



## **POLICY AND PROCEDURE NOTICE: PPPN-004 FUNDING EXCLUSIONS AND RESTRICTIONS**

**Summary and Purpose of PPN:** To guide the administration of the Ryan White Part A Program to ensure compliance with grant requirements.

### **Authority:**

- Public Health Service Act, Title XXVI
- PHS ACT 2684
- PHS ACT 2604(i)
- Notice of Award
- HAB Policy Notice 07-06
- 45 CFR 93
- HAB Policy Notice 16-02
- Part A Manual
- HHS Grants Policy Statement
- Fulton County Ryan White Contract/Agreement
- Fulton County Ryan White Part A Request for Proposals
- HRSA PCN #11-04

### **Policy and Procedure:**

The recipient shall provide to all Part A providers an accounting of unallowable costs. Federal Grant funds should be treated with the same conservatism one would use with personal funds. Providers should be conscientious in the use of Part A grant funds to maximize the benefit to the client without providing extravagant expenditures to enhance the service contractor/provider subrecipient.

### **RWHAP Funds:**

1. Ryan White funds may not be used to supplant or replace state and local HIV-related funding or in-kind resources expended by Subrecipient for HIV-related services.
2. Ryan White funds may not provide items or services for which payment has already been made or can reasonably be expected to be made by third party payers, including Medicaid, Medicare, and/or other state or local entitlement programs, prepaid health plans, or private insurance.
3. Ryan White funds may not be used to purchase or improve land, nor be used to purchase, construct or make permanent improvements to any building, except for minor remodeling as specifically pre-approved by the Recipient.

4. Ryan White funds may not be used to pay clients to utilize services.
5. Ryan White funds may not be used to develop materials designed to promote or encourage intravenous drug use or sexual activity, whether homosexual or heterosexual.
6. Ryan White funds may not be used for the purchase of vehicles without written approval from the recipient based upon prior approval from HRSA.
7. Ryan White funds may not be used for non-targeted marketing promotions or advertising about HIV services that target the general public (poster campaigns for display on public transit, TV or radio public service announcements, etc.) or for broad scope awareness activities about HIV services that target the general public.
8. Ryan White funds may not be used for influencing or attempting to influence members of Congress and other Federal personnel.
9. Ryan White funds may not be used for outreach activities that have HIV prevention education as their exclusive purpose.
10. Ryan White funds may not be used for foreign travel.
11. Ryan White funds may not be used to support employment, vocational, or employment-readiness services.
12. Ryan White funds may not be used for carrying-out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug unless pre-approved by HRSA. Syringe access services are allowable, to the extent that they are in accordance with current appropriations law and applicable HHS guidance, including HRSA- or HAB-specific guidance and approval.
13. Ryan White funds may not be used to support the portion of any space, expenses, or staff position **not** devoted to Ryan White activities.
14. Ryan White funds may not be used for purchase of equipment costing \$25,000 without prior written approval by the recipient based upon prior approval by HRSA.
15. Ryan White funds may not be used for inpatient case management services that prevent unnecessary hospitalization or that expedite discharge, as medically appropriate, from inpatient facilities.
16. Ryan White funds may not replace the resources of institutional inpatient settings, such as hospitals and nursing homes that are already devoted to the support of personnel providing HIV-related services.
17. Ryan White funds may not be used to purchase clothing.
18. Ryan White funds may not be used for funeral, burial, cremation or related expenses.
19. Ryan White funds may not be used for local or state personal property taxes (for residential property, private automobiles, or any other personal property against which taxes may be levied).
20. Ryan White funds may not be used for entertainment costs; this includes the cost of amusements, social activities, related incidental costs, and gym memberships
21. Ryan White funds may not be used for household appliances.
22. Ryan White funds may not be used for pet foods or other non- essential products.

