DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, Maryland 21244-1850

Money Follows the Person Rebalancing Demonstration

GENERAL TERMS AND CONDITIONS

Terms of Award

In addition to any programmatic Special Terms and Conditions of the award, the following General Terms and Conditions will apply. **Where there are inconsistencies, the programmatic Special Terms and Conditions will take precedence.** With the acceptance of a grant or cooperative agreement from CMS, the grantee has the responsibility to be aware of and comply with the terms and conditions of award.

Individual awards are based on the application submitted to, and as approved by, CMS and are subject to the terms and conditions incorporated either directly or by reference in the following:

- The grant program legislation, program announcement and program regulation cited in the Notice of Grant Award.
- The restrictions on the expenditure of Federal funds in the appropriation acts, to the extent those restrictions are pertinent to the award.
- 45 CFR Part 74 and 45 CFR Part 92 as applicable.
- The Notice of Award including all terms and conditions cited on the document or attachments.
- DHHS Grants Policy Statement.

45 CFR Part 74 and 45 CFR Part 92 (Regulations Governing CMS Grants)

Regulations found at Title 45, Code of Federal Regulations (CFR), Part 74 and Part 92, are the rules and requirements that govern the administration of Department of Health and Human Services (DHHS) Grants.

Part 74 is applicable to all recipients except those covered by Part 92, which governs awards to state and local governments.

These regulations are a term and condition of award. Grant recipients must be aware of and comply with the regulations. (These may be accessed by internet from DHHS at http://www.hhs.gov/grantsnet.)

DHHS Grants Policy Statement

The Department of Health and Human Services Grants Policy Statement is intended to make available in a single document the general terms and conditions of HHS discretionary grant and

cooperative agreement awards. This document may be accessed by internet from DHHS at http://www.hhs.gov/grantsnet

Reporting Requirements

Financial Reports - The Grantee agrees to submit financial status reports (SF-269 or SF-269A) to the CMS Grants Management Officer with a copy to the CMS Project Officer as stipulated in the special terms and conditions. Unless specified as quarterly or semi-annual in the Special Terms and Conditions, financial reports are due annually and at the end of the project. This financial status report will account for all uses of grant monies during the previous period and project uses of grant money for the ensuing period. Quarterly and semi-annual reports are due 30 days after the end of the reporting period. Annual reports are due 90 days after the budget period ending date. Final reports are due 90 days after the project period ending date and encompass costs throughout the project.
Grantees shall liquidate all obligations incurred under the award not later than 90 days after the end of the project period. IMPORTANT- The final Financial Status Report (FSR) submitted to this office must agree with the final expenditures reported on the PMS 272 to the Payment Management Systems. Before FSR submission all obligations must be liquidated. Use Standard Form 269A, which is available online at: http://www.whitehouse.gov/omb/grants/sf269a.pdf

Progress Reports – The Grantee agrees to submit progress reports to the CMS Grants Management Officer with a copy to the CMS Project Officer as stipulated in the special terms and conditions. Unless specified as quarterly or semi-annual in the Special Terms and Conditions, progress reports are due annually. These reports are to be consistent with a format and content specified by CMS. CMS reserves the right to require the grantee to provide additional details and clarification on the content of the report. Quarterly and semi-annual reports are due 30 days after the end of the reporting period. Annual reports are due 90 days after the budget period ending date.

Final Report – The Grantee agrees to submit a final report to the CMS Grants Management Officer with a copy to the CMS Project Officer within 90 days after the project period ending date of the last year. The Grantee may use the CMS' "Author's Guidelines: Grants and Contracts Final Report" in the preparation of the final report. This document can be found at the following website: http://www.cms.hhs.gov/researchers/priorities/grants.asp

A draft final report should be submitted to the CMS Project Officer for comments. CMS's comments should be taken into consideration by the Grantee for incorporation into the final report. CMS reserves the right to require the Grantee to provide additional details and clarification on the content of the report.

The final report may not be released or published without permission from the CMS Project Officer within the first four (4) months following the receipt of the report by the CMS Project Officer.

The final report will contain a disclaimer that the opinions expressed are those of the Grantee and do not necessarily reflect the opinion of CMS.

