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**IDAPA 16
TITLE 07
CHAPTER 10**

16.07.10 - BEHAVIORAL HEALTH DEVELOPMENT GRANTS

000. LEGAL AUTHORITY.

The Idaho Legislature has delegated to the Department of Health and Welfare, as the State Mental Health Authority, the responsibility to administer grant funds appropriated for mental health and substance abuse treatment services as provided in Sections 39-3136 and 39-3134A, Idaho Code. Under Section 39-3133, Idaho Code, the Director of the Department of Health and Welfare is authorized to promulgate rules to carry out the purposes and intent of the Regional Mental Health Services Act. (5-8-09)

001. TITLE, SCOPE, AND OBJECTIVE.

01. Title. The title of these rules is IDAPA 16.07.10, "Behavioral Health Development Grants." (5-8-09)

02. Scope. These rules establish the process and procedures to be used in applying for and awarding behavioral health development grants through the State Mental Health Authority under Title 39, Chapter 31, Idaho Code. Funding is limited and the grant application process is competitive in nature. The applicant must strictly comply with the grant application process and these rules in order for the application to be reviewed and considered. This chapter is not intended to and does not establish an entitlement for or receipt of behavioral health development grant funding. (5-8-09)

03. Objective. The objective of behavioral health development grant funding is to assist the State Mental Health Authority in developing substance abuse or mental health treatment services outlined in Section 39-3128, Idaho Code, including twenty-four (24) hour psychiatric emergency services, short-term psychiatric beds, crisis intervention teams, transitional housing and detoxification facilities as provided in Section 39-3134A(3), Idaho Code. (5-8-09)

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), the Department may have written materials pertaining to the interpretation of this chapter of rules. These materials are available for public inspection and copying at cost in the Department's main office, as described in Sections 005 and 006 of these rules. (5-8-09)

003. APPEALS.

01. Award Determinations and Grant Decisions. The Department may grant, in whole or in part, deny, suspend, revoke, terminate, reserve, limit, define grant criteria, establish scoring criteria, set the terms and conditions of grant agreements, and the number of programs or entities eligible for behavioral health development grants according to Sections 39-3133 and 39-3134A(3), Idaho Code. (5-8-09)

02. Reconsideration. The Director may, upon a timely written request, reconsider an award determination or a decision, order, or action concerning a behavioral health development grant as provided in Sections 250 and 260 of these rules. (5-8-09)

03. Final Order. The Director's decision on reconsideration constitutes a final order of the Department which is not subject to administrative or judicial review. *Maresh v. State*, 132 Idaho 221, 970 P.2d 14 (Idaho 1999). (5-8-09)

004. INCORPORATION BY REFERENCE.

No documents are incorporated by reference in this chapter. (5-8-09)

005. OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- TELEPHONE -- WEBSITE.

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (5-8-09)

02. Mailing Address. The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036. (5-8-09)

03. Street Address. The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. (5-8-09)

04. Telephone. The telephone number for the Idaho Department of Health and Welfare is (208) 334-5500. (5-8-09)

05. Internet Website. The Department's internet website at <http://www.healthandwelfare.idaho.gov>. (5-8-09)

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS REQUESTS.

01. Confidential Records. Any information covered by these rules and contained in the Department's records must comply with IDAPA 16.05.01, "Use and Disclosure of Department Records." (5-8-09)

02. Public Records. The Department will comply with Sections 9-337 through 9-350, Idaho Code, when requests for the examination and copying of public records are made. Unless otherwise exempted, all public records in the custody of the Department are subject to disclosure. (5-8-09)

007. -- 009. (RESERVED)

010. DEFINITIONS.

For the purposes of this chapter, the following definitions apply. (5-8-09)

01. Administrator. The Administrator of the Division of Behavioral Health, Department of Health and Welfare, or designee. (5-8-09)

02. Applicant. A person or entity submitting an application for the purpose of requesting a behavioral health development grant from the Department. (5-8-09)

03. Application Period. The period of time specified in the grant application, or, if no date is specified, the period from July 1 to August 1 of the fiscal year for which funding is requested. (5-8-09)

