

CHAPTER 4700
DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

FAMILY PLANNING SPECIAL PROJECT GRANTS
4700 1900 PURPOSE, SCOPE, AND APPLICABILITY
4700 2000 DEFINITIONS
4700 2100 CONTENT OF APPLICATION
4700 2210 MINIMUM STANDARDS FOR FAMILY PLANNING SERVICE COMPONENTS
4700 2300 CRITERIA FOR AWARD OF FAMILY PLANNING SPECIAL PROJECT GRANTS
4700 2400 CONTINGENCY FUNDING
4700 2500 USE OF STATE FUNDS AVAILABLE FOR FAMILY PLANNING SPECIAL PROJECT GRANTS
4700 2550 ALLOCATION SCHEME GRANTS FOR MATERNAL AND CHILD HEALTH SERVICES
4700 2600 PURPOSE
4700 2700 SCOPE
4700 2800 DEFINITIONS

AVAILABILITY OF FUNDS AND APPLICATION PROCESS
4700 2900 NOTICE OF AVAILABILITY
4700 3000 NOTICE OF INTENT
4700 3100 PROVISION OF APPLICATION FORMS
4700 3200 SUBMISSION OF APPLICATION
4700 3300 ADDITIONAL REQUIREMENTS FOR FORMULA GRANT PROJECT APPLICANTS
REVIEW AND DISPOSITION OF APPLICATIONS
4700 3400 REGIONAL REVIEW
4700 3500 COMMISSIONER REVIEW
4700 3600 DISPOSITION ADMINISTRATION
4700 3700 MONITORING
4700 3800 RESPONSIBILITIES OF AWARD RECIPIENTS
4700 3900 DISQUALIFICATION
4700 4000 UNIFORM REPORTS

FAMILY PLANNING SPECIAL PROJECT GRANTS

4700.1900 PURPOSE, SCOPE, AND APPLICABILITY.

The purpose and scope of parts 4700.1900 to 4700.2550 is to prescribe requirements applicable to family planning special project grants, to establish minimum standards for family planning services supported in whole or in part by family planning special project grant funds, and to provide criteria for the review of family planning special project grant applications. The following parts of parts 4700.0100 to 4700.1800 and no others also apply to family planning special project grants: parts 4700.0100; 4700.0200; 4700.0300; 4700.0400, item C; 4700.0500; 4700.0600; 4700.0700; 4700.0800, items A and B; 4700.0900; 4700.1000; 4700.1100, items C and E; 4700.1300; 4700.1400, items A to E, subitems (1), (4), (5), and (6); 4700.1500; and 4700.1700.

Minnesota Statutes, section 145.925, contains a provision prohibiting use of these funds for abortions, and for family planning services to unemancipated minors in an elementary or secondary school building; requiring notice to parents or guardians of unemancipated minors to whom abortion or sterilization is advised, except as provided in Minnesota Statutes, sections 144.341 and 144.342; and prohibiting coercing anyone to undergo an abortion or sterilization.

Statutory Authority: *MS s 145.925 subd 5; 144.05 para (f)*

History: *12 SR 1562*

4700.2000 DEFINITIONS.

[For text of subpart 1, see M.R. 1987]

Subp. 2. Family planning methods. "Family planning methods" means agents and devices for the purpose of fertility regulation prescribed by a licensed physician, and other agents and devices for the purpose of fertility regulation including, spermicidal agents, diaphragms, condoms, oral contraceptives, intrauterine devices, natural family planning methods, sterilizations, and the diagnosis and treatment of infertility by a licensed physician, which can be paid for in whole or in part by family planning special project grant funds.

Subp. 3. Family planning services components. "Family planning services components" means the public information, outreach, counseling, method, refer-

MINNESOTA RULES 1988

15

COMMUNITY HEALTH SERVICES 4700.2100

ral, and follow-up categories under which all services provided by family planning service providers must be described. The minimum standards in part 4700.2210 serve to define these components.

Subp. 4. High risk person. "High risk person" means an individual whose age, health, prior pregnancy outcome, or socioeconomic status increases her chances of experiencing an unplanned pregnancy or problems during pregnancy. High risk persons include, but are not limited to, women under 18 or over 35; women who have experienced premature labor and delivery; women with existing health problems such as diabetes, anemia, and obesity; and persons whose individual or family income is determined to be at or below 200 percent of the official income poverty line as defined by the Federal Office of Management and Budget and revised annually in accordance with United States Code, title 42, section 9902, as amended through December 31, 1982. The official income poverty guideline is published as provided by the Federal Register, volume 50, page 9517 (1985). A copy of the most current guideline is available from the Office of Planning and Evaluation, Department of Health and Human Services, Washington, D.C., 20201, (202) 245-6141.

Subp. 5. Linkages. "Linkages" means formal or informal arrangements between the applicant and other family planning providers including contracts, reciprocal referral agreements, and committees.

