of the applications anticipated, as determined by notices of intent received under sub. (3)(a).

2. The review committee or committees shall review applications for initial or continuation grants in accordance with the criteria specified in the relevant RFP or continuation grant application materials. Criteria may include, depending upon the nature of the service being solicited, but are not limited to, target population, purposes and objectives of the proposed project, scientific merit, reasonableness of the proposed budget and budget justification, evaluation plans, success in achieving previously-stated objectives, evidence of cooperation with other agencies and organizations in the proposed service area and the stated qualifications of the applicant.

HSS 147.06 AWARDS. (1) MAKING AWARDS. (a) The department shall make awards based on the priorities set forth in par. (d), the recommendations resulting from the review under s. HSS 147.05 (5) and other factors such as geographic distribution of cancer control and prevention services; existing providers or availability of services in the proposed project service area; the availability of other, more appropriate fund sources for the proposed project; the likelihood that the proposed cancer control and prevention service would exist even absent this funding; and the apparent balance between cancer control and prevention activities and administration of a project.

(b) The department may reject any or all applications.

(c) The department may negotiate the amount of an award made under par. (a), specific budget items and project goals and objectives before entering into a commitment.

(d) Priority among types of applicants shall be given in the following order:

1. Public agencies, nonprofit corporations and institutions; and
2. Individuals.

(2) MATCHING. All awards shall be matched by the recipient at a rate of not less than 1:1. The amount of funding under a grant due a grant recipient, up to a maximum of the stated award level in the agreement between the department and the agency, shall be finally determined by the amount of match, documented as prescribed by the department, that is reported as expended by the recipient at the close of each project year. Funds already disbursed to the recipient which have not been appropriately matched shall be repaid to the department according to a schedule determined by the department, or, in the case of a continuation grant, may be applied to the subsequent year's award.

(3) NOTIFICATION. The department shall notify in writing all applicants for initial or continuation grants of award decisions.

(4) APPEAL. An applicant may appeal rejection of an application for funds based on alleged failure of the department to adhere to specified review and award criteria and procedures. The appeal shall be in writing and shall be submitted in accordance with instructions which the department shall include in the relevant RFP or continuation grant application materials. The appeal shall fully and clearly identify and describe all contested issues. No interpretation or judgment of the relevant review committee or committees may be appealed.

(5) AGREEMENT. An award shall be contingent upon the signing by both parties of an agreement drawn up by the department. Failure of a selected grantee to sign the agreement shall result in withdrawal of the offer of award. A preliminary draft of the relevant agreement shall be included in each RFP or set of continuation grant application materials. The final agreement may differ from the preliminary draft.

(6) AVAILABILITY OF FUNDS. (a) All funding decisions shall be contingent upon the availability of funds under s. 20.435 (1)(cc), Stats. Any changes in the amount available which were unforeseen at the time of the department's release of an RFP or continuation grant application materials shall be accommodated by the department, as appropriate, by means of reduction, elimination or increase in existing awards, by awarding of funds to applicants previously denied due to insufficient funds, or by release of a new RFP or new continuation grant application materials.

(b) Any funds that become available due to denial of an award to a selected grantee as a result of failure of the selected grantee to sign the required agreement or as a result of termination of a project by either party shall be reallocated by the department at its discretion but within the limits of the intent of the appropriation and this chapter.

HSS 147.07 ALLOWABLE USES OF FUNDS. Restrictions on the use of funds made available through grants under s. 146.027, Stats., and this chapter may vary depending upon the type of project being solicited. Costs not allowable shall include the purchase or renovation of buildings, the purchase of land, the purchase of major medical equipment and the costs of treatment for patients unless otherwise specified. Any other restriction shall be specified in the RFP or continuation grant application materials and in the agreement under s. HSS 147.06(5).

HSS 147.08 RECORDS AND REPORTS. All recipients of awards under this chapter shall maintain records of the projects supported by the awards and shall submit to the department reports as specified by the department. Failure to maintain these records or to submit these reports may result in the department's termination of the award.

HSS 147.09 EXCEPTIONS TO REQUIREMENTS. Except with regard to the requirement that all awards be matched at a ratio of not less than 1:1, as specified in s. ^{HSS} 147.06(2), Stats., the department may grant an exception to any requirement under this chapter if the department is convinced that an alternative to the requirement meets the intent of and is in compliance with s. 146.027, Stats.

GLP
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A. 12-93
(2m)(b)
7, Stats.

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s. 227.22(2), Stats.

Wisconsin Department of Health and
Social Services

Date: March 14, 1989 By:

Patricia A. Goodrich

Patricia A. Goodrich
Secretary

SEAL:



State of Wisconsin \

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
1 West Wilson Street, Madison, Wisconsin 53702

Tommy G. Thompson
Governor

Patricia A. Goodrich
Secretary

Mailing Address:
Post Office Box 7850
Madison, WI 53707

March 14, 1989

Mr. Orlan Prestegard
Revisor of Statutes
7th Floor - 30 on the Square
Madison, Wisconsin 53702

RECEIVED

MAR 14 1989

Revisor of Statutes
Bureau

Dear Mr. Prestegard:

As provided in s. 227.20, Stats., there is hereby submitted a certified copy of HSS 147, administrative rules relating to cancer control and prevention grants.

These rules are also being submitted to the Secretary of State as required by s. 227.20, Stats.

The rules will not have a significant economic impact on a substantial number of small businesses as defined in s. 227.114(1)(a), Stats. They are for a grant program and few, if any, businesses are expected to apply for a grant.

Sincerely,

Patricia A. Goodrich
SECRETARY

Enclosure