Failure to submit reports (i.e., financial, progress, or other required reports) on time may be basis for withholding financial assistance payments, suspension, termination or denial of refunding. A history of such unsatisfactory performance may result in designation of "high risk" status for the recipient organization and may jeopardize potential future funding from DHHS.

Use of Federal Funding

When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments and recipients of Federal research grants shall clearly state (1) the percentage of total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the program or project, and (3) the percentage and dollar amount of the total costs or the program or project that will be financed by nongovernment sources.

Project and Data Integrity

The Grantee shall protect the confidentiality of all project-related information that identifies individuals.

The Grantee shall assume responsibility for the accuracy and completeness of the information contained in all technical documents and reports submitted. The CMS Project Officer shall not direct the interpretation of the data used in preparing these documents or reports.

At any phase in the project, including the project's conclusion, the Grantee if so requested by the Project Officer, must deliver to CMS materials, systems, or other items applied, developed, refined or enhanced in the course of or under the award. The Grantee agrees that CMS shall have royalty-free, nonexclusive and irrevocable rights to reproduce, publish, or otherwise use and authorize others to use the items for Federal government purposes.

Use of Data and Work Products

At any phase of the project, including the project's conclusion, the Grantee, if so requested by the CMS Project Officer, shall submit copies of analytic data file(s) with appropriate documentation, representing the data developed/used in end-product analyses generated under the award. The analytic file(s) may include primary data collected, acquired or generated under the award and/or data furnished by CMS. The content, format, documentation, and schedule for production of the data file(s) will be agreed upon by the Principal Investigator and the CMS Project Officer. The negotiated format(s) could include both file(s) that would be limited to CMS's internal use and file(s) that CMS could make available to the general public.

All data provided by CMS will be used for the research described in this grant only. The Grantee will return any data provided by CMS or copies of data at the conclusion of the project.

For six (6) months after completion of the project, the Grantee shall notify the CMS Project Officer prior to formal presentation of any report or statistical or analytical material based on information obtained through this award. Formal presentation includes papers, articles,

professional publication, speeches, and testimony. In the course of this research, whenever the Principal Investigator determines that a significant new finding has been developed, he/she will communicate it to the CMS Project Officer before formal dissemination to the general public.

Audit Requirements

Audit requirements for Federal award recipients are defined in OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations.

An organization is required to have a non-Federal audit if, during its fiscal year, it expended a total of $500,000 ($300,000 for fiscal years ending before December 31, 2003) or more in Federal awards. Federal awards are defined in OMB Circular A-133 to include Federal financial assistance and Federal cost reimbursement contracts received both directly from a Federal awarding agency as well as indirectly from a pass-through entity.

45 CFR 74.26(d) discusses the requirements and available non-Federal audit options for Department of Health and Human Service awards. Two audit options are available to commercial organizations. One option is a financial related audit as defined in the Government Auditing Standards, GPO stock #020-000-00-265-4 (commonly known as the Yellow Book) of all DHHS awards; the second option is an audit that meets the requirements of OMB Circular A-133.

Commercial organizations that receive annual DHHS awards totaling less than the OMB Circular A-1333's audit requirement threshold are exempt from a non-Federal audit for that year, but must make records available for audit or review as requested by CMS or other designated officials.

OMB Circular A-133 now requires that all auditees submit a completed data collection form (SF-SAC) in addition to the audit report. For questions concerning the submission process or to obtain a copy of the form, you may call the Federal Audit Clearinghouse (888-222-9907).

Information can also be found on the internet at http://harvester.census.gov/sac/. Audit reports for both CMS and other DHHS awards shall be submitted to the Federal Audit Clearinghouse at the address shown below:

Federal Audit Clearinghouse

Bureau of the Census

1201 E. 10th Street

Jeffersonville, IN 47132

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, Maryland 21244-1850

Money Follows the Person (MFP) Rebalancing Demonstration Programmatic Special Terms and Conditions

1. **Operational Protocol – Revisions:** All proposed revisions to the State's MFP demonstration program and to the State's Operational Protocol that are the result of changes in policy or operating procedures must be submitted for review and approval by CMS. The State must submit a request to CMS for these changes no later than 30 days prior to the date of implementation of the change(s). Revisions must include an implementation date for the proposed changes and a revised budget as appropriate.