23. Ryan White funds may not be used for PrEP or nPEP medications or primary care services, as the person using PrEP or nPEP is not living with HIV, and therefore is not eligible for Ryan White funded medications.
24. Ryan White funds may not be used for out-of-state travel, research projects, clinical trials, or fund raising activities (including salaries, supplies, etc.).
25. Ryan White funds may not be used to pay for professional licensure.
26. Ryan White funds may not be used to make cash payments to intended clients of core medical or support services. This prohibition includes cash incentives and cash intended as payment for RWHAP services. Where direct provision of the service is not possible or effective, store gift cards, vouchers, coupons, or tickets that can be exchanged for a specific service or commodity (e.g., food or transportation) must be used. Store gift cards that can be redeemed at one merchant or an affiliated group of merchants for specific goods or services that further the goals and objectives of the RWHAP are also allowable as incentives for eligible program participants. Recipients are advised to administer voucher and store gift card programs in a manner which assures that vouchers or gift cards cannot be exchanged for cash or used for anything other than allowable goods or services, and that systems are in place to account for disbursed vouchers and store gift cards.
  - Note: General use prepaid cards are considered “cash equivalent” and are unallowable. Such cards generally bear the logo of a payment network, such as Visa, MasterCard, or American Express, and are accepted by any merchant that accepts those credit or debit cards as payment. Gift cards that are cobranding with the logo of a payment network and the logo of a merchant or affiliated group of merchants are general use prepaid cards, not store gift cards, and therefore are also unallowable.
27. Ryan White funds may not be used to provide any support service, primary medical care or prescription drugs for any incarcerated person in a local, State or Federal correctional facility (including city or county jails).
28. Ryan White Part A funds may not be used to fund any item or service which can reasonably be expected to be paid through other state, federal or private benefits programs including Medicaid, Medicare, and/or other state or local entitlement programs, prepaid health plans, or private insurance; **Ryan White funds must be used as the payer of last resort** and appropriate documentation must be included in the client’s file.
29. Ryan White Part A funds may not be used to replace the resources of institutional inpatient settings, such as hospitals and nursing homes that are already devoted to the support of personnel providing HIV-related services.
30. Subrecipients must ensure that staff responsible for managing a Ryan White Part A-funded service (including financial) staff have been informed of funding exclusions and restrictions and maintain documentation to that effect.
31. Ryan White Part A funds may not be used for direct maintenance expenses (tires, repairs, etc.) of a privately-owned vehicle

32. Ryan White Part A funds may not be used for any other costs associated with a privately-owned vehicle such as lease, loan payments, and insurance, license, or registration fees.
33. Ryan White Part A funds may not be used to support voter registration activities.
34. Ryan White Part A funds may not be used to support costs associated with incorporation.
35. Ryan White Part A funds may not be used to support alternative healing methods (i.e., Reiki, Qi Gong, Tai chi, etc.).
36. Ryan White Part A funds may not be used to support relaxation audio/video tapes.
37. Ryan White Part A funds may not be used for yoga, yoga instruction, yoga audio/video tapes, yoga/exercise mats.
38. Ryan White Part A funds may not be used to support mortgage payments.
39. Ryan White Part A funds may not be used for criminal defense and class-action suits unless related to access to services eligible for funding under the RWHAP.

#### Verification:

- Recipient will include language in RFPs indicating funding exclusions and restrictions.
- Recipient will review all funding requests to ensure that excluded items are not funded.
- Recipient will only contract with sub-recipients for allowable items.
- Recipient will review invoices and supporting documentation to ensure that only allowable items are approved for reimbursement.
- Fulton County Grants Management staff will review invoices approved by the recipient to ensure only allowable items are reimbursed.
- Verification of documentation indicating that staff have been made aware of funding exclusions and restrictions.
- The financial monitoring site visits will review subrecipient expenses to identify any unallowable costs.
- Require provider budgets and expense reports with sufficient budget justification and expense detail to document they do not include unallowable costs.
- If funds are used for marketing, subrecipient must prepare a detailed program plan and budget narrative that describe planned use of any advertising or marketing activities.
- If funds are used for outreach activities the subrecipient must provide a detailed program plan of outreach activities that demonstrates how the outreach goes beyond HIV prevention education to include testing and early entry into care.
- Subrecipients shall maintain a file documenting all travel expenses paid by Part A funds.
- Review subrecipient policies that prohibit use of Ryan White funds for cash payments to service recipients.

Approved: June 2016

Reviewed: April 2021