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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Quality of Life Code
- 2) Code Citation: 77 Ill. Adm. Code 974
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
974.10	New Section
974.20	New Section
974.30	New Section
974.100	New Section
974.110	New Section
974.120	New Section
974.130	New Section
974.140	New Section
974.150	New Section
974.160	New Section
974.170	New Section
974.180	New Section
974.190	New Section
974.200	New Section
974.210	New Section
974.300	New Section
974.310	New Section
974.320	New Section
- 4) Statutory Authority: Implementing and authorized by the Illinois Lottery Law [20 ILCS 1605/21.8]; section 2310-348 of the Civil Administrator Code of Illinois [20 ILCS 2310/2310-348]; Section 5.699 of the State Finance Act [30 ILCS 105/5.699]
- 5) A Complete Description of the Subjects and Issues Involved: The Quality of Life Endowment Fund was created as a special fund in the Illinois State Treasury. The net revenue from the Quality of Life special instant lottery scratch-off game is deposited into the Fund for appropriation by the Illinois General Assembly solely to the Illinois Department of Public Health to support HIV prevention and treatment engagement services for people living with HIV Disease by making grants to public or private entities in Illinois that serve people living with HIV disease and/or the highest at-risk populations for acquiring HIV infection. Creating rules for the Quality of Life Grants will establish guidelines and procedures for the Illinois Department of Public Health for implementation, including eligibility and application requirements, of the grant funds.

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The economic effect on this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

- 6) Published studies or reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Susan Meister  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5<sup>th</sup> floor  
Springfield, Illinois 62761

217/782-2043

e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: none
  - B) Reporting, bookkeeping or other procedures required for compliance: none
  - C) Types of professional skills necessary for compliance: none

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14) Regulatory Agenda on which this rulemaking was summarized: July 2014

The full text of the Proposed Rules begins on the next page:

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TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICES

PART 974

QUALITY OF LIFE CODE

SUBPART A: GENERAL PROVISIONS

Section	
974.10	Definitions
974.20	Referenced Materials
974.30	Administrative Hearings

SUBPART B: QUALITY OF LIFE GRANTS

Section	
974.100	Eligibility for Grant Award
974.110	Request for Application
974.120	Grant Application Process and Procedure
974.130	Application Review Process
974.140	Grant Award and Grant Agreement
974.150	Grant Reporting
974.160	Grant Monitoring
974.170	Use of Grant Funds
974.180	Suspension or Termination of Grant Award
974.190	Grant Funds Recovery

SUBPART C: INTERVENTION SERVICES AND TRAINING REQUIREMENTS

Section	
974.200	Intervention Staff and Training Requirements
974.210	Intervention Service Requirements

SUBPART D: QUALITY OF LIFE BOARD

Section	
974.300	Board Membership

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974.310 Membership Term of Service  
974.320 Board Responsibilities

**AUTHORITY:** Implementing and authorized by Section 21.8 of the Illinois Lottery Law [20 ILCS 1605/21.8]; Section 2310-348 of the Civil Administrator Code of Illinois [20 ILCS 2310/2310-348]; Section 5.699 of the State Finance Act [30 ILCS 105/5.699]

**SOURCE:** Adopted at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

#### SUBPART A: GENERAL PROVISIONS

##### **Section 974.10 Definitions**

"Act" means the Illinois Lottery Law.

*"AIDS" means acquired immunodeficiency syndrome.* (Section 3(b) of the AIDS Confidentiality Act).

"Applicant" means an entity that submits an application for grant funding. An applicant can be a nonprofit entity, educational institution, or governmental entity, including, but not limited to, a local health department, community-based organization, or health care facility.

"At-risk populations or categories" means those populations with the highest incidence of HIV/AIDS reported by the Illinois Department of Public Health within the last three years, including, but not limited to, men who have sex with men (MSM), high risk heterosexuals (HRH), injection drug users (IDU), MSM/IDU or other populations determined, based on epidemiological data, to be at risk for contracting HIV.

"Award letter" means the letter to the applicant that states that the applicant is being awarded funding.

"Clinical Laboratory Improvement Amendments of 1988 (CLIA)" waiver means the certificate for test systems cleared by the Food and Drug Administration for home use and those tests approved for waiver under the CLIA criteria.

"Community based organization" or "CBO" means a public or private nonprofit business entity that is granted tax-exempt status by the Internal Revenue Service

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(IRS) and that is representative of a community or a significant segment of a community, and is engaged in meeting human, educational, environmental, and public health needs.