04. Appropriations. Behavioral health funding as set by the Legislature each fiscal year for the Department. (5-8-09)

05. Department. The Idaho Department of Health and Welfare or its designee. The Department is designated as the State Mental Health Authority under Section 39-3124, Idaho Code. (5-8-09)

06. Development Grant Review Committee. A committee composed of representatives from the Department of Correction, the Department of Juvenile Corrections, the courts, and the Department of Health and Welfare as designated in Section 39-3134A(3), Idaho Code. (5-8-09)

07. Director. The Director of the Idaho Department of Health and Welfare or designee. (5-8-09)

08. Eligible Entity. A legal entity or person, not including a state agency or subdivision of a state agency, which provides substance abuse or mental health treatment services outlined in Section 39-3128, Idaho Code, including twenty-four (24) hour emergency psychiatric services, short-term psychiatric beds, crisis intervention teams, transitional housing and detoxification facilities. (5-8-09)

09. Fiscal Year. The State of Idaho's accounting period that consists of twelve (12) consecutive months from July 1 through June 30 of the next year. (5-8-09)

10. Grantee. A person or entity awarded grant funds under these rules. (5-8-09)

11. Regional Mental Health Board. A regional mental health board for each region or service area consisting of fourteen (14) members in accordance with Section 39-3130, Idaho Code. (5-8-09)

011. -- 049. (RESERVED)

050. REGIONAL SERVICE AREAS.

Idaho has seven (7) regions or service areas for grant distribution purposes. (5-8-09)

01. Region I - Behavioral Health. The counties of Benewah, Bonner, Boundary, Kootenai, and Shoshone. (5-8-09)

a. Region I Office Address: 2195 Ironwood Court, Coeur d'Alene, ID 83814. (5-8-09)

b. Phone: (208) 769-1406. (5-8-09)

02. Region II - Behavioral Health. The counties of Clearwater, Idaho, Latah, Lewis, and Nez Perce. (5-8-09)

a. Region II Office Address: 1118 "F" Street, P. O. Drawer B, Lewiston, ID 83501. (5-8-09)

b. Phone: (208) 799-4440. (5-8-09)

03. Region III - Behavioral Health. The counties of Adams, Canyon, Gem, Owyhee, Payette, and Washington. (5-8-09)

a. Region III Office Address: 3402 Franklin Rd., Caldwell, ID 83605. (5-8-09)

b. Phone: (208) 459-0092. (5-8-09)

04. Region IV - Behavioral Health. The counties of Ada, Boise, Elmore, and Valley. (5-8-09)

a. Region IV Office Address: 1720 Westgate Dr., Boise, ID 83704. (5-8-09)

b. Phone: (208) 334-0893. (5-8-09)

05. Region V - Behavioral Health. The counties of Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls. (5-8-09)

a. Region V Office Address: 823 Harrison Dr., Twin Falls, ID 83301. (5-8-09)

b. Phone: (208) 736-2177. (5-8-09)

06. Region VI - Behavioral Health. The counties of Bannock, Bear Lake, Bingham, Caribou, Franklin, Oneida, and Power. (5-8-09)

a. Region VI Office Address: 421 Memorial Drive, Pocatello, ID 83204. (5-8-09)

b. Phone: (208) 234-7900. (5-8-09)

07. Region VII - Behavioral Health. The counties of Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, and Teton. (5-8-09)

a. Region VII Office Address: 150 Shoup, Ste. 19, Idaho Falls, ID 83402. (5-8-09)

b. Phone: (208) 528-5700. (5-8-09)

051. -- 059. (RESERVED)

060. GRANT CYCLE AND TIME FRAMES.

01. Notification of Annual Grants and Grant Applications. Subject to appropriations and available funding, under Title 39, Chapter 31, Idaho Code, the Department will publish a notice announcing available behavioral health development grants in a major daily newspaper in each regional service area prior to the beginning of the fiscal year. The notice will specify the available award amount, the closing date for submission of the grant application, and how to obtain grant application forms. The closing date for submission of applications will be no later than August 1 of the fiscal year in which funding is appropriated. (5-8-09)

