

Clearinghouse Rule 95-198

CERTIFICATE

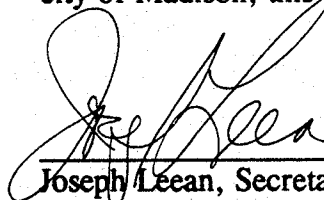
STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I, Joseph Leean, 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 criteria for awarding lead poisoning prevention grants were duly approved and adopted by this Department on April 26, 1996.

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 26th day of April, 1996.

SEAL:

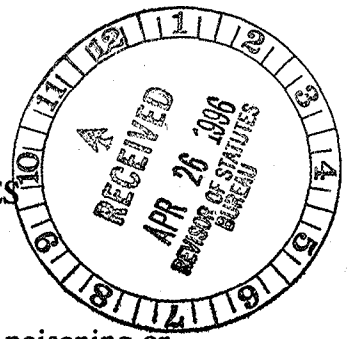


Joseph Leean, Secretary
Department of Health and Social Services



95-198
7-1-96

ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
CREATING RULES



To create chapter HSS 182, relating to grants for prevention of lead poisoning or exposure to lead.

Analysis Prepared by the Department of Health and Social Services

These rules implement the requirement in s.254.151, Stats., as amended by 1995 Wisconsin Act 27, that the Department establish criteria by rule for the award of grants to fund educational programs, including programs for health care providers, about the dangers of lead poisoning or exposure to lead; to fund lead poisoning or lead exposure screening, care coordination and follow-up services, including lead inspections, for or on behalf of children under the age of 6, not covered by third-party payers; to fund administration and enforcement activities of local health departments that, under s.254.152, Stats., are designated by the Department to be its agents for administration and enforcement of ss. 254.11 to 254.178, Stats.

The grant program was established in mid-1994. The requirement that the Department's criteria for awarding grants be set out in rules was added by Act 27 in mid-1995. The amount available in the appropriation for grant awards is \$879,000 for each year of the 1995-97 biennium.

The rules identify who may apply for a grant, describe the application process, provide for preliminary review of application by the Department for compliance with format and content requirements set out in the relevant request for proposals (RFP), provide for evaluation of applications by one or more review committees appointed by the Department and specify 14 criteria for use in that final review, note that the Department will award grants based on the recommendations of the review committee or committees and taking into consideration other specified factors and describe the awards process and conditions imposed when awarding grants.

The Department's authority to create these rules is found in s.254.151(intro.), Stats., as renumbered and amended by 1995 Wisconsin Act 27, and s.227.11(2)(a), Stats. The rules interpret s. 254.151, Stats., as affected by 1995 Wisconsin Act 27.

SECTION 1. Chapter HSS 182 is created to read:

Chapter HSS 182

LEAD POISONING OR LEAD EXPOSURE PREVENTION GRANTS

- HSS 182.01 Authority and purpose
- HSS 182.02 Applicability
- HSS 182.03 Definitions
- HSS 182.04 Allocation of funds
- HSS 182.05 Application
- HSS 182.06 Awards
- HSS 182.07 Restrictions on use of grants
- HSS 182.08 Records and reports

HSS 182.01 AUTHORITY AND PURPOSE. This chapter is promulgated under the authority of s. 254.151, Stats., for the purpose of establishing criteria and procedures for the award of annual project grants from the appropriation under s. 20.435(1)(ef), Stats., to local health departments or non-profit agencies working in collaboration with local health departments on projects aimed at preventing lead poisoning or exposure to lead.

HSS 182.02 APPLICABILITY. This chapter applies to the department and to applicants for and recipients of grants awarded under this chapter.

