

**CONTRACT AMENDMENT THREE
CONTRACT FOR DETENTION CENTER SERVICES
CONTRACT DOA-SPSDB PHH22-0423R-H
DPHHS 23-102-74018-0**

THIS CONTRACT AMENDMENT, is to amend the above-referenced contract between the Montana Department of Public Health and Human Services, Behavioral Health and Developmental Disabilities Division (the "Department"), whose contact information is as follows: PO Box 202905 (mailing), 100 North Park Ste 300 (physical), Helena, MT, 59620, and Phone Number (406) 444-3964, and Fax Number (406) 444-7391, and Yellowstone County (the "Contractor"), whose contact information is as follows: UEI Number FNVKTJD3B7C1, 316 North 26th, Room 3401, Billings, Montana, 59101, Phone Number (406) 256-2832; respectively (collectively, the "Parties").

Effective July 1, 2024 this Contract is amended as follows. Existing language has been struck; amended language underlined.

SECTION 1. SERVICES/SCOPE OF WORK will be amended as follows:

A. through C. will remain unchanged.

D. The Contractor will perform the Services in accordance with all of the provisions of the Contract, which consists of the following documents:

Contract, including Amendments One, Two, and Three (this instrument)

Attachment A: Scope of Work Amendment Three

Attachment B: Budget Amendment Three

Attachment G: Annual Assurances Amendment Three

Attachments C. through F. and H. and I. will remain unchanged

SECTION 2. TERM OF CONTRACT will be amended as follows:

The term of this Contract is from July 1, 2022, through June 30, ~~2024~~ 2025, unless terminated in accordance with the Contract. Renewals of this Contract, by written agreement of the parties, may be made at one-year intervals, or any interval that is agreed upon by both parties. This is the second renewal, third amendment, third year of the Contract. This Contract, including any renewals, may not exceed a total of seven (7) years.

SECTION 3. CONSIDERATION AND PAYMENTS, will be amended as follows:

A. through D. will remain the same.

D. Sources of Funding

The sources of funding for this Contract are ~~\$230,559.27~~ 803,162.88 from the State Special Revenue Healing and Ending Addiction through Recovery and Treatment (HEART) Mental Health Fund (HEART MH), ~~\$230,559.27~~ from ~~State Special Revenue HEART Substance Use Disorder Fund (HEART SUD)~~, \$75,000.00 from Mental Health Block Grant American Rescue Plan Act of 2021 (MHBG ARPA) CFDA#93.958, and \$124,719.96 from Substance Use Treatment, Prevention, and

Recovery Systems Services Block Grant (SUPTRS) CFDA#93.959, for a total contract value of ~~\$660,838.50~~ \$1,002,882.84

<u>TERM</u>	<u>AMOUNT</u>	<u>FUNDING</u>
July 1, 2022 through June 30, 2024	\$230,559.27	HEART MH
July 1, 2022 through June 30, 2024	\$230,559.27	HEART SUD
Oct. 1, 2022 through June 30, 2024	\$124,719.96	SUPTRS
July 1, 2022 through June 30, 2024	\$ 75,000.00	MHBG ARPA
<u>July 1, 2024 through June 30, 2025</u>	<u>\$342,044.34</u>	<u>HEART</u>
Total	<u>\$1,002,882.34</u>	

E. through H. will remain the same.

SECTION 20. LIAISON AND SERVICES OF NOTICES, will be amended as follows:

A. ~~Katie Rasmussen~~ Toni Miller Mahoney, or their successor, will be the liaison for the Department. Contact information is as follows:

Toni Miller Mahoney
DPHHS Behavioral Health and Disabilities Division
P. O. Box 202905
Helena MT 59602
Phone Number (406) 444-~~3786~~ 9304,
Fax Number (406) 444-7193
~~katie.rasmussen@mt.gov~~, Toni.MillerMahoney@mt.gov

Jennifer Jones, or their successor, will be the liaison for the Contractor. Contact information is as follows:

Jennifer Jones
316 North 26th
Billings MT 59101
Phone Number (406) ~~855-2793~~ 256-2816
jjones@yellowstonecountymt.gov

These above referenced liaisons serve as the primary contacts between the parties regarding the performance of this Contract. The State's liaison and Contractor's liaison may be changed by written notice to the other party.

SECTION 28. SCOPE, ENTIRE AGREEMENT, AND AMENDMENT will be added as a new section in the Contract:

A. Contract

This Contract Amendment Three consists of three (3) numbered pages, any Attachments listed in Section 1, as amended, and Contractor's response, as amended. In the case of dispute or ambiguity arising between or among the documents, the order of precedence of document interpretation is the same.

B. Entire Agreement

These documents are the entire agreement of the parties. They supersede all prior agreements, representations, and understandings. Any amendment or modification must be in a written agreement signed by the parties.

C. Amendment

Any amendment or modification must be in a written agreement signed by the parties.

AUTHORITY TO EXECUTE

Except as modified above, all other Terms and Conditions of DOA-SPSD Contract Number PHH22-0432R-G (DPHHS 23-102-74018-0) including Amendments One and Two remain in effect.

The parties through their authorized agents have executed this Contract Amendment on the dates set out below.

Remainder of Page Intentionally Left Blank

MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

BY: _____
Meghan Peel, BHDD Administrator

Date: _____

BY: _____
Charles T. Brereton, Director

Date: _____

MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES, OFFICE OF LEGAL AFFAIRS

Approved as to Legal Content:

BY: _____
Attorney

Date: _____

MONTANA DEPARTMENT OF ADMINISTRATION

Approved as to form:

BY: _____
SPSD, Contract Officer

Date: _____

CONTRACTOR

BY: _____
Authorized Signer

Date: _____

ATTACHMENT A

SCOPE OF WORK AMENDMENT THREE

SERVICES TO BE PROVIDED

Contractor is expected to coordinate planning, implementation, and provision of services with community stakeholders such as: Local government(s) and their representatives, tribal government(s) and their representatives, behavioral health organizations, health care systems, healthcare providers, public health, local advisory councils, human service agencies that support social determinants of health such as housing, employment, and food security, law enforcement officials, judicial systems, and community members.

- A. For services purchased under this Contract, the Contractor must:
1. Provide reports in a specified timeframe for agreed upon reporting requirements including:
 - ~~a. Monthly member level data;~~
 - ~~b. Quarterly progress reports; and~~
 - ~~c. Ad hoc reports and evaluations that have been supported through this funding source.~~
 - i. Intake
 - ii. Continuing Services
 - iii. Discharged - remained in jail
 - iv. Discharged - to community
 - v. Commitment to State Hospital
 - ~~2. Actively participate in a monthly virtual check in with grant program manager.~~
 2. Actively participate in regularly scheduled virtual check-ins with grant program manager at least quarterly.
 3. Actively participate in technical assistance provided by the State Department in the form of webinars, conference calls, and one-on-one conversations.
 4. Allow and actively participate in site visits and/or any other activities that are requested by the State.
- B. For services purchased under this Contract, the Contractor agrees to provide the following services and conduct the following activities:

Service 1 Behavioral Health Therapy

1. Behavioral health therapy services include individual, family, and group therapy in which diagnosis, assessment, and psychotherapy are provided.

Provider

Requirements

~~(1) Mental health and co-occurring therapy may be provided by a:~~

- ~~(a) licensed physician;~~
- ~~(b) licensed psychologist;~~
- ~~(c) licensed social worker;~~
- ~~(d) licensed professional counselor;~~
- ~~(e) advanced practice registered nurse, with a clinical specialty in psychiatric mental health nursing;~~
- ~~(f) licensed marriage and family therapist; or~~
- ~~(g) licensure candidate under the supervision of a licensed clinician.~~

~~(2) Substance use disorder therapy may be provided by a:~~

- ~~(a) licensed addiction counselor;~~
- ~~(b) licensed physician;~~
- ~~(c) licensed psychologist;~~
- ~~(d) licensed social worker;~~
- ~~(e) licensed professional counselor;~~

- (f) advanced practice registered nurse, with a clinical specialty in psychiatric mental health nursing;
- (g) licensed marriage and family therapist; or
- (h) licensure candidate under the supervision of a licensed clinician.

Service

Requirements

- (1) Group therapy services may not have more than 16 clients participating in the group.
- (2) Services must be based on a current comprehensive assessment and included as an intervention in the client's individualized treatment plan (ITP).
- (3) Mutual support meetings such as Alcoholics Anonymous (AA), Narcotics Anonymous (NA) are available to individuals in the detention facility from outside members.