02. Grant Application Submission. A grant application must be submitted to the Department no later than the date designated in the grant application. If no date is specified in the grant application, the application is due no later than August 1 of the fiscal year in which funding is requested. Applications not submitted within these time limits will be excluded from consideration for grant awards. (5-8-09)

03. Unawarded Grant Funds. Subject to remaining or supplemental funding, the Department may commence another grant award cycle, if time allows. In the event there is insufficient time left in the fiscal year to complete another grant cycle, available funding may be allocated on a pro-rated basis to successful grant recipients or ranked applicants for the fiscal year in which the funding is available. (5-8-09)

04. Unused Grant Funds. All funds not expended in compliance with the terms and conditions of an applicant's award and grant agreement must be returned to the Department within thirty (30) days of the end of the grant's terms and conditions. (5-8-09)

061. -- 099. (RESERVED)

100. BEHAVIORAL HEALTH DEVELOPMENT GRANTS.

01. Develop a Statewide Plan. The Department, as provided in Title 39, Chapter 31, Idaho Code, and under these rules, will develop a statewide plan for grants in coordination with the other members of the development grant advisory group and from recommendations of the State Planning Council on Mental Health and Regional Mental Health Boards. (5-8-09)

02. Grant Applications. The Department will provide grant application forms, guidelines, and other necessary information no later than July 1 of each fiscal year in which funds have been appropriated. (5-8-09)

03. Grant Guidelines and Criteria. The Department will specify the guidelines and the criteria for each type of grant that is available for the fiscal year in the grant application form. (5-8-09)

04. Grant Evaluation, Weighting, and Ranking Process. The Department will set the evaluation criteria, weighting, and the ranking process to be used each year, based on the needs of the regional mental health service areas and statewide needs. (5-8-09)

101. -- 109. (RESERVED)

110. GRANT APPLICATION PROCESS.

01. Application. In order to be considered for a grant award, the applicant must submit an original and eight (8) copies of the completed grant application, including a letter of support from the appropriate Regional Mental Health Board, as provided in Section 120 of these rules. (5-8-09)

02. Required Information. Only applications on forms and in formats approved by the Department will be considered for funding. An application that is missing required information will be excluded from consideration for a grant award. (5-8-09)

03. Application Purpose. The grant application and any attachments submitted by the applicant are

the primary sources of information for awarding a grant. (5-8-09)

04. Limitations. The following limitations in Subsections 110.04.a. and 110.04.b. of this rule apply to all applications. (5-8-09)

a. A person or legal entity is not eligible to apply for a grant if there are any unresolved audit findings or prior unresolved performance issues from previous grants. (5-8-09)

b. An applicant must receive a letter of support for behavioral health development grant funding from the appropriate Regional Mental Health Board for projects located in the region where the services will be provided. An application cannot be submitted on behalf of a person or entity located in other regions or service areas solely for administrative convenience. (5-8-09)

05. Delivery of Applications. The application must be delivered to the Department as described in Section 005 of these rules. Any application not meeting the closing date requirements will be disqualified. Applications will be considered to have been timely received under one (1) of the following: (5-8-09)

a. An application sent by mail or private commercial carrier no later than the closing date, as evidenced by a U.S. Postal Service date postmark or by a commercial carrier date stamp. An applicant is responsible for obtaining postmark or commercial carrier date stamps; or (5-8-09)

b. A hand-delivered application will be accepted during normal business working hours. In establishing the date of receipt of hand-delivered applications, reliance will be placed on documentary evidence of receipt maintained by the Department. (5-8-09)

111. -- 119. (RESERVED)

120. REGIONAL RECOMMENDATION BY THE REGIONAL MENTAL HEALTH BOARD.

01. Regional Review. Each Regional Mental Health Board will review and make recommendations to the Development Grant Review Committee on grant proposals to provide services in its region. (5-8-09)