"Department" means the Illinois Department of Public Health.

"Direct costs" means costs that can be traced directly to, or identified with, the implementation of a specific program or project.

"Fund" means the Quality of Life Endowment Fund as created in the Act.

"Grant" means an award by the Department of assistance, whether financial or otherwise, to any eligible person or entity to support a program authorized by law. The term does not include an award the primary purpose of which is to procure an end product for the direct benefit or use of the Department, whether in the form of goods or services.

"Grant agreement" means a legally binding written understanding between the Department and a grantee specifying terms for a grant's expenditure and reporting.

*"Grantee" means the person or entity which may use grant funds in accordance with a grant agreement with the Department. (Section 2 of the Illinois Grant Funds Recovery Act)*

"Grant funds" means *any public funds dispensed by the Department to any person or entity for obligation, expenditure, or use by that person or entity for a specific purpose or purposes.* (Section 2(b) of the Illinois Grant Funds Recovery Act)

"Grant period" means the time during which money is to be spent by grantees.

"Grant project manager" means the person in the Department program who coordinates the grant process at the program level.

"Health care facility" or "facility" means any institution, building or agency, or portion of any institution, building or agency, whether public or private (for-profit or nonprofit) that is used, operated or designed to provide health services, medical treatment or nursing, rehabilitative or preventive care to any person or persons.

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*"HIV" means the human immunodeficiency virus or any other identified causative agent of AIDS. (Section 3(c) of the AIDS Confidentiality Act)*

"HIV infection" means infected with HIV as evidenced by a positive or reactive supplemental laboratory test result.

"Indirect costs" means the expenses of doing business that are not readily identified with a particular grant, contract, project function or activity, but are necessary for the general operation of the organization and the activities it performs. Indirect costs include the costs of operating and maintaining facilities, equipment, and grounds; depreciation or use allowances; and administrative salaries and supplies.

"Intervention" means a specific activity or set of related activities intended to change the knowledge, attitudes, beliefs, behaviors, or practices of individuals and populations to reduce their health risk, including, but not limited to, health education and risk reduction (HERR) and counseling, testing and referral (CTR). An intervention has distinct process and outcome objectives and a protocol outlining the steps for implementation. The following are types of HIV prevention interventions:

"Behavioral interventions" means individual, group, couple, and community-level interventions that modify behaviors that facilitate the acquisition or transmission of HIV.

"Biomedical interventions" means the use of medical, clinical, and public health approaches designed to moderate biological and physiological factors to prevent HIV infection, reduce susceptibility to HIV and decrease HIV infectiousness.

"Evidence-based interventions" means a prevention service that has been proven to positively affect the targeted outcome based on some form of evaluation.

"Public health strategies" means interventions that are time-tested procedures used by public health practitioners in the prevention, screening, diagnostic, or treatment processes. They are based on

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established principles of public health, including primary, secondary, and tertiary prevention, and may include a range of activities.

"Local health department" means the official health department or board of health having jurisdiction over a particular area.

"Non-profit" means a corporation as described in the General Not-for-Profit Corporation Act of 1986.

"Prevention education" means the practice of providing instruction on methods or activities that seek to reduce or deter specific or predictable problems, protect the current state of well-being, encourage individuals to protect their own health and the health of those in their community and promote desired outcomes or behaviors.

"Project" or "service" means a sequence of tasks with defined outcomes and deliverables, a defined beginning, end, schedule, and organized approach, which is funded by the Department to address a public health need, goal or objective.

"Request for application" or "RFA" means a document that the Department posts to invite grant applications from potential applicants to accomplish the tasks and goals of a specific grant program.

"Sub-grantee" means a recipient of an award of financial assistance in the form of money or property by a grantee or by a sub-grantee to a lower tier sub-grantee. A sub-grant includes financial assistance when provided by contractual legal agreement, even if the agreement is called a contract, but does not include the procurement of goods and services by the grantee.

