

# CHAPTER 1

## REQUISITE GUIDELINES

REFERENCE CODE	GUIDELINES	CRITERIA	INFORMATION SOURCES
1.1 Title VI of the Civil Rights Act of 1964	1.1 Agency must comply with Title VI of the <u>Civil Rights Act of 1964</u> . The HHS regulation is set forth in 45 CFR Part 80.	1.1 Agency will ensure that no person will, on the grounds of race, color, national origin, sex or other civil liberty be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance, whether directly or under a subgrant or contract arrangement.	<ul style="list-style-type: none"> <li>● Assurances Form</li> <li>● Review of client records</li> <li>● Review of complaints, Incident Reports and/or grievances</li> <li>● Admission/ Discharge criteria</li> <li>● Agency P&amp;P</li> </ul>
1.2 Section 504 of the Rehabilitation Act of 1973	1.2 Agency must comply with Section 504 of the <u>Rehabilitation Act of 1973</u> . The HHS regulations are set forth in 45 CFR Part 84. Subpart F of that regulation applies specifically to health programs and prohibits recipients of Federal financial assistance from discriminating on the basis of handicap in the provision of benefits or services.	1.2 Agency will ensure that no otherwise qualified handicapped individual will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.	<ul style="list-style-type: none"> <li>● Assurances Form</li> <li>● Review of client records</li> <li>● Review of complaints, incident reports and/or grievances</li> <li>● Admission/ Discharge criteria</li> <li>● Agency P&amp;P</li> </ul>
1.3 The Americans with Disabilities Act of 1990	1.3 Agency must comply with Public Law 110-325: <u>The Americans with Disabilities Act of 1990 (ADA)</u> , which includes changes, made by the ADA Amendments Act of 2008 and became effective January 1, 2009.	1.3 (a) Agency will ensure compliance with Part A of the ADA, Section 12112: Discrimination (a) General Rule, which states:  <i>No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.</i>	<ul style="list-style-type: none"> <li>● Refer to the Ryan White Grant Administration (RWGA) the Americans with Disabilities Act Policy and Procedure</li> <li>● Refer to the RWGA the Americans with Disabilities Act Policy and Procedure</li> </ul>
		1.3 (b) Agency will ensure compliance with Part AI of the ADA, Section 12132: Discrimination, which states:  <i>Subject to the provisions of this title, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.</i>	

# CHAPTER 1

## REQUISITE GUIDELINES

REFERENCE CODE	GUIDELINES	CRITERIA	INFORMATION SOURCES
1.3 The Americans with Disabilities Act of 1990	1.3 Agency must comply with Public Law 110-325: <u>The Americans with Disabilities Act of 1990</u> (ADA), which includes changes made by the ADA Amendments Act of 2008 and became effective January 1, 2009.	1.3 (c) Agency will ensure compliance with Part III of ADA, Section 12182: Prohibition of Discrimination By Public Accommodations (a) General Rule, which states:  <i>No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.</i>	<ul style="list-style-type: none"> <li>Refer to the RWGA The Americans with Disabilities Act Policy and Procedure</li> </ul>
1.4 Age Discrimination Act of 1975	1.4 Agency will comply with the <u>Age Discrimination Act of 1975</u> , as amended on May 9, 2005. The HHS regulations of this Act are set forth in 45 CFR Part 91.	1.4 Agency will ensure that it prohibits discrimination on the basis of age in any programs or activities receiving Federal financial assistance	<ul style="list-style-type: none"> <li>Review of client records</li> <li>Review of complaints, Incident Reports and/or grievances</li> <li>Admission/ Discharge criteria</li> <li>Agency P&amp;P</li> <li>Interviews with staff</li> </ul>
1.5 Patsy T. Mink Equal Opportunity Education Act of 2002 (Discrimination on the basis of sex)	1.5 Agency will comply with the Patsy T. Mink Equal Opportunity Education Act of 2002	1.5 Agency will ensure that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance, whether directly or under a subgrant or contract under a grant.	<ul style="list-style-type: none"> <li>Review of client records</li> <li>Review of complaints, Incident Reports and/or grievances</li> <li>Admission/ Discharge criteria</li> <li>Agency P&amp;P</li> <li>Interviews with staff</li> </ul>
1.6 Section 526 of the PHS Act and 45 CFR Part 84 (Discrimination against drug abusers)	1.6 Agency will comply with Section 526 of the PHS Act, as amended, and 45 CFR Part 84.	1.6 Agency will ensure that drug abusers who are suffering from medical conditions will not be discriminated against in admission or treatment because of their drug abuse or drug dependence by any private or public general hospital that receives support in any form from any federally funded program. This prohibition is extended to all outpatient facilities receiving or benefiting from Federal financial assistance by 45 CFR Part 84.	<ul style="list-style-type: none"> <li>Review of client records</li> <li>Review of complaints, Incident Reports and/or grievances</li> <li>Admission/ Discharge criteria</li> <li>Agency P&amp;P</li> <li>Interviews with staff</li> </ul>

# CHAPTER 1

## REQUISITE GUIDELINES

REFERENCE CODE	GUIDELINES	CRITERIA	INFORMATION SOURCES
1.7 Section 522 of the PHS Act and 45 CFR Part 84: Discrimination against alcohol abusers and alcoholics	1.7 Agency will comply with Section 522 of the PHS Act, as amended, and 45 CFR Part 84.	1.7 Agency will ensure that alcohol abusers and alcoholics who are suffering from medical conditions will not be discriminated against in admission or treatment, solely because of their alcohol abuse or alcoholism, by any private or public general hospital that receives support in any form from any federally funded program. This prohibition is extended to all outpatient facilities receiving or benefiting from Federal financial assistance by 45 CFR Part 84.	<ul style="list-style-type: none"> <li>● Review of client records</li> <li>● Review of complaints, Incident Reports and/or grievances</li> <li>● Admission/ Discharge criteria</li> <li>● Agency P&amp;P</li> <li>● Interviews with staff</li> </ul>
1.8 Drug Free Work Place Act of 1988	1.8 Agency will comply with the Drug Free Work Place Act of 1988 (Public Law 100-690, Title V, Subtitle D), which requires that, effective March 18, 1989, all grantees receiving grants from any Federal agency certify to that agency that they will maintain a drug free workplace or, in the case of a grantee who is an individual, certify to the agency that his or her conduct of grant activity will be drug free. The HHS regulations of this Act are set forth in 45 CFR Part 76, which requires that grantees take steps to provide a drug free workplace in accordance with the Act.	<p>1.8 Agency will maintain a drug free workplace or, in the case of a subcontractor who is an individual, certify that his or her conduct of grant activity will be drug free.</p> <p>The subcontractor will:</p> <ol style="list-style-type: none"> <li>1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violation of such prohibition.</li> <li>2. Establish a drug-free awareness program.</li> <li>3. Provide employees with a copy of the published statement.</li> <li>4. Notify employees that as a condition of employment, they will abide by the terms of the statement.</li> <li>5. Notify the grantee of any employee convicted of a drug violation occurring in the workplace.</li> <li>6. Require any employee convicted of a drug offense occurring in the workplace to participate in a rehabilitation program.</li> </ol>	<ul style="list-style-type: none"> <li>● Assurances Form</li> <li>● Agency's RFP</li> <li>● Review of complaints, Incident Reports and/or grievances</li> <li>● Agency P&amp;P</li> <li>● Interviews with staff</li> <li>● Review of personnel records</li> </ul>

# CHAPTER 1

## REQUISITE GUIDELINES

REFERENCE CODE	GUIDELINES	CRITERIA	INFORMATION SOURCES
1.9 Executive Order and FAR 521.209-5, "Debarment and Suspension," of February 18, 1986	1.9 Agency will comply with Executive Order 12549 and FAR 521.209-5, "Debarment and Suspension," of February 18, 1986.	<p>1.9 Agency must certify that, to the best of its knowledge and belief, neither they, their principals, nor their researchers:</p> <ol style="list-style-type: none"> <li>1. Are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency.</li> <li>2. Have, within a 3-year period preceding this application, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.</li> <li>3. Are presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in (2) above.</li> <li>4. Have, within a 3-year period preceding this application, had one or more public transactions (Federal, State, or local) terminated for cause or default.</li> </ol>	<ul style="list-style-type: none"> <li>● Agency's RFP</li> <li>● Assurances Form</li> <li>● Agency P&amp;P</li> <li>● Interviews with staff</li> </ul>
1.10 Lobbying	1.10 Agency will comply with Section 319 of Public Law 101-121 (31 US code Section 1352) entitled "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions."	1.10 Agency will ensure that Federal (appropriated) funds will not be used for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific grant or cooperative agreement. Agency must also disclose lobbying undertaken with non-Federal (non-appropriated) funds. These requirements apply to grants and cooperative agreements exceeding \$100,000.	<ul style="list-style-type: none"> <li>● Agency's RFP</li> <li>● Agency P&amp;P</li> <li>● Assurances Form</li> <li>● Refer to HAB Part A Fiscal Monitoring Standards Section B: Unallowable Costs, #8</li> </ul>
1.11 Program Fraud Civil Remedies Act of 1986	1.11 Agency will comply with P.L. 99-509 "The Program Fraud Civil Remedies Act of 1986." Regulations contained in 45 CFR Part 79 specify the administrative procedures for imposing civil penalties and assessments and the hearing and appeal rights of persons subject to allegations of liability for such penalties and assessments.	1.11 Agency will ensure that no false, fictitious or fraudulent claims for money will be made. The regulations contained in 45 CFR Part 79 provide for the imposition of civil penalties against persons who make false, fictitious, or fraudulent claims to the Federal Government for money (including money representing grants, loans, or other benefits). A civil penalty of not more than \$5,500 may be assessed for each such claim. Also, if the Government has made any payment on such false or fraudulent claim, an assessment of not more than twice the amount of such claim may be in lieu of damages.	<ul style="list-style-type: none"> <li>● Review of client records</li> <li>● Review of complaints, Incident Reports and/or grievances</li> <li>● Agency P&amp;P</li> <li>● Contractor Expense Reports</li> </ul>

# CHAPTER 1

## REQUISITE GUIDELINES

REFERENCE CODE	GUIDELINES	CRITERIA	INFORMATION SOURCES
1.12 False Claims Act (FCA)/False Statements Accountability Act of 1996 (FSAA) and Fraud Enforcement Recovery Act of 2009 (F.E.R.A)	1.12 Agency will comply with the <u>FCA</u> 18 U.S.C. §287, FSAA 18 U.S.C. §1001 and F.E.R.A 31 U.S.C. § 3729-3733 as amended May, 2009.	1.12 Agency will ensure that no false, fictitious, or fraudulent statements or representations of claim against the United States are made. These Acts provide that whoever makes or presents any false, fictitious, or fraudulent statements or representations of claim against the United States, will be subject to imprisonment and will be subject to a fine in the amount provided by 18 U.S.C. §287, 18 U.S.C. §1001 and 31 U.S.C. §3729-3733.	<ul style="list-style-type: none"> <li>● Review of client records</li> <li>● Review of complaints, Incident Reports and/or grievances</li> <li>● Agency P&amp;P</li> <li>● Contractor Expense Reports</li> </ul>
1.13 Harris County Request For Proposal (Personnel Licensure)	1.13 Agency will comply with all qualifications set forth in the RFP(s) regarding personnel licensure, certification, and/or registration with respective Texas State Board of Examiners or the respective certifying or registering entity/agency.	1.13 All medical, dental, health care, allied health care workers and mental health professionals and paraprofessionals must have documentation to evidence status of current licensure and/or certification and comply with their respective Texas State Board of Examiners rules, regulations and/or terms.	<ul style="list-style-type: none"> <li>● Review of documentation of Licensure</li> <li>● Review of other documentation</li> </ul>
1.14 Harris County Request For Proposal (Agency Licensure)	1.14 Agency will comply with all qualifications set forth in the RFP(s) regarding agency licensure, certification, and/or registration with respective entity/agency.	1.14 All agencies will provide documentation of the current status of their application for licensure, certification or registration with the respective entity/agency.	<ul style="list-style-type: none"> <li>● Review of licenses, certifications and other documentation to evidence compliance</li> <li>● Verification with respective registry</li> <li>● Review of reports from licensing or certifying entity</li> </ul>
1.15 Texas Health and Safety Code	1.15 Agency will comply with the <u>Communicable Disease Prevention &amp; Control Act</u> and the <u>Human Immunodeficiency Virus Services Act</u> .	1.15 (a) All agencies and agency staff will abide by the <u>Communicable Disease Prevention &amp; Control Act</u> , Texas Health & Safety Code Annotated §§ 81.041 – .052 and §§ 81.101 – .109 (Vernon 1994).	<ul style="list-style-type: none"> <li>● Agency P&amp;P</li> <li>● Review of client records</li> <li>● Interviews with staff</li> </ul>
		1.15 (b) All agencies and agency staff will abide by the <u>Human Immunodeficiency Virus Services Act</u> , Texas Health and Safety Code Annotated Chapter 85: Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus Infection.	<ul style="list-style-type: none"> <li>● Agency P&amp;P</li> <li>● Review of client records</li> <li>● Interviews with staff</li> </ul>
1.16 Texas Administrative Code	1.16 Agency will comply with all applicable Texas Administrative Codes.	1.16 All agencies and agency staff will abide by the 25 Texas Administrative Code Chapter 97: Communicable Diseases, and all other applicable chapters.	<ul style="list-style-type: none"> <li>● Agency P&amp;P</li> <li>● Review of client records</li> <li>● Interviews with staff</li> </ul>

# CHAPTER 1

## REQUISITE GUIDELINES

REFERENCE CODE	GUIDELINES	CRITERIA	INFORMATION SOURCES
1.17 Cultural Sensitivity	1.17 Agency will be culturally sensitive and have staff who are linguistically competent.	1.17 (a) The Agency will ensure, to the fullest extent possible, that minority clients are assigned to staff who are culturally and linguistically competent to serve them. This is not to imply that the staff member should be of the same race or national origin as the client.	<ul style="list-style-type: none"> <li>● Review of personnel records</li> <li>● Interviews with staff</li> <li>● Review of other documentation</li> </ul>
		1.17 (b) The Agency must have a mechanism that ensures service delivery and accessibility for monolingual (Spanish) clients.	<ul style="list-style-type: none"> <li>● Interviews with staff</li> <li>● Review of other documentation</li> </ul>
		1.17 (c) The Agency must have during regular business hours at least one staff member who is fluent in both English and Spanish. Agencies targeting Hispanic/Latino clients must have sufficient bilingual (English/Spanish) staff to serve their client population.	<ul style="list-style-type: none"> <li>● Review of personnel records</li> <li>● Interviews with staff</li> <li>● Review of other documentation</li> </ul>
		1.17 (d) The Agency will maintain a list of bilingual staff members (per service category where applicable).	<ul style="list-style-type: none"> <li>● Review of other documentation</li> </ul>
		1.17 (e) The Agency will have the following agency forms available in Spanish. <ul style="list-style-type: none"> <li>● Consent for Services</li> <li>● Client Rights and Responsibilities</li> <li>● Authorization to Release/Exchange Information</li> <li>● Consent for Transportation (as applicable)</li> <li>● Grievance Procedure</li> <li>● Power of Attorney (as applicable)</li> <li>● Living Will (as applicable)</li> <li>● Advanced Directives (as applicable)</li> </ul>	<ul style="list-style-type: none"> <li>● Review of Agency forms</li> <li>● Review of client records</li> </ul>
		When monolingual clients choose to use English forms, the Agency must maintain documentation of client's choice.	
1.17 (f) The Agency will have a mechanism of ensuring that it has access to an individual or agency that can translate information from English to Spanish in correct/proper written format. The Agency will be required to present documentation regarding this arrangement.	<ul style="list-style-type: none"> <li>● Review of other documentation</li> </ul>		