2. **Financial and Programmatic Reporting:** The grantee agrees to the following reporting requirements:

   Financial Status Report Form (SF-269 or SF-269A): Item number 1 of the general terms and conditions refers to submittal of a SF-269. This mandated financial status report will account for all uses of grant monies during each reporting period. For purposes of this demonstration, the SF-269 must be submitted semi-annually (a mid-year and end-of-year report).

   All MFP specific financial reporting forms: These forms include, but are not limited to:
   - MFP Financial Reporting Form: Due on a quarterly basis, 30 days after the end of each quarter.
   - Maintenance of Effort (MOE) form: Due with the supplemental funding request, or if no request is made, at the end of each calendar year. The information reported on the MOE form may be based on the most recent State fiscal year if that is expeditious for the State.
   - CMS 64 9i, 9Pi, 10i, and 10Pi. These informational Medicaid budget forms are due from the State's budget offices to CMS on a quarterly basis, 30 days after the end of each quarter. These forms feed into the Medicaid Budget Expenditure System (MBES). While these are not submitted by the MFP Project Director to CMS, we expect the full cooperation of the MFP project to ensure that MFP costs are included in the State's overall submission of these forms. This cooperation will ensure that States' Medicaid allotments for budgeting purposes remain accurate.

   Semi-Annual Web-based Progress Reports: Web-based progress reports are required to be submitted semi-annually. The submission and approval of the grantees' final Operational Protocol is considered the grantees' first progress report. Once the Operational Protocol is approved, the grantee must follow the standard reporting schedule for web-based reports. Reports are due August 1 for the period of operation occurring between January 1 and June 30, and February 1 for the period of operation occurring July1 through December 31. Grantees must report even if they have not operated for a complete reporting period.

3. **Supplemental Award Process:** CMS will award supplemental funding for all subsequent years of the demonstration with the following conditions:
    - The grantee must submit a request for a supplemental award, to the CMS Project Officer (by electronic mail and hard copy) by November 1st, of each year preceding the requested supplemental award year. The supplemental award request will include a letter stating the request and the following forms:
        - If different from the current file version, an updated MFP Budget Form representing the calendar year (CY) for the proposed supplemental award. The MFP Budget Form can be located at www.mfpresources.com.
        - MFP Maintenance of Effort Form

    - The grantee must be in full compliance with all CMS specified MFP financial and programmatic reporting requirements. The CMS project officer will use the second quarter MFP Financial Reporting Form to assess the expenditure level of the program before committing further funds.

    - After the first year of implementation, the process for issuing MFP supplemental awards will also incorporate a review of the grantee's progress in the achievement of its stated annual benchmarks. These benchmarks, and any revisions to them, must have been proposed by the State, and approved by CMS. MFP supplemental funding is contingent upon the attainment of the specified annual benchmarks. For state-specific benchmarks, the grantee agrees to submit a clear description, with corollary documentation, of the attainment of the state-specific benchmarks through the web-based progress reports.

4. **Governing Requirements:** All the requirements in the statute (Section 6071 of the Deficit Reduction Act of 2005) and the solicitation, Money Follows the Person Rebalancing Demonstration CFDA 93.779, as well as all additional information in the form of Questions and Answers or other policy statements posted on the CMS website or at www.mfpresources.com are governing components of this award. Further, the State agrees to abide by future policy issuances that further refine the MFP content. For example, the State will submit any incidents from its incident reporting system that CMS in future policy guidance identifies as mandatory reporting.

5. **Cooperation with the MFP National Evaluation Contractor.** All awardees must continue to cooperate with the CMS contractors working in support of the MFP Demonstration. The grantee agrees to participate in all efforts, by CMS and its contractors, to evaluate the programmatic elements and operational components of the State's demonstration program. As required by The Congress in the Deficit Reduction Act of 2005, The Secretary must make a final report to the President and Congress, not later than September 11, 2011 providing the findings and conclusions on the conduct and effectiveness of the MFP demonstration projects. To that end, the MFP demonstration grantee agrees to work in partnership with CMS and its contractor, to help ensure the validity and completeness of the State's information used for the National evaluation.

The following are required:

- Minimum Data Set: The State will submit the finder file, program participation data file, services file and quality of life file required by this demonstration, timely, in accordance with the schedule that has been provided.