HSS 182.03 DEFINITIONS. In this chapter:

- (1) "Applicant" means a local health department or a non-profit agency working in collaboration with a local health department that applies for a grant under this chapter.
- (2) "Continuation grant" means a grant awarded to an applicant for continued support of a project funded during the preceding funding year.
- (3) "Department" means the Wisconsin department of health and social services.
- (4) "Funding year" means the state fiscal year, July 1 to June 30.
- (5) "Funds" means the state general purpose revenue appropriation under s. 20.435(1)(ef), Stats.
- (6) "Grant" means a transfer of funds to an approved applicant for the conduct of a project on lead poisoning or lead exposure prevention in accordance with s. 254.151, Stats., and this chapter.
- (7) "Initial grant" means the first grant awarded to an applicant for a given project.

(8) "Lead exposure" or "exposure to lead" means any amount of lead in the blood of any person.

(9) "Lead exposure hazard" means any substance, service or object that contains lead and that, due to its condition, location or nature, may contribute to lead poisoning or to dangerous levels of lead exposure.

(10) "Lead poisoning" means, in reference to children under the age of 6, a level of lead in the blood of 10 or more micrograms per 100 milliliters of blood.

(11) "Local health department" means any agency listed in s.250.01, Stats.

(12) "Project" means a time-limited lead poisoning or lead exposure 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 during which a project will be supported by a grant under this chapter.

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

(15) "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.

(16) "Selected grantee" means an applicant to whom funds are to be awarded, but with whom an agreement under s. HSS 182.06 (4) has not yet been signed.

HSS 182.04 ALLOCATION OF FUNDS. The department shall annually allocate funds available under s.20.435(1)(ef), Stats., for the support of lead poisoning or lead exposure prevention programs. The monies to support these programs shall be in the form of grants and shall be awarded based on the criteria set out in this chapter. Grants may be used for any of the following purposes:

(1) To fund educational programs about the dangers of lead poisoning or exposure to lead.

(2) To fund lead poisoning or lead exposure screening , care coordination and follow-up services, including lead inspections, for children under age 6 who are not covered by a third-party payer.

(3) To fund administration or enforcement of responsibilities delegated to local health departments under s. 254.152, Stats.

(4) To fund other activities related to lead poisoning prevention or prevention of exposure to lead.

(5) To fund any combination of the purposes under subs. (1) to (4).

(6) To develop and implement outreach and education programs for health care providers to inform them of the need for lead poisoning or lead exposure screening and of the requirements under subch. II of ch. 254, Stats., relating to lead poisoning or exposure to lead.

HSS 182.05 APPLICATION. (1) **WHO MAY APPLY.** An applicant for a grant may be any of the following:

(a) A local health department.

(b) Two or more local health departments.

(c) A non-profit agency working in collaboration with one or more local health departments.

(2) **SOLICITATION.** (a) The department shall solicit applications for initial grants by preparing one or more RFPs, sending a notice to each local health department regarding the availability of the RFPs, and distributing copies of the RFPs upon request.

(b) The department may solicit applications for continuation grants from currently-funded projects.

(3) **MAKING APPLICATION.** (a) A local health department or a collaborating non-profit agency 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 APPLICATION.** The department shall specify in each RFP or set of continuation grant application instructions the format of and the required elements to be included in an application for a grant.

(5) PRELIMINARY REVIEW OF APPLICATIONS. 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 or continuation grant application instructions.

(6) FINAL REVIEW OF APPLICATIONS. (a) The department shall appoint a review committee or review committees to evaluate applications for initial and continuation grants. The number and expertise of members of a review committee 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).

(b) The review committee or committees shall review applications for initial or continuation grants in accordance with the following criteria:

1. The number and percentage of children under age 6 in the applicant's area reported with lead exposure or lead poisoning.

2. Housing stock information, including age and condition of residential housing and the proportion of renter-occupied versus owner-occupied dwellings.

3. Population-based information from the U.S. census such as, but not limited to, the number of children under age 6 in the applicant's area, the number of children under age 6 in the applicant's area living in poverty and the percentage of the population in the applicant's area living in housing constructed prior to 1950, or a combination of any of these factors.