#### **Section 974.20 Referenced Materials**

- a) State of Illinois Statutes
  - 1) Illinois Lottery Law [20 ILCS 1605]
  - 2) Civil Administrative Code of Illinois [20 ILCS 2310];
  - 3) AIDS Confidentiality Act [410 ILCS 305]



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- 4) Illinois Grant Funds Recovery Act [30 ILCS 705]
- 5) General Not-for-Profit Corporation Act of 1986 [805 ILCS 105]
- 6) Code of Civil Procedure [735 ILCS 5]
- 7) Administrative Review Law [735 ILCS 5/3-101]
- b) Federal Statutes  
Clinical Laboratory Improvement Amendments of 1988 (CLIA) (42 USC 263)
- c) State of Illinois Administrative Rules  
Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

#### **Section 974.30 Administrative Hearings**

Administrative hearings conducted by the Department concerning this Part will be governed by the Department's Practice and Procedure in Administrative Hearings.

#### SUBPART B: QUALITY OF LIFE GRANTS

#### **Section 974.100 Eligibility for Grant Award**

To be eligible to receive a grant from the Fund, the applicant shall meet all of the following criteria:

- a) *The applicant organizations must be engaged in HIV/AIDS-prevention education and HIV/AIDS healthcare treatment in Illinois. (Section 21.8 of the Act);*
- b) The applicant organization shall be physically located within the community to be served in Illinois;
- c) The applicant organization may be a non-profit entity, educational institution, or governmental entity, including, but not limited to, a local health department, community-based organization, or health care facility;

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- d) The applicant organization shall be in good standing with the Illinois Secretary of State and be duly authorized to transact business in the State of Illinois;
- e) The applicant organization shall provide services to individuals or families impacted by HIV; and
- f) The applicant organization shall be in existence for a minimum of three years prior to applying for a grant award.

#### **Section 974.110 Request for Application**

- a) It is the policy of the Department that grants are to be competitively awarded as much as possible.
- b) The Department will conduct a competitive grant review process using review criteria that are identified in the notice of grant opportunity or request for application (RFA) and a scoring system to rate each application against the chosen criteria.
- c) The RFA will communicate the Department's grant program information to assist potential applicants in determining whether and how to submit an application. The RFA will include the following elements:
  - 1) A description of the grant program;
  - 2) The Department's goals and priorities in making the grants;
  - 3) The eligibility requirements for applicants;
  - 4) Whether a letter of intent, pre-application, or pre-qualification is required;
  - 5) Grant outcome expectations and reporting requirements;
  - 6) The deadlines and timelines for each step in the application and award process;
  - 7) The amount of funding available and how the funding will be allocated;

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- 8) Selection criteria and weight;
  - 9) General information about the review process;
  - 10) Any requirements for in-kind or matching funds;
  - 11) The name and contact information of the Department's grant project manager; and
  - 12) A statement about when information in the grant application becomes public data.
- d) The Department will post all grant RFAs on the Department's website <https://idphgrants.com>. The Department will also consider additional methods to reach potential applicants, including, but not limited to, US mail, electronic mail, and newspaper publication.
  - e) Applications may be modified or withdrawn by written notice received by the grant project manager prior to the time and date set for the application deadline. All documents related to modification or withdrawal of an application will be made a part of the grant file.
  - f) The grant project manager will examine the applications to determine the validity of any written requests for nondisclosure of any trade secrets or other proprietary data. If the parties do not agree as to the disclosure of data or other information, the application will be rejected as nonresponsive.
  - g) The successful applicants will be notified of the award; notification may be in the form of a letter or other written communication. Notice of award may also be posted on the Department's website <https://idphgrants.com>.
  - h) The RFA will specify that overall agency operating budget *size will determine an organization's competitive slot* in the application process (Section 21.8 of the Act).
  - i) To ensure that effective HIV prevention interventions are funded in accordance with *at-risk populations in proportion to the distribution of recent reported Illinois HIV/AIDS cases among risk groups as reported by the Illinois Department*

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*of Public Health* (Section 21.8 of the Act), the RFA will include:

- 1) Department-approved interventions;
- 2) Definitions of at-risk populations; and
- 3) Department training requirements for approved HIV interventions.

