

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

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Meeting Date: December 6, 2022	<input checked="" type="checkbox"/> [ X ]	Consent	<input type="checkbox"/> [ ]	Regular
	<input type="checkbox"/> [ ]	Ordinance	<input type="checkbox"/> [ ]	Public Hearing

Department  
Submitted By: Community Services  
Submitted For: Ryan White Program

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I. EXECUTIVE BRIEF

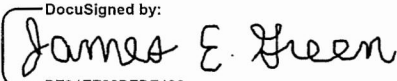
**Motion and Title:** Staff recommends motion to ratify: the signature of the Mayor on the Ryan White Part A HIV Emergency Relief Grant Year (GY) 2023 Agreements and Compliance Assurances, Non-Compete Continuation (NCC) Progress Report, for the period March 1, 2023 through February 29, 2024, in an amount not-to-exceed \$7,981,015, which represents a 5% increase from the current year grant and the ceiling amount available.

**Summary:** The U.S Department of Health and Human Services (HHS) Health Resources and Services Administration (HRSA) transitioned the Ryan White Program from an annual competitive program to a three-year (3) non-competing continuation program, effective in GY 2022. The Ryan White Program is still annually funded; however, to reduce administrative burden and better align programmatic goals, NCC Progress Reports will be submitted in lieu of competitive applications in the second and third budget periods. The Palm Beach County Board of County Commissioners (BCC) has received this federal grant since 1994 and assisted thousands of persons with HIV/AIDS with medical and support series. The funding for GY 2023 will allow us to serve approximately 3,800 Palm Beach County residents with HIV/AIDS and advance our goal to end HIV by 2030. The emergency signature process was utilized because there was insufficient time to submit this item through the regular Board of County Commissioners agenda process and meet the grantor's deadline. **No County match is required.** (Ryan White Program) Countywide (HH).

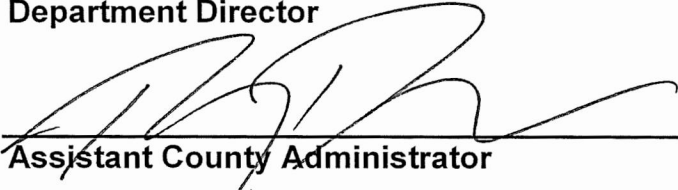
**Background and Justification:** The Palm Beach County Board of County Commissioners has been receiving this grant since 1994 and has assisted thousands of persons living with HIV/AIDS with core medical and support services.

**Attachments:** GY 2023 Ryan White Part A HIV Emergency Relief Agreements and Compliance Assurances with walkthrough memo

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Recommended By: \_\_\_\_\_  
Department Director Date

Approved By:  \_\_\_\_\_  
Assistant County Administrator Date 11/22/2022

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2023	2024	2025	2026	2027
Capital Expenditures					
Operating Costs	\$4,655,588	3,325,427			
External Revenue	(\$4,655,588)	(\$3,325,427)			
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	0	0			

No. ADDITIONAL FTE POSITIONS (Cumulative)					
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Is Item Included In Current Budget? Yes X No         
Does this item include the use of federal funds? Yes X No       

Budget Account No.:  
Fund 1010 Dept 142 Unit VAR Object VAR Program Code VAR Program Period GY23

B. Recommended Sources of Funds/Summary of Fiscal Impact:  
Funding source is the Department of Health and Human Services. No County match is required. Budget will be amended upon receipt of grant award.

DocuSigned by:  
*Julie Dowe*  
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C. Departmental Fiscal Review: \_\_\_\_\_  
Julie Dowe, Director, Financial & Support Svcs.

II. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

*[Signature]* 11/17/22  
OFMB *DC* 11/16 *[Signature]* 11/17/22 Contract Development and Control  
MB 11/16

B. Legal Sufficiency:

*[Signature]* 11/21/22  
Assistant County Attorney

C. Other Department Review:

\_\_\_\_\_  
Department Director

This summary is not to be used as a basis for payment.