4. Lead poisoning prevention program activities, including past experience and future plans. These activities may include the following:

a. Screening activities.

b. Inspection activities.

c. Education activities.

d. Care coordination and follow-up services.

e. Enforcement activities.

f. Case management activities.

g. Collaborative efforts with other agencies to identify, evaluate or control lead exposure hazards and documentation of those efforts.

5. Commitment of public or private resources to control lead hazards in housing.
6. Purposes and objectives of the proposed project.
7. The degree to which the proposal addresses basic components of the grant program under subd. 4.
8. Reasonableness of the proposed budget and budget justification.
9. How the applicant proposes to monitor and evaluate progress in meeting the program objectives and goals.
10. Success in achieving previously-stated objectives.
11. The stated qualifications of the applicant.
12. Scientific merit of the proposal, if applicable.
13. Availability of applicants capable of and qualified to provide the proposed service.
14. Availability of the proposed service.
15. Capability of the applicant to carry out the proposed service based on previous funding and experience.

HSS 182.06 AWARDS. (1) **MAKING AWARDS.** (a) The department shall make awards based on the recommendations resulting from the review under s. HSS 182.05(6) and taking into account other factors such as geographic distribution of current lead poisoning prevention grants; existing providers or availability of services in the proposed project service area; and the availability of other, more appropriate funding sources for the proposed project.

(b) The department may reject any application, and may reject 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 an agreement under sub. (4).

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

(3) **APPEAL.** An applicant may appeal rejection of an application for funds based on alleged failure of the department to adhere to review and award criteria and procedures specified in this chapter and procedures specified in the RFP or the continuation grant application instructions. An appeal shall be in writing and shall be submitted to the

department's office of administrative hearings within 30 days after the date of the notice under sub. (2) in accordance with instructions which the department shall include in the relevant RFP instructions or continuation grant application materials. An appeal shall fully and clearly identify and describe all contested issues.

Note: The mailing address of the Department's Office of Administrative Hearings is P.O. Box 7875, Madison WI 53707.

(4) **AGREEMENT.** An award shall be contingent upon the signing by both parties of an agreement drawn up by the department. If an application is submitted by more than one local health department or jointly by one or more local health departments and non-profit agencies, only one local health department or agency shall sign the agreement and assume responsibility for implementing the contract. 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.

(5) **AVAILABILITY OF FUNDS.** (a) All funding decisions shall be contingent upon the availability of funds under s. 20.435 (1) (ef), Stats. Any changes in the amount available which were unforeseen at the time of the department's issuance 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, or failure of a grantee to spend its allocation of grant funds in the required time frame shall be reallocated by the department to either another grantee or an initial non-selected applicant at the department's discretion but within the limits of the appropriation and this chapter.

HSS 182.07 RESTRICTIONS ON USE OF GRANTS. Funds made available through grants under s. 254.151, Stats., and this chapter shall not be used for the purchase or renovation of buildings, the purchase of land, the purchase of major medical equipment or the costs of medical treatment for patients, unless otherwise specified, or for non-lead poisoning prevention program activities. Any other restriction shall be specified in the RFP or continuation grant application materials and in the agreement under s. HSS 182.06(4).

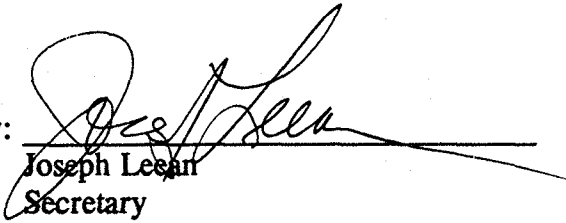
HSS 182.08 RECORDS AND REPORTS. All recipients of grants under this chapter shall maintain records of the projects supported by the grants as required by the department and shall submit to the department reports as required by the department on a quarterly basis or as described by the department in the RFP. A recipient's failure to maintain these records or to submit these reports may result in the department's termination of the grant.

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 the s.227.22(2), Stats.

Wisconsin Department of Health and
Social Services

Dated: April 26, 1996

By:


Joseph Leean
Secretary

SEAL: