

Program Element #08: Ryan White Program, Part B HIV/ AIDS Services

1. **General Description.** Funds provided under this Agreement for this Program Element must only be used, in accordance with and subject to the requirements and limitations set forth below, to deliver to eligible individuals with HIV and their families one or more of the services described in the Program, Part B of XXVI of the PHS Act as amended by the Ryan White HIV/AIDS Treatment Extension Act of 2009 (Ryan White Program), referred to hereafter as “Ryan White Program”. Expenditure of these funds must be directly related to an individual’s HIV positive status and is necessary to help him/her remain in HIV medical care or to the removal of barriers to his/her receipt of appropriate medical care and treatment. All Ryan White Program, Part B HIV/AIDS Services that are supported in whole or in part with funds provided under this Agreement must be delivered in accordance with OAR 333-022-2000 and the Oregon “HIV Medical Case Management Standards of Service” and “HIV Case Management and Support Services Policies, Services Definitions & Guidance”.

2. **Definitions specific to Ryan White Program, Part B HIV/AIDS Services.**
 - a. **Case Management or Case Management Services.** Case management is a range of client-centered services that link clients with health care, psychosocial and other services. These services ensure timely and coordinated access to medically appropriate levels of health and support services and continuity of care through ongoing assessment of the client’s and other key family members’ needs and personal support systems. Key activities include (1) initial assessment of service needs, (2) development of a comprehensive, individualized service plan, (3) coordination and referral follow-up of services required to implement the plan; (4) client monitoring to assess the efficacy of the plan; and (5) periodic re-evaluation and adaptation of the plan as necessary over the life of the client. Case management includes client-specific advocacy and review of the client’s utilization of services. Case management includes, but is not limited to face-to-face coordination, phone contact, and other appropriate forms of communication.

Two types of case management are allowable: medical case management and non-medical case management. Medical case management must be provided by a Registered Nurse licensed in Oregon. The coordination and follow-up of medical treatments is a component of medical case management. Medical case management includes the provision of medical treatment adherence counseling to ensure readiness for, and adherence to, HIV/AIDS medication regimens and treatments. Additionally, medical case management includes liver health, nutritional and oral health assessment and education.

 - b. **Oregon Health Authority (OHA), Part B Ryan White Program, Part B HIV Medical Case Management Standards of Service:** The “Standards”, incorporated herein by this reference that outlines or defines the set of standards and provides directions for delivery of HIV/AIDS Case Management in the State of Oregon. These standards also provide a framework for evaluating HIV/AIDS Case Management Services and defining a case manager’s accountability to the public and to the individuals receiving Ryan White Program, Part B Program, Part B HIV/AIDS Services. These standards are available at www.healthoregon.org/hiv.

- c. **HRSA/HAB or Health Resources and Services Administration HIV/AIDS Bureau:** The agency of the U.S. Department of Health and Human Services that is responsible for administering the Ryan White Program. Information about HRSA is available at www.hab.hrsa.gov
- d. **XXVI of the PHS Act as amended by the Ryan White HIV/AIDS Treatment Extension Act of 2009 (Ryan White Program):** Public Law 111-87, enacted in 1990 and reauthorized in 1996, 2000, 2006 and extended in 2009, which is the federal legislation enacted to address the health care and support service needs of individuals living with the HIV disease and their families in the United States and its territories.
- e. **Program, Part B HIV Care and Treatment Program:** The State program, funded predominately under Program, Part B of the Ryan White Program, for improving the quality, availability, and organization of health care and support services to individuals with HIV and their families, with the goal of improved health outcomes for individuals with HIV.
- f. **Oregon HIV Case Management and Support Services Policies, Services Definitions & Guidance:** The “Policy Guidance”, incorporated herein by this reference, that defines the range of support services that may be purchased with funds awarded under this Agreement for Ryan White Program, Part B HIV/AIDS Services, and includes the service and eligibility definitions, and guidance for the delivery of support services. The Policy Guidance is available at www.healthoregon.org/hiv.

3. Procedural and Operational Requirements. All Ryan White Program, Part B HIV/AIDS Services supported in whole or in part with funds provided under this Agreement must be delivered in accordance with the following procedural and operational requirements:

- a. **Eligibility.** HIV verification, identity, residency, health insurance status and income must be documented within 30 working days from the date of Intake. Thereafter, income, health insurance status and residency must be verified every 6 months. Ryan White Program, Part B HIV/AIDS Services may only be delivered to HIV-infected individuals in LPHA’s service area who are active participants in Case Management Services that comply with the requirements of the Oregon Program, Part B Standards, and to their affected families of origin or choice. Verification of HIV status may be undertaken only after LPHA obtains the required consent of that individual to the release of HIV-specific information. This documentation may not be released to a third party without further consent of that individual.
- b. **Certain Limitations on Use of Financial Assistance.**
 - i. Financial assistance provided under this Agreement for Ryan White Program, Part B HIV/AIDS Services may not be used to cover the costs for any item or service covered by other state, federal, or private benefits or service programs. The financial assistance provided under this Agreement for Ryan White Program, Part B HIV/AIDS Services must be used as dollars of last resort. LPHA must document in the records of the individual receiving the Ryan White Program, Part B HIV/AIDS services that the funds are being used in a manner that complies with this paragraph.

priority to "Core" services as defined within the program guidance. Financial assistance to specific clients must be prioritized based on a client's level of need and in accordance with the Policy Guidance and Standards.

- ii.** All Ryan White Program, Part B HIV/AIDS Services supported in whole or in part with funds provided under this Agreement must be delivered consistent with the service priorities set forth in the Policy Guidance, LPHA must use the funds awarded to LPHA under this Agreement for Ryan White Program, Part B HIV/AIDS Services in accordance with the care services budget which is attached to this Program Element Description as Attachment 1 and incorporated herein by this reference (the "Care Services Budget"). Modifications of this budget may only be made with OHA approval, as reflected in an amendment to this Agreement, duly executed by all parties.
- iii.** In the event of any conflict or inconsistency between LPHA's Care Services Budget and the provisions of this Program Element Description (excluding any attachments), the provisions of this Program Element Description (excluding any attachments) shall control.
- iv.** All Ryan White Program, Part B HIV/AIDS Services must be available and delivered in a culturally and linguistically appropriate manner and must meet the National Standards on Culturally and Linguistically Appropriate Services (CLAS); specifically the mandates which are the current Federal requirements for all recipients of Federal funds (Standards 4, 5, 6, and 7 at <http://minorityhealth.hhs.gov/templates/browse.aspx?lvl=2&lvlID=15>).
- v.** LPHA will comply with the Americans with Disabilities Act (ADA) requirements and ensure that the facility is accessible by public transportation or provide for transportation assistance to the facility when needed, which may be paid utilizing funds under this Agreement per guidance in Section 3.c.i. of this Program Element.
- vi.** LPHA providing Ryan White Program, Part B HIV/AIDS Services may not solicit or receive payments in kind or cash for purchasing, leasing, ordering, or recommending the purchase, lease or ordering of any goods, facility services or items. Applicable policies must be available upon request.
- vii.** LPHA must comply with statute (41 USC 4712), which states that an employee of a contractor, subcontractor, grantee [or subgrantee] may not be discharged, demoted, or otherwise discriminated against as a reprisal for "whistleblowing." In addition, whistleblowing protections cannot be waived by policy, form, or condition of employment. Whistleblowing is defined as making a disclosure that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant; a gross waste of federal funds; an abuse of authority related to a federal contract or grant; a substantial and specific danger to public health or safety; or a violation of law, rule, or regulation related to a federal contract or grant.

e. Case Management.

- i.** Case Management services must be provided to all eligible individuals within LPHA's service area who seek such services and must be delivered consistently throughout the period for which financial assistance is awarded under this Agreement for Ryan White Program, Part B HIV/AIDS Services.
- ii.** All Case Management services must be delivered in accordance with the Oregon Program, Part B HIV Medical Case Management Standards of Service.
- iii.** LPHA shall establish a grievance policy, which includes the client's right for a hearing in accordance with OAR 333-022-2000, for recipients of Ryan White Program, Part B HIV/AIDS Services supported in whole or in part with funds provided under this Agreement and shall make this policy known to and available to individuals receiving the services.
- iv.** All Providers of Ryan White Program, Part B HIV/AIDS Services must obtain, and maintain in the file of the individual receiving the services, appropriately signed and dated releases of information and consents to care for each such individual prior to commencement of services.

f. Confidentiality. In addition to the requirements set forth in section 6 of Exhibit E of this Agreement, all Providers of Ryan White Program, Part B HIV/AIDS Services must comply with the following confidentiality requirements:

- i.** No information regarding an individual's HIV-positive status may be kept or retained on file by a Provider of Ryan White Program, Part B HIV/AIDS Services without documentation of an established "client with service provider" relationship between the Provider and the individual. This relationship is established when a Provider of Ryan White Program, Part B HIV/AIDS Services, at a minimum, engages in an interview or dialog with the individual that results in a specific record being developed relative to prospective services available to that individual.
- ii.** All materials related to the delivery of Ryan White Program, Part B HIV/AIDS Services that contain names or other identifying information of individuals receiving services must be kept in a locked and secure area/cabinet, which allows access only to authorized personnel, and all computers and data programs that contain such information must have restricted access. Staff computers must be in a secure area not accessible by the public, and computer systems must be password protected. Providers of Ryan White Program, Part B HIV/AIDS Services must comply with all county, state and federal confidentiality requirements applicable to the delivery of Ryan White Program, Part B HIV/AIDS Services.
- iii.** Breaches of confidentiality are serious and require immediate action. Therefore, the supervisory or administrative staff of a Ryan White Program, Part B HIV/AIDS Services funded Provider must immediately investigate, evaluate and, if necessary, correct any alleged breaches by its staff of the confidentiality requirements of this Program Element; further, Provider must document the steps it takes to resolve any breaches of confidentiality. All confirmed breaches of the confidentiality

requirements of this Program Element must result in appropriate sanctions in accordance with Provider policy and procedure and applicable law. Each Provider of Ryan White Program, Part B HIV/AIDS Services must report to OHA in sufficient detail any confirmed breaches by its staff of the confidentiality requirements of this Program Element within 14 days of Provider's evaluation of such breaches as described above.

- iv. Providers of Ryan White Program, Part B HIV/AIDS Services must establish and comply with a written policy and procedure regarding breach of the confidentiality requirements of this Program Element. Such policy must describe the consequences to the employee or volunteer for a verified breach of the confidentiality requirements of this Program Element.
 - v. Providers of Ryan White Program, Part B HIV/AIDS Services must conduct an annual review, and maintain documentation of that annual review, of county, state, and federal requirements regarding the confidentiality of information related to individuals receiving Ryan White Program, Part B HIV/AIDS Services. Providers of Ryan White Program, Part B HIV/AIDS Services must require employees and any non-paid staff (i.e. volunteers) who, in the course of performing their job, have access to such information to have an annual review of the confidentiality requirements and to acknowledge in writing his/her understanding of such requirements governing this information.
 - vi. Providers of Ryan White Program, Part B HIV/AIDS Services must provide an on-site private room for individuals providing Case Management services to counsel or interview individuals receiving Ryan White Program, Part B HIV/AIDS Services.
- g. LPHA Staffing Requirements and Staff Qualifications.**
- i. LPHA must employ a Registered Nurse trained in the use of the Oregon Program, Part B HIV Medical Case Management Standards of Service for the delivery of Ryan White Program, Part B HIV/AIDS Services. Any additional staff must also be trained in the use of the Oregon Program, Part B HIV Medical Case Management Standards of Service.
 - ii. LPHA shall provide staffing for Case Management services as identified in the Care Services Budget and in accordance with the Oregon Program, Part B HIV Medical Case Management Standards of Service.
 - iii. All LPHA and Provider staff who provide Ryan White Program, Part B HIV/AIDS Services must attend training sessions and be appropriately trained on the delivery of such services, as reasonably designated by OHA. OHA will inform LPHA of the schedule and locations for the training sessions.
 - iv. LPHA shall provide an Information Technology (IT) contact to execute and ensure compliance with the RW CAREWare Client Tier Installation Instructions, which are available from OHA upon request.

h. LPHA Fiscal Controls and General Administration.