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West Palm Beach, FL 33401  
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Fax: (561) 242-7336  
www.pbcgov.com/communityservices



**Palm Beach County  
Board of County  
Commissioners**  
  
Robert S. Weinroth, Mayor  
  
Gregg K. Weiss, Vice Mayor  
  
Maria G. Marino  
  
Dave Kerner  
  
Maria Sachs  
  
Melissa McKinlay  
  
Mack Bernard

**County Administrator**  
  
Verdenia C. Baker

"An Equal Opportunity  
Affirmative Action Employer"

Official Electronic Letterhead

**Memorandum**

**TO:** Robert S. Weinroth, Mayor  
Board of County Commissioners

**THRU:** Verdenia C. Baker, County Administrator *VCBaker*  
Board of County Commissioners

**THRU:** Reginald Duren, Assistant County Administrator *RD*  
Board of County Commissioners

**FROM:** James Green, Director *JG*  
Community Services Department

**DATE:** Thursday, September 15, 2022

**RE:** **GY 2023 Ryan White Part A HIV Emergency Relief  
Agreements and Compliance Assurances**

Pursuant to Section 309 of the Administrative Code, your signature is needed on the Grant Year (GY) 2023 Ryan White Part A HIV Emergency Relief Agreements and Compliance Assurances Non-Compete Continuation (NCC) Progress Report. The grant year will begin March 1, 2023 through February 29, 2024. The amount requested is \$7,981,015, which represents a 5% increase from the current grant year and the ceiling amount available. There are no County match funds required.

The Palm Beach County Board of County Commissioners (BCC) has received this federal grant since 1994 and assisted thousands of persons with HIV/AIDS with medical and support services. The funding for GY 2023 will allow us to serve approximately 3,800 Palm Beach County residents with HIV/AIDS and advance our goal to end HIV by 2030.

The U.S. Department of Health and Human Services (HHS), Health Resources and Services Administration (HRSA) transitioned the Ryan White Program from an annual competitive program to a three-year non-competing continuation program effective in GY 2022. The Ryan White Program is still annually funded; however, to reduce administrative burden and better align programmatic goals, NCC Progress Reports will be submitted in lieu of competitive applications in the second and third budget periods.

The guidance was released on September 2, 2022, with instructions to submit by October 3, 2022. HHS recommends submitting the item as early as possible to avoid any technical issues with online submission. The target submission date is September 30, 2022. The emergency signature process is being utilized because there is not sufficient time to submit the item through the regular Board of County Commissioner's agenda process and meet the return deadline. Staff will submit this item at the next available BCC board meeting.

If additional information is needed, please contact Dr. Casey Messer, (561) 355-4730.

Approved by: *Taruna Malhotra*  
Assistant Department Director  
*Helene C. Hvizd*  
Helene Hvizd  
Assistant County Attorney

*Freddie Johnson*  
OFMB  
*Reginald Duren*  
Assistant County Administrator

Attachments: GY 2023 Ryan White Part A HIV Emergency Relief Agreements and Compliance Assurances

## **GY 2023 AGREEMENTS AND COMPLIANCE ASSURANCES**

### **Ryan White HIV/AIDS Program**

#### ***Part A HIV Emergency Relief Grant Program***

I, the Chief Elected Official of the Eligible Metropolitan Area, West Palm Beach, FL (hereinafter referred to as the EMA/TGA) assure that:

##### **Pursuant to Section 2602(a)(2)<sup>2, 3</sup>**

The EMA/TGA will establish a mechanism to allocate funds and a Planning Council that comports with section 2602(b).

##### **Pursuant to Section 2602(a)(2)(B)**

The EMA/TGA has entered into intergovernmental agreements with the Chief Elected Officials of the political subdivisions in the EMA/TGA that provide HIV-related health services and for which the number of AIDS cases in the last 5 years constitutes not less than 10 percent of the cases reported for the EMA/TGA.

##### **Pursuant to Section 2602(b)(4)**

The EMA/TGA Planning Council will determine the size and demographics of the population of people with HIV, as well as the size and demographics of the estimated population of people with HIV who are unaware of their HIV status; determine the needs of such population, and develop a comprehensive plan for the organization and delivery of health and support services. The plan must include a strategy with discrete goals, a timetable, and appropriate funding, for identifying people with HIV who do not know their HIV status, making such individuals aware of their HIV status, and enabling such individuals to use the health and support services. The strategy should particularly address disparities in access and services among affected subpopulations and historically underserved communities.

##### **Pursuant to Section 2603(c)**

The EMA/TGA will comply with statutory requirements regarding the timeframe for obligation and expenditure of funds, and will comply with any cancellation of unobligated funds.

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<sup>2</sup> All statutory references are to the Public Health Service Act, unless otherwise specified.

<sup>3</sup> TGAs are exempted from the requirement related to Planning Councils, but must provide a process for obtaining community input as described in **section 2609(d)(1)(A)** of the PHS Act. TGAs that have currently operating Planning Councils are strongly encouraged to maintain that structure.

**Pursuant to Section 2603(d)**

The EMA/TGA will make expenditures in compliance with priorities established by the Planning Council/Planning Body.

**Pursuant to Section 2604(a)**

The EMA/TGA will expend funds according to priorities established by the Planning Council/Planning Body, and for core medical services, support services, and administrative expenses only.

**Pursuant to Section 2604(c)**

The EMA/TGA will expend not less than 75 percent of service dollars for core medical services, unless waived by the Secretary.

**Pursuant to Section 2604(f)**

The EMA/TGA will, for each of such populations in the eligible area expend, from the grants made for the area under Section 2601(a) for a FY, not less than the percentage constituted by the ratio of the population involved (infants, children, youth, or women in such area) with HIV/AIDS to the general population in such area of people with HIV, unless a waiver from this provision is obtained.

**Pursuant to Section 2604(g)**

The EMA/TGA has complied with requirements regarding the Medicaid status of providers, unless waived by the Secretary.

**Pursuant to Section 2604(h)(2), Section 2604(h)(3), Section 2604(h)(4)**

The EMA/TGA will expend no more than 10 percent of the grant on administrative costs (including Planning Council or planning body expenses), and in accordance with the legislative definition of administrative activities, and the allocation of funds to subrecipients will not exceed an aggregate amount of 10 percent of such funds for administrative purposes.

**Pursuant to Section 2604(h)(5)**

The EMA/TGA will establish a CQM Program that meets HRSA requirements, and that funding for this program shall not exceed the lesser of five percent of program funds or \$3 million.

**Pursuant to Section 2604(i)**

The EMA/TGA will not use grant funds for construction or to make cash payments to recipients.

**Pursuant to Section 2605(a)**

With regard to the use of funds,

- a. funds received under Part A of Title XXVI of the Act will be used to supplement, not supplant, state funds made available in the year for which the grant is awarded to provide HIV related services to individuals with HIV disease;
- b. during the period of performance, political subdivisions within the EMA/TGA will maintain at least their prior FY's level of expenditures for HIV related services for individuals with HIV disease;
- c. political subdivisions within the EMA/TGA will not use funds received under Part A in maintaining the level of expenditures for HIV related services as required in the above paragraph; and
- d. documentation of this MOE will be retained.

**Pursuant to Section 2605(a)(3)**

The EMA/TGA will maintain appropriate referral relationships with entities considered key points of access to the health care system for the purpose of facilitating EIS for individuals diagnosed with HIV infection.

**Pursuant to Section 2605(a)(5)**

The EMA/TGA will participate in an established HIV community based continuum of care, if such continuum exists within the EMA/TGA.

**Pursuant to Section 2605(a)(6)**

Part A funds will not be used to pay for any item or service that can reasonably be expected to be paid under any state compensation program, insurance policy, or any Federal or state health benefits program (except for programs related to the Indian Health Service) or by an entity that provides health services on a prepaid basis.

**Pursuant to Section 2605(a)(7)(A)**

Part A funded HIV primary medical care and support services will be provided, to the maximum extent possible, without regard to a) the ability of the individual to pay for such services or b) the current or past health conditions of the individuals to be served.

**Pursuant to Section 2605(a)(7)(B)**

Part A funded HIV primary medical care and support will be provided in settings that are accessible to low-income individuals with HIV disease.

**Pursuant to Section 2605(a)(7)(C)**

A program of outreach services will be provided to low-income individuals with HIV disease to inform them of the HIV primary medical care and support services.

**Pursuant to Section 2605(a)(8)**The EMA/TGA has participated in the Statewide Coordinated Statement of Need (SCSN) process initiated by the state, and the services provided under the EMA/TGA comprehensive plan are consistent with the SCSN.

**Pursuant to Section 2605(a)(9)**

The EMA/TGA has procedures in place to ensure that services are provided by appropriate entities.

**Pursuant to Section 2605(a)(10)**

The EMA/TGA will submit audits every 2 years to the lead state agency under Part B of Title XXVI of the PHS Act.

**Pursuant to Section 2605(e)**

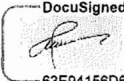
The EMA/TGA will comply with the statutory requirements regarding imposition of charges for services.

**Pursuant to Section 2681(d)**

Services funded will be integrated with other such services, programs will be coordinated with other available programs (including Medicaid), and that the continuity of care and prevention services of individuals with HIV is enhanced.

**Pursuant to Section 2684**

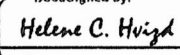
No funds shall be used to fund AIDS programs, or to develop materials, designed to directly promote or encourage intravenous drug use or sexual activity, whether homosexual or heterosexual.

DocuSigned by:  
  
63F94156D65E41C

Robert S. Weinroth, Mayor  
Palm Beach County  
Board of County Commissioners

9/29/2022  
Date

Approved as to form and legal sufficiency

By:   
Assistant County Attorney