- Submission of data to CMS: CMS has provided a file transfer protocol delineating the process for forwarding its research data to CMS in a timely manner. The State agrees to employ this protocol.

- The grantee must administer, to CMS' full specifications, the Quality of Life Survey. This survey must be administered within the timeframes and methodology specified by CMS and must include, in its efforts, a number of MFP participants as determined by CMS. The revised budget submitted by the grantee will include the request for $100 reimbursement per survey administration for a maximum of $300 per participant.

- Use and access to all evaluative data will be limited to the specific research purposes of these projects and shall adhere to all CMS provisions concerning data release policies, the Privacy Act of 1974, and the Health Insurance Portability and Accountability Act of 1996.

6. **Cooperation with the Contractor for Quality Assurance and Improvement, and Technical Assistance and Oversight.**

- Technical Assistance Needs Assessment: The Grantee must fully cooperate with the contractor(s) engaged in the Technical Assistance Needs Assessment performed for each MFP demonstration grantee. The grantee further agrees to comply with the technical assistance plan that has been or will be developed by the contractor, and approved by CMS.

7. **Separating Medicaid Service Claims:** The MFP Grantees will be expected to use existing Medicaid reporting systems including MSIS for all acute care services and institutional long-term care services, thereby clearly separating the reimbursements for services that are billable under MFP from those that are not.

8. **MFP Bi-Annual Conference:** For the duration of this grant award, the grantee agrees to attend bi-annual CMS sponsored National meetings dedicated to the interests of the CMS MFP Demonstration Program. The location, date, and time of these meetings will be determined by CMS. The grantee is expected to have, at a minimum, the MFP Project Director, in attendance at this annual meeting.

9. **Product Development:** At any phase in the project, including the project's conclusion, the grantee if requested by the CMS Project Officer, must deliver to CMS materials, systems, or other items applied, developed, refined or enhanced in the course of or under the award. The grantee agrees that CMS shall have royalty-free, nonexclusive or irrevocable rights to reproduce, publish, or otherwise use and authorize others to use the items for Federal government purposes.

10. **Use of HCBS.org:** The grantee is required to post CMS-grant funded work products on HCBS/Clearinghouse for Community Living Exchange Collaboration as available. This website, located at www.hcbs.org, serves as a CMS repository of resources related to community based services and supports.

11. **Selling products:** If the grantee intends to sell grant products, the following criteria must be applied:

- The information must be made available to other Federal grantees at no cost.
- The hcbs.org website must include a description of the product with a statement that it may be purchased, and a clarification that it is available to other grantees without charge. A contact person must be identified.
- Any funds obtained from the sale of the product must be reinvested in grant activities.

12. **Work Products Resulting from Grant Funds:** The grantee agrees to include the following attribution and disclaimer on all materials developed for public distribution, which are funded under the grant:

> "This document was developed under grant CFDA 93.779 from the U.S. Department of Health and Human Services, Centers for Medicare & Medicaid Services. However, these contents do not necessarily represent the policy of the U.S. Department of Health and Human Services, and you should not assume endorsement by the Federal Government."

In addition, the grantee agrees that all materials developed through Federal grant funding will be made accessible to people with special needs (e.g. people with visual or hearing impairments).

13. **Project Director:** Grantees must continue to fully maintain a Project Director that will be a state employee, with sufficient authority to run the demonstration program, dedicated full-time to the MFP project without financial conflicts of interest in the project. Should the named Project Director not continue in the role as full-time MFP Project Director, the grantee shall submit a plan to CMS for continuation of demonstration operations until a new Project Director is fully hired and engaged in the administration and operation of the Demonstration. The grantee shall submit the resume of the new Project Director to CMS project officer for approval. Any deviations from this policy must be with the full knowledge and approval of the CMS project officer.

Money Follows the Person Rebalancing Demonstration
State Specific Terms and Conditions
Ohio

Ohio will resubmit the MFP Proposed Budget Request Worksheet (Appendix C) in complete form within 30 days of receiving this award package. If assistance is needed, Ohio project personnel will contact Carey Appold or Steve Hrybyk at 410/786-1058.

Ohio will submit the required services claims files regardless of whether the State maintains the current plan to submit past due MSIS data on the entire Medicaid program.