- i.** LPHA must have appropriate fiscal controls in place for the use and disbursement of financial assistance provided under this Agreement for Ryan White Program, Part B HIV/AIDS Services. LPHA must document in its files the types of agreement monitoring activities that LPHA will perform with respect to Provider Agreements for the delivery of Ryan White Program, Part B HIV/AIDS Services and the projected schedule of such monitoring activities during the term of this Agreement. Required monitoring activities include but are not limited to determining whether the basic elements of the Program, the standards are being met and taking appropriate action if they are not. LPHA must submit to OHA copies of all Provider Agreements (i.e. LPHA Financial Assistance Grant Agreements) for the delivery of Ryan White Program, Part B HIV/AIDS Services during the term of this Agreement. LPHA may not pay the Provider with funds received under this Agreement for this Program Element until OHA has received a copy of the Provider Agreement. OHA's obligation to disburse financial assistance provided under this Agreement for this Program Element to cover payments on a Provider Agreement is conditioned on OHA's receipt of a copy of that Provider Agreement. LPHA must notify OHA in writing of LPHA's process for selecting Providers to provide Ryan White Program, Part B HIV/AIDS Services supported in whole or in part with the financial assistance provided under this Agreement for this Program Element (e.g., competitive request for proposals or sole source award) prior to commencing the selection process.
- ii.** LPHA must notify OHA within 10 business days and in writing, of proposed changes, during the term of this Agreement, in the budget or in the availability of Ryan White Program, Part B HIV/AIDS Services funded through this Agreement, to include service hours, staffing, professional qualifications of staff, and fiscal management. A revised budget must be re-submitted to OHA for approval of changes when applicable.

4. Reporting Obligations and Periodic Reporting Requirements. In addition to the reporting requirements set forth in Section 8 of Exhibit E of the Agreement, LPHA and any sub-contractors shall submit the following reports and information to OHA:

- a.** Quarterly Progress Reports must be submitted no later than October 31, January 31, April 30 and July 31 for the quarters ending September 30, December 31, March 31 and June 30 in each fiscal year. Quarterly Progress Reports include a narrative report and Administrative Fiscal Form. Reporting forms are found at www.healthoregon.org/hiv .
- b.** LPHA must conduct a local chart review utilizing the approved program review tool found at www.healthoregon.org/hiv . The results of this review will be compiled into the Client Chart Review Summary report and submitted to the Program not later than October 31st of each fiscal year.
- c.** LPHA shall conduct an audit in accordance with Exhibit G "Required Federal Conditions", Section 7 "Audits" of this Agreement. Verification of the completed audit will be obtained through the Secretary of State Audit Division.

d. With respect to each individual receiving Ryan White Program, Part B HIV/AIDS Services with funds provided under this Agreement, demographic, service and clinical data must be collected and reported to the OHA by utilizing the HRSA developed software package, RW CAREWare, to enter the data obtained by LPHA and as described in the Oregon RW CAREWare User Guide found at www.healthoregon.org/hiv . Users are required to enter all demographic, service and clinical data fields within 30 days of the date of service. Use of RW CAREWare software and reporting system requires high-speed internet connectivity, and must be compliant with the minimum requirements outlined in the “Oregon RW CAREWare Client Tier Installation Instructions” available upon request. The software configuration that will be used includes a client tier at the local level that connects to a business and data tier managed by the Oregon Health Authority, requiring LPHA to connect to the centralized database for data entry purposes.

5. **Performance Goals.** OHA will conduct a comprehensive review of LPHA’s performance every three years as a part of the state triennial review process. The results of the review, including commendations, compliance findings, and recommendations are communicated to the Local Public Health Authority and the County Health Administrator. The review tool and review schedule can be found at the following link:
<http://public.health.oregon.gov/ProviderPartnerResources/LocalHealthDepartmentResources/Pages/lhd-trt.aspx>.

Attachment 1
Oregon Ryan White Program, Part B
HIV Case Management Quality Improvement Program
Care Services Budget
[Reserved]