Service 2 Care Coordination

~~Definition The Care Coordinator works with each client to ensure they receive the right care at the right time by coordinating services and referrals and tracking clinical outcomes. The care coordinator also works with clients to identify social factors that may impede their treatment (e.g., insecure, or unsafe housing, lack of transportation, or food insecurity and helps navigate the client and family toward community resources that can help address these factors.~~

~~Provider~~

~~Requirements~~

~~Care Coordinator must have:~~

- ~~(1) a high school degree;~~
- ~~(2) at least one year of experience working in social services; and~~
- ~~(3) experience completing treatment planning and documentation.~~

Service

Requirements

- (1) Care coordination services include, but are not limited to, coordinating Behavioral Health, Social, and medical services and referrals, tracking clinical outcomes, identifying social factors that may impede client treatment, and helping client and family navigate toward community resources that can help address these factors.
- (2) Care Coordinator includes the following:
 - (a) coordinating and implementing care plans;
 - (b) advocating on the client's behalf;
 - (c) facilitating access to needed services;
 - (d) guiding clients through community resource options; and
 - (e) assisting clients in reducing barriers to community reintegration upon release.
- (3) It is not required that each client receiving Care Coordinator whose primary responsibility is the delivery of Care Coordinating services. It is also not required that each client receives every service listed above.
- (4) Care Coordination services must be delivered by a Care Coordinator whose primary responsibility is the delivery of Care Coordination services.
- (5) Care Coordination services must be delivered to clients held in the detention center, or within 30 days of release from the detention center.

Service 3 Medication Prescription, Management, and Monitoring

~~Definition Provides Services include diagnoses and effective treatments for behavioral health disorders by assessing both the mental and physical aspects of psychological problems to identify and determine solutions to behavioral health conditions which includes medication prescription, management, and monitoring.~~

Grant funding may be used to pay for the FDA-approved psychotropic medications that are indicated within the client's individual treatment plan (ITP).

Provider

Requirements

~~Board certified and licensed in Montana to practice medicine as one of the following:~~

~~(1) Physician;~~

~~(2) Psychiatrist~~

~~(3) Advanced Practice Registered Nurse (APRN) with prescriptive authority and specialty in psychiatric mental health service who is supervised by a Mental Health Center Psychiatrist Service.~~

Requirements

(1) Services must be based on a current comprehensive biopsychosocial assessment.

(2) Medication services include the following:

(a) evaluate the client's previous experience with psychotropic medications;

(b) identify and discuss with client the benefits and risks of medication interventions;

(c) in collaboration with the client, develop a treatment plan and choose a medication treatment;

(d) prescribe and monitor medication according to evidence-based practice standards.

(3) Psychotropic medications must be:

(a) FDA approved; and

(b) based on a current comprehensive assessment and included as an intervention in the client's individualized treatment plan (ITP)

C. Other Provisions:

1. Anything outside of the scope of above Section B requires the written approval of BHDD prior to being funded through these grant monies.

2. Anything within the scope of above Section B that becomes Medicaid reimbursable during the term of this contract must be billed to Medicaid and will no longer be funded through these grant monies.

3. Services may be provided in person or via telehealth.

4. Grant funding must be the payer of last resort.

5. Grant funding must be used to provide services to clients that meet the following eligibility criteria:

~~a. clients must be pre-adjudicated:~~ Clients who self-report, have been diagnosed with a behavioral health, mental health, substance misuse, or co-occurring disorder, present with suicidal ideation; and/or request to see Behavioral Health staff or are referred to Behavioral Health staff by Detention Staff.

~~b. clients must not be under the jurisdiction of the Department of Corrections; and~~

~~c. clients must have a mental health, substance use, or co-occurring disorder diagnosis from the current version of the Diagnostic and Statistical Manual of Mental Disorders (DSM-5) or the International Classification of Diseases (ICD) as a primary diagnosis.~~

DATA and REPORTS

All required data and reports will be agreed upon by contractor and the State upon award based on scope of project proposal. Contractor shall submit a monthly report with invoice to include:

1. Month reported, date of service, and service provided:

2. Number of unduplicated individuals served as indicated by individuals name, date of birth and Medicaid number or social security number:

3 For those served, socio demographic data including:

a) race:

b) gender:

c) veteran status

d) primary diagnosis: and

e nature of criminal charge employment status

f) housing status

g) highest school completed; and

h) school attendance within the last 3 months

4. For those served, disposition data including:

- a) ~~admitted to Montana State Hospital: Intake~~
- b) ~~transferred to Montana State Prison: Continuing Services~~
- c) ~~transferred to Montana Women's Prison Discharged – remained in jail~~
- d) ~~transferred to other detention center: Discharged – to community~~
- e) ~~discharged to pre-release center: Commitment to State Hospital~~
- f) ~~discharged to recovery home;~~
- g) ~~discharged to community/personal residence;~~
- h) ~~discharged with supply of medication.~~
- i) ~~discharged with Medicaid coverage; and~~
- j) ~~scheduled with community-based provider for ongoing behavioral health services.~~

5. Contractor agrees to provide quarterly progress report to include updates on the goals and objectives of the strategic plan submitted to the State through the contractor's original RFP application.

6. The State will electronically provide a monthly data reporting template and quarterly progress report template. Quarterly progress reports must be submitted by:

- a) Quarter 1 (July 2022 -September 2022): October 15, 2022
- b) Quarter 2 (October 2022-December 2022): January 15, 2023
- c) Quarter 3 (January 2023-March 2023): April 15, 2023
- d) Quarter 4 (April 2023-June 2023): July 15, 2023
- e) Quarter 5 (July 2023-September 2023): October 15, 2023
- f) Quarter 6 (October 2023-December 2023): January 15, 2024
- g) Quarter 7 (January 2024-March2024): April 15, 2024
- h) Quarter 8 (April 2024-June 2024): July 15, 2024
- i) Quarter 9 (July 2024-June 2024): July 15, 2024
- j) Quarter 10 (October 2024-December 2024): January 15, 2024
- k) Quarter 11 (January 2025-March2025): April 15, 2025
- l) Quarter 12 (April 2025-June 2025) July 15, 2025

ATTACHMENT B
BUDGET AMENDMENT THREE

<h1 style="margin: 0;"><u>Montana DPHHS</u></h1>
<u>Behavioral Health Services in Local Detention Facilities:</u>

July 1, 2024 through June 30, 2025

<u>Service Category</u>	<u>Expense Type</u>	<u>Total Requested</u>
<u>2. Behavioral Health Therapy</u>	<u>Other (Specify)</u>	\$ <u>123,749.00</u>
	<u>TOTAL</u>	\$ <u>123,749.00</u>
<u>3. Care Coordination</u>	<u>Other (Specify)</u>	\$ <u>46,072.00</u>
	<u>TOTAL</u>	\$ <u>46,072.00</u>
<u>6. Medication for Opioid Use Disorder (MOUD) or Stimulant Use Disorder</u>	<u>Medications</u>	\$ <u>42,622.88</u>
	<u>Other (Specify)</u>	\$ <u>129,600.00</u>
	<u>TOTAL</u>	\$ <u>172,222.88</u>
<u>Total Budget Requested</u>		<u>Total Request:</u>
		\$ <u>342,044.34</u>
<u>Total Budget Awarded</u>		<u>Total Award:</u>
		\$ <u>342,044.34</u>

ATTACHMENT G

ANNUAL ASSURANCES AMENDMENT THREE

DEPARTMENT'S ANNUAL CERTIFICATION

DPHHS GS-301
Rev. 5/2019

ANNUAL CERTIFICATION FOR DEPARTMENT OF PUBLIC HEALTH & HUMAN SERVICES OF THE CONTRACTOR'S COMPLIANCE WITH CERTAIN STATE AND FEDERAL REQUIREMENTS

This annual certification form is standardized for general use by the Department Of Public Health And Human Services (Department) in contracting relationships. Not all of these assurances may be pertinent to the Contractor's circumstances. The Contractor in signing this form is certifying compliance only with those requirements that are legally or contractually applicable to the circumstances of the contractual relationship of the Contractor with the Department.

These assurances are in addition to those stated in the federal OMB 424B (Rev. 7-97) form, known as "ASSURANCES - NON-CONSTRUCTION PROGRAMS", issued by the federal Office of Management of the Budget (OMB). Standard Form 424B is an assurances form that must be signed by the Contractor if the Contractor is to be in receipt of federal monies.

There may be program specific assurances, not appearing either in this form or in the OMB Standard Form 424B, for which the Contractor may have to provide additional certification.

This form and OMB Standard Form 424B are to be provided with original signatures to the Department's contract liaison. The completed forms are maintained by the Department in the pertinent procurement and contract files.

Further explanation of several of the requirements certified through this form may be found in the text of related contract provisions and in the Department's, policies pertaining to procurement and contractual terms. In addition, detailed explanations of federal requirements may be obtained through the Internet at sites for the federal departments and programs and for the Office for Management of the Budget (OMB) and the General Services Administration (GSA).

ASSURANCES

The **Contractor**, Yellowstone County, for the purpose of contracting with the Montana Department of Public Health & Human Services, by its signature on this document certifies to the Department its compliance, as may be applicable to it, with the following requirements.

The Contractor assures the Department:

GENERAL COMPLIANCE REQUIREMENTS

- A. That the Contractor does not engage in conflicts of interest in violation of any state or federal legal authorities, any price fixing or any other anticompetitive activities that violate the federal antitrust Sherman Act, 15 U.S.C. §§1 – 7, Anti-Kickback Act, 41 U.S.C. §§ 51-58, and other federal legal authorities. And that the Contractor does not act in violation of 18-4-141, MCA or other legal authorities by colluding with other contractors for the purpose of gaining unfair

- advantages for it or other contractors or for the purpose of providing the services at a noncompetitive price or otherwise in a noncompetitive manner.
- B. That the Contractor does not act in violation of the federal False Claims Act at 31 U.S.C. §§ 3729-3733 (the "Lincoln Law") or of the Montana False Claims Act, at Title 17, chapter 8, part 4, MCA. And that the Contractor and its employees, agents and subcontractors act to comply with requirements of the federal False Claims Act by reporting any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has submitted a false claim to the federal government.
 - C. That the Contractor is solely responsible for and must meet all labor, tax, and other legal Authorities requirements pertaining to its employment and contracting activities, inclusive of insurance premiums, tax deductions, unemployment and other tax withholding, overtime wages and other employment obligations that may be legally required with respect to it.
 - D. That the Contractor maintains necessary and appropriate workers compensation insurance coverage.
 - E. That the Contractor is an independent contractor and possesses, unless by law not subject to or exempted from the requirement, a current independent contractor certification issued by the Montana Department Of Labor And Industry in accordance with 39-71-417 through 39-71-419, MCA.
 - F. That the Contractor's subcontractors and agents are in conformance with the requirements of Sections B, C, and D of this Certification.
 - G. That the Contractor, any employee of the Contractor, or any subcontractor in the performance of the duties and responsibilities of the proposed contract: 1) are not currently suspended, debarred, or otherwise prohibited in accordance with 2 CFR Part 180, OMB Guidelines To Agencies On Government wide Debarment and Suspension (nonprocurement) from entering into a federally funded contract or participating in the performance of a federally funded contract; and 2) are not currently removed or suspended in accordance with 18-4-241, MCA from entering into contracts with the State Of Montana.
 - H. That the Contractor is in compliance with those provisions of the privacy, security, electronic transmission, coding and other requirements of the federal Health Insurance Portability And Accountability Act of 1996 (HIPAA) and the federal Health Information Technology For Economic And Clinical Health (HITECH), a part of the American Recovery And Reinvestment Act Of 2009, and the implementing federal regulations for both acts that are applicable to contractual performance if the Contractor is either a Covered Entity or a Business Associate as defined for purposes of those acts.
 - I. That, as required by legal authorities or contract, the Contractor maintains smoke and tobacco free public and work sites. And if the contract performance is related to the delivery of a human service, the Contractor does not perform any work involved in the production, processing, distribution, promotion, sale, or use of tobacco products or the promotion of tobacco companies; or 3) accept revenues from the tobacco industry or subsidiaries of the tobacco industry if the acceptance results in the appearance that tobacco use is desirable or acceptable or in the appearance that the Contractor endorses a tobacco product or the gifting tobacco related entity.

COMPLIANCE REQUIREMENTS FOR FEDERALLY FUNDED CONTRACTS

- J. That the Contractor, in conformance with the Pro-Children Act of 1994 (20 U.S.C. §6081 *et seq.*), prohibits smoking at any site of federally funded activities that serve youth under the age of 18. This federal prohibition is not applicable to a site where the only federal funding for services is through Medicaid monies or the federally funded activity at the site is inpatient drug or alcohol treatment.

- K. That the Contractor does not expend federal monies in violation of federal legal authorities prohibiting expenditure of federal funds on lobbying the United States Congress or state legislative bodies or for any effort to persuade the public to support or oppose legislation.
- L. That the Contractor maintains in compliance with the Drug-Free Workplace Act of 1988, 41 U.S.C. 701, et seq., drug free environments at its work sites, providing required notices, undertaking affirmative reporting, and other requirements, as required by federal legal authorities.
- M. That the Contractor is not delinquent in the repayment of any debt owed to a federal entity.
- N. That the Contractor, if expending federal monies for research purposes, complies with federal legal authorities relating to use of human subjects, animal welfare, biosafety, misconduct in science and metric conversion.
- O. That the Contractor, if receiving aggregate payments of Medicaid monies totaling \$5,000,000 or more annually, has established in compliance with 1902(a)(68) of the Social Security Act, 42 U.S.C. 1396a(a)(68), written policies with educational information about the federal False Claims Act at 31 U.S.C. §§ 3729–3733 (the “Lincoln Law”) and presents that information to all employees.
- P. That the Contractor is in compliance with the executive compensation reporting requirement of the Federal Funding Accountability And Transparency Act (FFATA or Transparency Act), P.L. 109-282, as amended by Section 6202(a), P.L. 110-252-1, either in that the Contractor does not meet the criteria necessitating the submittal of a report by an entity or in that, if the Contractor meets the criteria mandating reporting, the Contractor produces the information in a publicly available report to the Securities And Exchange Commission (SEC) or to the Internal Revenue Service and provides the report in a timely manner to the Department or produces a separate report with the information and submits that report to the in a timely manner to the Department.
- Q. That the Contractor, if a contractor for the delivery of Medicaid funded services, is in compliance with the requirements of 42 C.F.R. §§ 455.104, 455.105, and 455.106 concerning disclosures of ownership and control, business transactions, and persons with criminal convictions.
- R. That the Contractor, if providing federally funded health care services, is not as an entity currently federally debarred from receiving reimbursement for the provision of federally funded health care services and furthermore does not currently have any employees or agents who are federally debarred from the receiving reimbursement for the provision of federally funded health care services.

COMPLIANCE REQUIREMENTS FOR FEDERALLY FUNDED CONTRACTS INVOLVING THE PURCHASE OR DEVELOPMENT OF PROPERTY

- S. That the Contractor manages any real, personal, or intangible property purchased or developed with federal monies in accordance with federal legal authorities.
- T. That the Contractor, if expending federal monies for construction purposes or otherwise for property development, complies with federal legal authorities relating to flood insurance, historic properties, relocation assistance for displaced persons, elimination of architectural barriers, metric conversion and environmental impacts.
- U. That the Contractor, if the contract exceeds \$100,000, complies with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the federal Energy Policy and Conservation Act, Pub. L. 94-163, 42 U.S.C. §6321 et. seq.
- V. That the Contractor, if the contract exceeds \$100,000, complies with all applicable standards, orders and requirements issued under section 306 of the Clean Air Act, 42 U.S.C. 7607, section 508 of the Clean Water Act, 33 U.S.C. 1368, Executive Order 11738, and U.S. Environmental Protection Agency regulations, 40 C.F.R. Part15 and that if the Contractor enters into a subcontract that exceeds \$100,000 these requirements are in that contract.

SOURCES OF INFORMATION

DPHHS GS-302
Rev. 06/2018

SOURCES OF INFORMATION ON THE PRIVACY, TRANSACTIONS AND SECURITY REQUIREMENTS PERTAINING TO HEALTH CARE INFORMATION OF THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) AND THE FEDERAL HEALTH INFORMATION TECHNOLOGY FOR ECONOMIC AND CLINICAL HEALTH ACT (HITECH), ENACTED AS PART OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

The following are sources of information concerning the applicability of and implementation of the privacy, transactions and security requirements of HIPAA and HITECH. The Department Of Public Health & Human Services requires that contractors generating, maintaining, and using health care information in relation to recipients of State administered and funded services be compliant with the requirements of HIPAA and HITECH as applicable under the federal legal authorities and the status of the Department as a health care plan.

There can be difficulty in interpreting the applicability of the HIPAA and HITECH requirements to an entity and various circumstances. It is advisable to retain knowledgeable experts to advise concerning determinations of applicability and appropriate compliance.

Websites specified here may be changed without notice by those parties maintaining them.

FEDERAL RESOURCES

The following are official federal resources in relation to HIPAA and HITECH requirements. These are public sites. Implementation of the additional requirements under HITECH, due to the more recent date of enactment, is occurring on an ongoing basis.

1. [HIPAA Home | HHS.gov](#)

The federal Department Of Health & Human Services / Office Of Civil Rights (OCR) provides information pertaining to privacy and security requirements under HIPAA and HITECH including the adopted regulations and various official interpretative materials. This site includes an inquiry service. OCR is responsible for the implementation of the privacy and security aspects of HIPAA/HITECH and serves as both the official interpreter for and enforcer of the privacy requirements.

2. U.S. Department Of Health & Human Services / Centers For Disease Control & Prevention <http://www.cdc.gov/Other/privacy.html>

The federal Department Of Health & Human Services / Centers For Disease Control & Prevention (CDC) provides information pertaining to the application of privacy requirements under HIPAA to public health activities and programs.

STATE RESOURCES

The Department Website For Medicaid Provider Information provides general information for providers of services on compliance with various state and federal requirements. <https://medicaidprovider.mt.gov/>

Further information concerning HIPAA/HITECH compliance in the delivery of services funded through the Department's various programs can be reviewed at the Department Website for DPHHS HIPAA Policies. <https://dphhs.mt.gov/HIPAA>

Certain departmental programs may have more detailed guidance available in relation to particular programs of services. Inquiries may be directed at a program to determine if further information is available.

PROVIDER ASSOCIATIONS

Many national and state provider associations have developed extensive resources for their memberships concerning HIPAA/HITECH requirements. Those are important resources in making determinations as to the applicability and implementation of HIPAA/HITECH.

CONSULTANT RESOURCES

There are innumerable consulting resources available nationally. The Department does not make recommendations or referrals as to such resources. It is advisable to pursue references before retaining any consulting resource. Some consulting resources may be inappropriate for certain types of entities and circumstances.

ASSURANCES NON-CONSTRUCTION OMB 424

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681- 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis- Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327- 333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93- 205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

CONTRACTOR

BY: _____
Authorized Signer

Date: _____

DISCLOSURE OF LOBBYING ACTIVITIES

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

Approved by OMB
0348-0046

<p>1. Type of Federal Action:</p> <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	<p>2. Status of Federal Action:</p> <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	<p>3. Report Type:</p> <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change <p>For Material Change Only: Year _____ quarter _____ Date of last report _____</p>
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(See reverse for public burden disclosure)

<p>4. Name and Address of Reporting Entity:</p> <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known <p>Congressional District, if known:</p>	<p>5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:</p> <p>Congressional District, if known:</p>
<p>6. Federal Department/Agency:</p>	<p>7. Federal Program Name/Description: CFDA /ALN Number, if applicable: _____</p>
<p>8. Federal Action Number, if known:</p>	<p>9. Award Amount, if known: \$ _____</p>
<p>10. a. Name and Address of Lobbying Registrant (If individual, last name, first name, MI):</p>	<p>b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):</p>
<p>11. Information requested through this form is authorized by Title 31 U.S.C., Section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</p>	<p>Signature: _____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Telephone No.: _____</p> <p>Date: _____</p>

Federal Use Only:	Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)
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INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawarded or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to Title 31 U.S.C., Section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include, but are not limited to, subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in Item 4 checks Subawardee, then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award of loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (Item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA/ALN) number for grants, cooperative agreements, loans and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in Item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number, the contract, grant or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., RFP-DE-90-001".
9. For a covered Federal action, where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in Item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in Item 4 to influence the covered Federal action.
(b) Enter the full names of the individual(s) performing services and include full address if different from 10(a). Enter Last Name, First Name and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title and telephone number

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.