02. Regional Recommendation. Each Regional Mental Health Board will determine which grant proposals to recommend for its region. The Regional Mental Health Board will provide a written recommendation of support to the Development Grant Review Committee for each grant proposal it supports. The applicant must include this recommendation of support with the grant application. (5-8-09)

03. No Regional Support. A grant application not receiving a written recommendation of support from the appropriate Regional Mental Health Board is not complete and will not be considered for grant awards. (5-8-09)

121. -- 129. (RESERVED)

130. STATEWIDE RECOMMENDATION BY THE DEVELOPMENT GRANT REVIEW COMMITTEE.

01. Statewide Review. Based upon a timely received application and written recommendation of support from the appropriate Regional Mental Health Board, the Development Grant Review Committee will rank the applications on a statewide basis and make recommendations to the Administrator. (5-8-09)

02. Statewide Ranking. The Development Grant Review Committee will rank applications using such factors as availability of funding, the degree of financial need, the degree of need in the regions and the state, or other factors, including the criteria contained in the grant review and ranking section of the applicable grant application. The applications will be ranked from highest to lowest priority on a statewide basis. (5-8-09)

03. Statewide Recommendation. The Development Grant Review Committee will provide the ranking of applications to the Administrator no later than forty-five (45) days following the closing date designated in

the grant application, or no later than September 15 of the fiscal year in which funding is requested. (5-8-09)

131. -- 199. (RESERVED)

200. GRANT AWARD AND SCHEDULE.

01. Determination of Grant Awards. Absent good cause, the Administrator will award grants on a statewide basis in accordance with the written recommendations of the Development Grant Review Committee and in the amounts approved by the Development Grant Review Committee, until either the grants have been awarded for all ranked applications or there is no more money available in the funding appropriation, whichever occurs first. (5-8-09)

02. Notification. The Department will notify all applicants in writing of the disposition of their grant applications by October 1 of the fiscal year in which funding is requested. Notice of a grant award is not a guarantee of present or future funding. (5-8-09)

03. Awarding of Grants. Grant awards will be formalized through an agreement specifying, at a minimum, the eligible activities for which the grant is to be awarded, the amount of the grant award, the schedule of deliverables and payments, and any additional terms and conditions established by the Department. (5-8-09)

04. Acceptance of Grant Award by Grantee. Acceptance of the grant award is accomplished by returning two (2) copies of the agreement bearing the original signature of a duly authorized representative of the grantee. The copies of the signed agreement are to be returned to the Department within ten (10) business days of the date of the letter transmitting the agreement to the grantee. (5-8-09)

05. Disbursement. Funds for approved grants will be disbursed in accordance with the schedule of payments established in each grant agreement. (5-8-09)

06. No Continued Obligation. Neither the approval of any project nor any grant award will commit or obligate the Department in any way to make any additional, supplemental, continuation, or other awards with respect to any project, proposed project, or portion of the project. A grantee must make separate application in accordance with each grant application and these rules. (5-8-09)

07. Not a Waiver. Failure of the Department to require strict compliance will not be considered a waiver of requirements of these rules or in the grant application. (5-8-09)

201. -- 249. (RESERVED)

250. RECONSIDERATION OF GRANT APPLICATION.

No later than fifteen (15) days from the date of written notification from the Department of its award determination, an applicant or a grantee may file a written request for reconsideration with the Director. (5-8-09)

01. Contents of Request for Reconsideration. Any request for reconsideration must contain all pertinent facts supporting the applicant's or the grantee's request for the Director to reconsider and must set forth with specificity all of the facts and reasons that demonstrate the Department's award determination was arbitrary and capricious. (5-8-09)

02. Disposition of Request for Reconsideration. Upon notification of a timely request for reconsideration, the Director will review the request and all relevant data upon which the Department based its award determination. (5-8-09)

03. Disposition of Funds Pending Reconsideration. While a timely and valid request for reconsideration is pending, an amount equal to the grant request under reconsideration will be reserved by the Department. This reserve is established by withholding funds on a pro-rated basis from all successful grantees. (5-8-09)

04. Issuance of Decision on Reconsideration. Following consideration of all relevant data, the

Director will issue a written decision, within ten (10) business days of receiving a request for reconsideration. The Director's decision on reconsideration constitutes a final order of the Department which is not subject to judicial review. (5-8-09)