# CHAPTER 1

## REQUISITE GUIDELINES

REFERENCE CODE	GUIDELINES	CRITERIA	INFORMATION SOURCES
1.17 Cultural Sensitivity	1.17 Agency will be culturally sensitive and have staff who are linguistically competent.	1.17 (g) The Agency will maintain documentation of monolingual clients who were referred out of the agency for services or put on waiting list. The Agency will also maintain documentation of the reasons for referrals or placing clients on a waiting list.	<ul style="list-style-type: none"> <li>● Review of client records</li> <li>● Review of other documentation</li> </ul>
		1.17 (h) Agency staff will be sensitive to the special cultural needs of particular clients and will serve these clients in a culturally sensitive manner.	<ul style="list-style-type: none"> <li>● Review of personnel records</li> <li>● Interviews with staff</li> <li>● Review of other documentation</li> </ul>
		1.17 (i) All Ryan White Part A funded staff will attend 4 hours of cultural sensitivity training annually and must be completed within 60 days of hire. The Agency will maintain documentation in the personnel files to evidence training.	<ul style="list-style-type: none"> <li>● Review of personnel records</li> <li>● Review of other documentation</li> </ul>
		1.17 (j) The Agency will submit the results of its annual customer satisfaction survey to Ryan White Grant Administration.	<ul style="list-style-type: none"> <li>● Review of other documentation</li> </ul>
1.18 Medical, Emotional and Behavioral Crisis Situations	1.18 The Agency will have and implement Policy and Procedures for Medical, Emotional and Behavioral Life-Threatening Crisis Situations.	1.18 (a) The Agency will have written Policy and Procedures for Medical, Emotional and Behavioral Life-Threatening Crisis Situations.	<ul style="list-style-type: none"> <li>● Review of Agency P&amp;P</li> <li>● Interviews with staff</li> </ul>
		1.18 (b) The Agency will ensure that Policies and Procedures for Medical, Emotional, Behavioral, Life-Threatening and/or Crisis Situations are implemented.	<ul style="list-style-type: none"> <li>● Review of Agency P&amp;P</li> <li>● Interviews with staff</li> <li>● Review of client records</li> <li>● Review of other documentation</li> </ul>
1.19 Pro-Children Act	1.19 The agency will comply with the Pro-Children Act of 2001	1.19 The agency must have a posted notice strictly prohibiting smoking in any indoor facility as stated in the Pro-Children Act of 2001 and in accordance with Public Law 103-227, Part C – Environmental Tobacco Smoke, Section 4303.	<ul style="list-style-type: none"> <li>● Review of Agency P&amp;P</li> <li>● Interviews with staff</li> <li>● Environmental review</li> </ul>

# CHAPTER 1

## REQUISITE GUIDELINES

REFERENCE CODE	GUIDELINES	CRITERIA	INFORMATION SOURCES
1.20 The Privacy Act of 1974	1.20 The agency must comply with the Privacy Act of 1974 at 5 U.S.C. § 552a which protects records that can be retrieved by personal identifiers such as a name, social security number, or other identifying number or symbol. An individual is entitled to access to his or her records and to request correction of these records if applicable.	1.20 The agency will ensure procedures/mechanisms are in place that: <ol style="list-style-type: none"> <li>a. limit the amount of personal information that is maintained</li> <li>b. assure clients' right to access personal information about themselves in agency files</li> <li>c. provides an avenue for individuals to amend the same record when found to be inaccurate in any way</li> <li>d. restrict grantees' dissemination of records containing personal information</li> </ol>	<ul style="list-style-type: none"> <li>● Client record review</li> <li>● Review of Agency P&amp;P</li> <li>● Client interviews</li> <li>● Review of complaints , Incident reports and/or grievances</li> </ul>
1.21 Health and Safety Guidelines for Grantees	1.21 Agency will comply with Health and Safety Guidelines for Grantees [ Vol. 23, No. 23, June 1994]. (organizations receiving grant or contract awards from the Federal Government are responsible for protecting their employees from hazardous conditions).	1.21 The agency will ensure procedures/mechanisms are in place that: <ol style="list-style-type: none"> <li>a. identify potential hazards</li> <li>b. facilitate resolution of potential hazards</li> <li>c. accurately document any occurrences</li> </ol>	<ul style="list-style-type: none"> <li>● Assurances form</li> <li>● Review of Agency P&amp;P</li> <li>● Environmental review</li> <li>● Review of complaints , Incident reports and/or grievances</li> </ul>
1.22 Record Retention	1.22 Any agency or sub-contractor funded by Ryan White Part A must retain all records for a period of at least five (5) years from the date of the last expenditure report submitted under the contract or until resolution of any and all audit questions, whichever is longer.	1.22 The agency will exhibit the ability to: <ol style="list-style-type: none"> <li>a. accurately date all records</li> <li>b. accurately cross-reference dated documents with expenditures</li> <li>c. maintain status of any current or pending audits</li> </ol>	<ul style="list-style-type: none"> <li>● Review of Agency P&amp;P</li> <li>● Refer to the RWGA P&amp;P for Employee Records</li> <li>● Standard desk review</li> <li>● Staff interviews</li> <li>● Client record review</li> </ul>