#### **Section 974.120 Grant Application Process and Procedure**

- a) *Any organization, public or private, desiring to receive grant funds must submit a grant application to the Department. Applications for grant funds shall be made on prescribed forms developed by the Department.* (Section 4(a) of the Illinois Grant Funds Recovery Act);
- b) The Department will provide application instructions to potential applicants.
- c) Completed applications shall be returned to the Department at the address indicated on the grant application form or submitted electronically as directed. All applications shall be submitted in the format prescribed by the Department and *shall include, without being limited to, the following provisions:*
  - 1) *The name, address, chief officers, and general description of the applicant.* (Section 4(a)(1) of the Illinois Grant Funds Recovery Act);
  - 2) A copy of the Applicant's W-9, Request for Taxpayer Identification Number and Certification;
  - 3) The applicant's grant funding history, i.e., whether the applicant has received a grant from the federal government or the State of Illinois within the last three years; if yes, the agency providing the funding, the grant number, grant amount, grant term, and a brief description of the grant;
  - 4) Information concerning the applicant's background and financial standing, including the applicant's overall annual budget;
  - 5) The following information concerning the applicant's organization:

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- A) Legal status;
  - B) Federal Tax Identification Number (FEIN);
  - C) If applicable, all names and FEINs that are registered to the organization or have been registered during the last three years;
  - D) Data Universal Numbering System (DUNS) Number;
  - E) Illinois Department of Human Rights Number, if applicable;
  - F) Legislative House District, Legislative Senate District, and Congressional District.
- 6) *A general description of the program, project, or use for which grant funding is requested; (Section 4(a)(2) of the Illinois Grant Funds Recovery Act)*
- 7) *Plans, equipment lists, and other documents as may be required to show the type, structure, and general character of the program, project, or use for which grant funding is requested; (Section 4(a)(3) of the Illinois Grant Funds Recovery Act)*
- 8) A scope of work for the funding period, including, but not limited to:
- A) A detailed description/information about the proposed project;
  - B) Expected outcomes;
  - C) A description of the evaluation methods to be used, a plan for monitoring the overall project, and how outcomes and objectives will be measured;
  - D) A list of goals to be accomplished during the grant period;
  - E) A proposed timeline;

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- F) Objectives by quarter with a list of tasks that will be implemented to accomplish the objectives; and
  - G) A personnel chart, only if an applicant has allocated grant funding toward salaries or wages. The chart shall provide the individual's name, position title and role, percentage of time dedicated to the grant project, and the amount budgeted to support the percentage of time invested in the project.
- 9) *Cost estimates of developing, constructing, operating, or completing the program, project, or use for which grant funding is requested* (Section 4(a) (4) of the Illinois Grant Funds Recovery Act);
  - 10) *A program of proposed expenditures for the grant funds.* (Section 4(a)(5) of the Illinois Grant Funds Recovery Act) The program shall be in the form of a detailed budget for the funding period, documenting sufficient resources to complete the objectives addressed in the work plan. The budget shall be by line item category and shall provide justification for the use of grant funds to support the project activities. The applicant shall indicate the total amount of funding requested from the Department and other sources of funding that are available to support the project, if applicable.
  - 11) An approximate timetable for project completion; and
  - 12) The signature of the principal investigator or organization official who is authorized to certify the application.

#### **Section 974.130 Application Review Process**

- a) The Department will accept applications for grant awards during the period specified in the RFA or the grant application.
- b) The Department will, based on the organization's annual budget (see Section 974.120(c)(4)) determine an organization's competitive slot in the application process as outlined in Section 21.8 of the Illinois Lottery Law.

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- 1) *Organizations with an annual budget of \$300,000 or less, Category A, will compete with like size organizations for 50% of the Quality of Life annual fund.*
  - 2) *Organizations with an annual budget of \$300,001 to \$700,000, Category B, will compete with like organizations for 25% of the Quality of Life annual fund.*
  - 3) *Organizations with an annual budget of \$700,001 and upward, Category C, will compete with like organizations for 25% of the Quality of Life annual fund.*
- c) If funds remain in Category A, B, or C due to an insufficient number of applications received or due to ineligibility based on application scores, the unused portion from other funding categories may be used for the remaining eligible applicants from the other categories.
  - d) The Department will perform a technical review to ensure that all required materials are submitted and comply with submission requirements. The review will include whether the application form includes all required information and the applicant's signature and date of signature.
  - e) Applications will be excluded from consideration for award for the following reasons:
    - 1) Applications are not submitted by the deadline.
    - 2) Applications are missing requested information or required attachments.
    - 3) Applications do not meet all eligibility requirements.
  - f) The Department will perform a qualitative review to assess the quality of the project in relation to the grant program mentioned in the RFA, statutory requirements, or any other prerequisites corresponding to that particular grant program. The objectives, timeline, budget and budget justification will be evaluated to ensure that they are realistic and necessary for the project. Past performance of the applicant will be considered if the applicant has received Department grants in the past.

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- g) Grant applications will be scored based on a scoring rubric. Applications scoring 80-100 will receive grant awards based on available funding. Applications scoring 71-79 will require application revisions and may receive grant awards based on application revisions and available funding. Applications scoring 70 or below will not be considered for grant awards. Application revisions may include, but are not limited to, adjusting the budget or adjusting the scope of work.
- h) The grant review will include specific objectives within each of the following criteria:
  - 1) Design and implementation of the grant project (e.g., target audience, summary, measurement strategies);
  - 2) Scope of Work - Overall goals and objectives (e.g., alignment with grant guidelines, realistic goals, objectives fully and completely stated, and measurement tactics clearly articulated for each objective);
  - 3) Timeline (e.g., detailed, realistic, and feasible; anticipated obstacles described with strategies to overcome); and
  - 4) Budget detail and justification (e.g., complete and precise, likely to lead to accomplishment of objectives).
- i) Applicants will be notified as to whether the grant application is approved, eligible for resubmission, or denied.
- j) In addition to the scoring rubric, and based on the particular grant requirements, the Department may consider factors such as geographic need, the ability to serve special populations, and the grantee's history of compliance with grant requirements in determining whether to approve a grant application. Additional criteria will be specified in the RFA.
- k) *The Department must, before grants are awarded, provide copies of all grant applications to the Quality of Life Board, receive and review the Board's recommendations and comments, and consult with the Board regarding the grants. (Section 21.8 of the Act).*



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**Section 974.140 Grant Award and Grant Agreement**

- a) Applicants will be notified of their award status by means of an award letter or non-award letter. Letters will contain information concerning the amount of the grant award, the dates of the grant agreement, the project name, the State's budget, and, as applicable, federal requirements.
- b) Distribution of grant funds is dependent on available funding.
- c) Grant funds will be awarded in amounts and at time intervals specified in the grant agreement.
- d) An award to an applicant will not be final until the applicant and the Department have executed and delivered a grant agreement setting forth the terms and conditions of the grant, using the form prescribed by the Department. The Department will retract the award of a grant if an agreement cannot be reached on the terms of the grant agreement.
- e) Pursuant to the Illinois Grant Funds Recovery Act, the grant agreement shall:
  - 1) *Describe the purpose of the grant and be signed by the Department and all grantees of the grant;*
  - 2) *Specify how payments shall be made, what constitutes permissible expenditure of the grant funds, and the financial controls applicable to the grant;*
  - 3) *Specify the period of time for which the grant is valid and the period of time during which grant funds may be expended by the grantee;*
  - 4) *Contain a provision that any grantees receiving grant funds are required to permit the Department, the Auditor General or the Attorney General to inspect and audit any books, records or papers related to the program, project, or use for which grant funds are provided;*
  - 5) *Contain a provision that all grant funds remaining at the end of the grant agreement or at the expiration of the period of time grant funds are*

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*available for expenditure or obligation by the grantee shall be returned to the State within 45 days; and*

- 6) *Contain a provision in which the grantee certifies under oath that all information in the grant agreement is true and correct to the best of the grantee's knowledge, information and belief; that all funds shall be used only for the purposes described in the grant agreement; and that the award of grant funds is conditioned upon the certification.* (Section 4(b) of the Illinois Grant Funds Recovery Act)

#### **Section 974.150 Grant Reporting**

- a) Grantees shall submit written reports of the progress toward achieving objectives as set forth in this Section or in accordance with the grant agreement.
- b) Reports shall include the following:
  - 1) A description of the current status of the grant project in accordance with the time frames set forth in the grant agreement;
  - 2) Documentation of the progress in meeting each program objective in accordance with the time frames set forth in the grant agreement;
  - 3) Rationale for any proposed revisions in the evaluation methods or monitoring plan;
  - 4) A listing of expenditures of the grant funds and a comparison of the actual expenses to the budget projections and time frames set forth in the grant agreement;
  - 5) A projection of methods and time frames needed to accomplish the pending objectives within the time frame remaining (except for the end of project report); and
  - 6) A summary at the close of the grant period of the achievements and conclusions derived as a result of the project.

#### **Section 974.160 Grant Monitoring**

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- a) Grants will be monitored throughout the grant period. Components in the monitoring process include, but are not limited to, the grant agreement; grantee financial reports; grantee progress reports; invoices and requests for reimbursement; and correspondence, e-mails and telephone calls concerning the grant.
- b) The grantee shall cooperate with the Department's efforts to monitor and verify the grantee's compliance with applicable law and the grant agreement, including providing supporting documentation.
- c) Grantees shall maintain the processes necessary to monitor their compliance, take appropriate action to meet the stated objectives, and notify the Department of any breaches of the grant agreement, problems or concerns.
- d) Grantees shall be subject to on-site visits by the Department during normal business hours. Grantees shall provide, upon request, copies of all documents concerning the expenditure of grant funds.
- e) Grantees are responsible for holding any sub-grantee to the standards required in the grant agreement.
- f) The Department will relay any questions and concerns regarding management of grant funds to the grantee in writing. The grantee will be requested to respond in writing addressing the concerns. If the Department's concerns are not satisfied, a financial review or audit will be conducted.
- g) If the Department finds evidence of financial mismanagement, depending on the severity of the situation, the amount of money involved, and the grantee's response to the situation, the Department will either place the grantee on a corrective action plan and hold subsequent invoices until the issue is resolved, or terminate the grant.

#### **Section 974.170 Use of Grant Funds**

- a) *Grant funds may not be used except pursuant to a written grant agreement between the grantee and the Department. (Section 4 of the Illinois Grant Funds Recovery Act)*

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- b) *The grant funds may not be used for institutional, organizational, or community-based overhead costs, indirect costs, or levies. (Section 21.8 of the Act)*
- c) Funds shall be used only for the direct cost of administering, operating and maintaining a project or service in accordance with the requirements of the grant agreement. Examples of direct costs that may be allowable under the grant agreement include personal services costs, such as salaries; contractual services costs, such as fees for consultants; travel costs for personnel to carry out authorized activities; training and education costs; supplies or commodities that are required in the operation of a grant project; equipment directly related to the operation of a grant project.
- d) Grant funds shall not be used for promotional expenses, including, but not limited to, calendars, pens, buttons, pins, magnets, gift cards, posters, stationery, and any other similar items.
- e) The grantee shall document actual expenditures incurred for the purchase of goods and services that are necessary for conducting project activities or services. These expenditures shall be in accordance with a budget approved by and on file with the Department.
- f) Payments to the grantee shall be on a reimbursement basis. The grantee shall use the designated reimbursement process in the RFA to request reimbursement. The grantee shall document actual expenditures for the purchase of goods and services necessary to carry out the objectives of the grant. Expenditures shall be itemized on the form to establish an audit trail for future verification of the appropriate use of grant funds.
- g) The grantee shall submit requests for reimbursement monthly throughout the period of the grant. The final request for reimbursement shall be submitted within 45 calendar days after the end of the funding period.
- h) Line-item budget adjustments to reallocate awarded funds shall be submitted to the Department on Department-provided forms.
- i) Requirements concerning sub-grantees shall be set forth in the grant agreement. *If any person or entity that obtains grant funds dispenses any part or all of those funds to another person or entity for obligation, expenditure or use by that other*

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*person or entity for a specific purpose or purposes, then those funds so dispensed shall be treated as grant funds.* (Section 12 of the Illinois Grant Funds Recovery Act)

- j) A grantee that sub-grants grant funds shall continuously monitor, oversee and manage the sub-grantee's use of grant funds and shall ensure that the sub-grantee complies with the sub-grant agreement.

#### **Section 974.180 Suspension or Termination of Grant Award**

- a) Except as otherwise provided in this Section, the grant agreement may be terminated by either party upon 30 calendar days written notice to the other party, as specified in the grant agreement.
- b) A grant is contingent upon and subject to the availability of funds. The Department may terminate or suspend the grant, in whole or in part, without penalty or further payment being required, if
  - 1) The Illinois General Assembly or the federal funding source fails to make an appropriation sufficient to pay the obligation, or if funds needed are insufficient for any reason;
  - 2) The Governor decreases the Department's funding by reserving some or all of the Department's appropriation or appropriations pursuant to power delegated to the Governor by the Illinois General Assembly; or
  - 3) The Department or the Governor determines that a reduction is necessary or advisable based upon actual or projected budgetary considerations.
- c) The grantee will be notified in writing of the failure of appropriation or a reduction or decrease in the availability of funds.
- d) The Department may immediately suspend funding or terminate the grant agreement of any grantee that has substantially failed to comply with the Act, this Part, or the grant agreement.
- e) If the Department takes action to suspend funding or terminate the grant agreement of any grantee that has substantially failed to comply with the Act, this

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Part, or the grant agreement, it will do so pursuant to the applicable provisions of the grant agreement.

#### **Section 974.190 Grant Funds Recovery**

- a) Grants made under this Part are subject to the Illinois Grant Funds Recovery Act. If a provision of this Part conflicts with a provision of the Illinois Grant Funds Recovery Act, then the provision of the Illinois Grant Funds Recovery Act controls.
- b) The Illinois Grant Funds Recovery Act will be used to recover funds in cases of any breach of the grant agreement, including, but not limited to, a failure to expend funds as specified in the grant agreement, retaining grant funds beyond the term, or expending funds for unauthorized or unlawful purposes.
- c) The Illinois Grant Funds Recovery Act will be used to recover funds awarded to a grantee for program costs if the grantee fails to provide objective written guidance and documentation of compliance with all grant deliverables, including a close out report detailing how all the funds were expended.
- d) The Department shall have the authority to issue subpoenas as part of an official investigation into the use of grant funds. Subpoenas shall be issued and enforced according to Illinois Supreme Court Rules and the Code of Civil Procedure.
- e) Every grantee and sub-grantee shall keep complete and accurate accounting records of all grant funds that the grantee receives, administers, oversees, or expends. A grant recipient's failure to create and maintain accounting records that demonstrate the grant recipient's receipt, administration, oversight, expenditure, or use of all grant funds shall create a presumption in favor of recovery by the Department. If a person or entity that obtains grant funds dispenses or sub-grants any or all of those funds to another person or entity for obligation, expenditure, or use, then those funds shall also be treated as grant funds and shall be subject to recovery by the Department, whether or not the entity receiving grant funds has a written grant agreement with the Department.
- f) Grantees shall cooperate with all requests for information and documents, as well as investigations and audits of a grantee's use of grant funds. Grantees shall provide the Department with unrestricted access to the grantee's books, records,

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files, activities, and employees during normal business hours. A failure to cooperate shall create a presumption that grant funds have not been spent in accordance with the written grant agreement and be grounds for suspension or termination of any grant agreement and the recovery of grant funds.

- g) *Whenever the Department believes that grant funds are subject to recovery, the Department shall provide the grantee the opportunity for at least one informal hearing to determine the facts and issues and to resolve any conflicts as amicably as possible before taking any formal recovery actions.* (Section 7 of the Illinois Grant Funds Recovery Act)
- h) The offer of an informal hearing will be in writing and will provide the grantee with no fewer than 10 calendar days in which to request an informal hearing. A grantee's failure to deliver a timely written request for an informal hearing to the Department shall constitute the grantee's waiver of the informal hearing. During any informal hearing, the grantee shall be represented by an attorney licensed in the State of Illinois.
- i) If, after an informal hearing or if no timely request for an informal hearing is received, the Department determines that any grant funds are to be recovered, the Department will provide the grantee with formal written notice of its intent to recover grant funds. The notice will identify the funds and the amount to be recovered and the specific facts that permit recovery.
- j) A grantee shall have 35 days from the receipt of the notice required in subsection (i) to request a hearing to show why recovery is not proper.
- k) If a grantee timely requests a hearing, then the Department will hold a formal hearing in accordance with Practice and Procedure in Administrative Hearings, at which the grantee may present evidence and witnesses to show why recovery should not occur. After the conclusion of the hearing, if recovery is warranted, the Department will issue a written Final Order and send a copy of the order to the grantee by Certified US Mail.
- l) A grantee may seek judicial review of any Department Final Order in the circuit court, pursuant to the Administrative Review Law.

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- m) If a grantee timely requests a formal hearing, the Department will not take any action of recovery until at least 35 days after a final recovery order has been issued.
- n) If a grantee does not request a timely hearing, the Department may proceed with recovery of the grant funds identified in the notice issued pursuant to this Section-at any time after the expiration of the 35-day request period.
- o) Any notice or mailing required or permitted by this Section shall be considered received five days after the notice or mailing is deposited in the US mail, addressed to the grantee's current business address, as listed on the grantee's grant agreement, or the grantee's registered agent, and with sufficient US postage affixed, or the date of actual delivery, whichever is sooner.
- p) During any formal hearing, the grantee shall be represented by an attorney licensed in the State of Illinois.

#### SUBPART C: INTERVENTION SERVICES AND TRAINING REQUIREMENTS

##### **Section 974.200 Intervention Staff and Training Requirements**

- a) Upon execution of the grant agreement, all agencies funded to provide HIV counseling, testing and referral (CTR) services shall ensure that all staff delivering CTR services have completed all training requirements within 90 days as follows:
  - b)
    - 1) Successful completion of the Department HIV Prevention Home Study course with a score of 80% or higher; and
    - 2) Successful completion of Department-approved Fundamentals of HIV Prevention Counseling Course; and
    - 3) Successful completion of Department-approved Partner Services Course; and
    - 4) Successful completion of the Department data reporting system training.
- c) Upon execution of the grant agreement, all agencies funded to provide



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Department-approved HIV public health strategies and interventions shall ensure that all staff delivering the approved intervention have completed all training requirements within 90 days as follows:

- 1) Successful completion of the Department HIV Prevention Home Study Course with a test score of 80% or higher; and
  - 2) Successful completion of the Department HIV/STD Prevention Core Skills Course; and
  - 3) Successful completion of the Department HIV Prevention Risk Reduction Course; and
  - 4) Successful completion of the Department HIV confidentiality and security training; and
  - 5) Successful completion of the Department data reporting system training; and
  - 6) Successful completion of other Department-approved HIV intervention specific trainings.
- d) Hepatitis A and B vaccinations shall be administered only by staff who are lawfully approved to administer vaccine.

#### **Section 974.210 Intervention Service Requirements**

Upon execution of the grant agreement, all agencies funded to provide HIV counseling, testing and referral (CTR) services shall obtain the following documentation within 90 days as follows:

- a) Obtain a Physician Standing Order (PSO) from a licensed physician, specifying the type of Department-approved specimen (finger stick or oral) collected to screen for HIV infection and the type of venue (street outreach, mobile, fixed site, etc.) where testing will be conducted; and
- b) Obtain a CLIA waiver for Department-approved HIV rapid testing.

#### SUBPART D: QUALITY OF LIFE BOARD

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##### **Section 974.300 Board Membership**

*The Quality of Life Board is created as an advisory board within the Department. The Board shall consist of 11 members as follows:*

- a) *Two members appointed by the President of the Senate;*
- b) *One member appointed by the Minority Leader of the Senate;*
- c) *Two members appointed by the Speaker of the House of Representatives;*
- d) *One member appointed by the Minority Leader of the House of Representatives;*
- e) *Two members appointed by the Governor, one of whom shall be designated as chair of the Board at the time of appointment; and*
- f) *Three members appointed by the Director who represent organizations that advocate for the healthcare needs of the first and second highest ranked HIV/AIDS risk groups based on epidemiological data in Illinois for the last three years. One each from the northern Illinois region located north of Interstate 80; the central Illinois region located south of Interstate 80 to north of Interstate 70; and the southern Illinois region located south of Interstate 70. (Section 2310-348 of the Civil Administrator Code of Illinois)*

##### **Section 974.310 Membership Term of Service**

- a) *The Board members shall serve one 2-year term. Members may be reappointed for one additional two-year term, not to exceed a maximum of two 2-year terms, for a total of four years. If a vacancy occurs in the Board membership, the vacancy shall be filled in the same manner as the initial appointment. (Section 2310-348 of the Civil Administrative Code of Illinois)*
- b) *Board members shall serve without compensation but may be reimbursed for their reasonable travel expenses from funds appropriated for that purpose. (Section 2310-348 of the Civil Administrative Code of Illinois)*

##### **Section 974.320 Board Responsibilities**

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- a) *The Quality of Life Board shall:*
  - 1) *Consult with the Department of the Lottery in designing and promoting the Quality of Life special instant scratch-off lottery game; and*
  - 2) *Review grant applications, make recommendations and comments, and consult with the Department of Public Health in making grants, from amounts appropriated from the Quality of Life Endowment Fund, to public or private entities in Illinois for the purpose of HIV/AIDS-prevention education and for making grants to public or private organizations that serve the highest at-risk categories for contracting HIV or developing AIDS, in accordance with Section 21.7 of the Illinois Lottery Law. (Section 2310-348(c) of the Civil Administrative Code of Illinois)*
- b) *The Department shall provide staff and administrative support services to the Board. (Section 2310-348(b) of the Civil Administrative Code of Illinois).*