251. -- 259. (RESERVED)

260. CORRECTIVE ACTION, TERMINATION, OR REDUCTION OF FUNDING.

01. Determination of Non-Compliance. The remedies set forth in this section are cumulative, are not exclusive, and are in addition to any other rights and remedies provided by law or under the grant agreement. If a grantee fails to comply with the terms of the grant application, grant agreement, these rules, or appropriate standards, goals, and other requirements, including performance objectives, the Department will inform the grantee of the deficiency and may take one (1) or more of the following actions: (5-8-09)

a. Suspend grant funding pending an investigation to determine compliance with the grant application, grant agreement, these rules or appropriate standards, goals and other requirements, including performance objectives; (5-8-09)

b. Require the grantee to correct any deficiency; (5-8-09)

c. If feasible, allow the grantee sixty (60) days to develop and implement a quality improvement plan to correct the deficiency within a reasonable period of time; or (5-8-09)

d. Terminate or reduce funding and require the grantee to account for and return awarded grant funds to the Department. (5-8-09)

02. Request for Reconsideration. No later than fifteen (15) days from the date of written notification of corrective action from the Department to a grantee denying, suspending, reducing, or terminating a grant award, a grantee may file a written request for reconsideration with the Director. (5-8-09)

a. Any request for reconsideration must contain all pertinent facts supporting the grantee's request for the Director to reconsider and must set forth with specificity all of the facts and reasons that demonstrate the Department's corrective action was arbitrary and capricious. (5-8-09)

b. Upon notification of a timely request for reconsideration, the Director will review the request and all relevant data upon which the Department based its original decision. (5-8-09)

c. Following consideration of all relevant data, the Director will issue a written decision, within ten (10) business days of receiving a request for reconsideration. The Director's decision on reconsideration constitutes a final order of the Department which is not subject to judicial review. (5-8-09)

261. -- 299. (RESERVED)

300. CONFLICT OF INTEREST.

01. General Policy. It is the policy of the Department that grant management and the award process be conducted in an equitable manner, and that public funds be expended in a fair, efficient, and effective manner. Every effort will be made to assure the public that no conflict of interest or appearance of impropriety exists. (5-8-09)

02. Covered Person. These provisions for conflict of interest apply to any person who is an employee, agent, contractor, consultant, official, or officer of the Department, state, city, or county, or who is a member of a Regional Mental Health Board, a member of the Development Grant Review Committee, applicant, grantee, or any sub-grantee receiving funds. (5-8-09)

03. Standard of Conduct. The general standard of conduct is to avoid any action or inaction that might result in, or create the appearance of, any impropriety or conflict of interest. In accordance with this general standard of conduct, a covered person will not vote on any matter in which he has any substantial ownership,

potential for personal financial gain, fiduciary or contractual interest, or a direct competitive relationship. Any such relationship must be immediately disclosed as provided in Subsection 300.04 of this rule. (5-8-09)

04. Disclosure Procedures. At or before any meeting during which a conflict of interest arises, a covered person must make a Declaration of a Conflict of Interest, or a potential conflict of interest, either by letter or verbal declaration, and it will be entered into the minutes of the meeting. The declaration must contain the nature of the conflict, the parties involved in the conflict, the impact of the conflict on their duties, and any proposed method of resolving the conflict. The covered person must then refrain from any discussion, recommendation, action, or voting on the matter. (5-8-09)

301. -- 309. (RESERVED)

310. AUDITS.
The Department may conduct audits and determine the scope and depth of these audits. (5-8-09)

311. -- 349. (RESERVED)

350. FRAUDULENT INFORMATION ON GRANT APPLICATION.
Providing false information on any application or document submitted under these rules is grounds for declaring the applicant ineligible, or for taking any and all remedial action, as provided in Section 260 of these rules. Any and all funds determined to have been acquired on the basis of fraudulent information must be returned to the Department immediately. (5-8-09)

351. -- 999. (RESERVED)

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