Subp. 6. Provide. "Provide" means to directly supply or render or to pay for in whole or in part.

Subp. 7. Publicly subsidized. "Publicly subsidized" means funded by federal, state, county, or city tax dollars, but does not include title XIX of the Social Security Act medical assistance funds.

Statutory Authority: *MS s 145.925 subd 5; 144.05 para (f)*

History: *12 SR 1562*

4700.2100 CONTENT OF APPLICATION.

The application shall identify the geographic area to be served by the applicant and shall provide the following required information:

A. An inventory of existing family planning services provider agencies in the geographic area served by the applicant. The inventory shall include, for each provider agency, at least the agency name; addresses of all agency service sites; the target population served, including total number served if available (if unavailable, estimates will be acceptable); and the family planning service components provided.

B. An assessment of unmet needs of the geographic area to be served by the applicant. The assessment of unmet needs must, at least, identify unavailable family planning service components or unserved or underserved populations. A description of the method used in making the assessment shall be provided by the applicant.

C. A description of the family planning service components to be provided by the applicant. Each component to be provided with family planning special project funds must meet the standards for that component described in part 4700.2200. The application must include a budget and budget justification and summary of applicable training or experience of persons providing services relevant to these components. Also, for each component provided, the application must describe:

- (1) the goals;
- (2) the population to be served (target population);
- (3) the specific objectives to be achieved during the funding period;
- (4) the methods by which each objective will be achieved; and
- (5) the criteria to be used to evaluate the progress towards each

objective.

D. A description of the linkages between the applicant and other family planning services in the geographic area.

E. A description of fees to be charged individuals for any family planning services. Fees must be charged for services to individuals and must be in accordance with a sliding fee schedule for services and supplies based on the cost of such services or supplies and on the individual's ability to pay as determined by income, family size, and other relevant factors. Services shall not be denied based on ability to pay as specified in item H.

[For text of item F, see M.R. 1987]

G. Assurance that the use of third-party sources of funding will be employed whenever possible.

[For text of items H and I, see M.R. 1987]

J. Assurance that the privacy of the service recipient will be maintained in accordance with law.

K. Original signature on face sheet and budget forms.

Statutory Authority: *MS s 145.925 subd 5; 144.05 para (f)*

History: *12 SR 1562*

4700.2200 [Repealed, 12 SR 1562]

4700.2210 MINIMUM STANDARDS FOR FAMILY PLANNING SERVICE COMPONENTS.

An applicant is not required to provide all components to be eligible for funding. However, the applicant must make available the names and addresses of other family planning services provider agencies in the geographic area, if any, who offer components and services not offered by the applicant.

All funded projects must establish linkages to facilitate access to outreach, counseling, and other component services for service recipients.

Procedures for referral and follow-up must be incorporated into all services that are provided by the applicant on a one to one basis.

The provision of all service components except public information shall include information on family planning services available from the applicant.

Service components to be provided by the applicant shall be defined by, and shall meet or exceed, the following minimum standards:

A. Public information must include specific activities designed to inform the general population about family planning and how to obtain information on all family planning service components available in the geographic area.

B. Outreach must include specific activities designed to inform members of the target population about family planning and all the family planning service components available in the geographic area. Outreach activities shall include one to one or small group contacts with the target population.

Outreach must be conducted at times and places convenient to the target population. Persons conducting outreach shall have training or experience in family planning services.

C. Counseling must include utilization of nondirective techniques in a decision making format which enables individuals to voluntarily determine their participation in family planning services and their family planning method of choice, if any. "Nondirective techniques" means techniques that employ open ended questions to enable individuals to consider their feelings, attitudes, and values about alternatives and outcomes. A decision making format means a format that allows individuals to consider alternatives and outcomes, weigh advantages and disadvantages, and make choices.

MINNESOTA RULES 1988

17

COMMUNITY HEALTH SERVICES 4700.2210

When individuals are seeking to prevent pregnancy, counseling shall include the provision and explanation of factual information on all family planning pregnancy prevention methods in a nonjudgmental manner. "Nonjudgmental manner" means a manner in which the counselor's personal values and beliefs do not interfere with the client's choices.

When individuals are seeking to attain pregnancy, counseling shall include the provision and explanation of factual information on infertility diagnosis and treatment and services for pregnant women available in the geographic area.

Counseling shall be available to any individual in the target population and shall be conducted at times and places convenient to the target population.

Counseling shall include documentation that information required in Minnesota Statutes, section 145.925, has been provided. Counseling shall be conducted by persons with training or experience in counseling and family planning services.

D. Method must include the provision to a service recipient of the recipient's family planning method of choice. Provision of any family planning method must include:

(1) procedures which document that the service recipient participated in counseling prior to selecting a family planning method to prevent pregnancy;

(2) voluntary selection of the family planning method by the service recipient;

(3) information on the advisability of females obtaining a gynecological examination with Pap smear prior to initiating any family planning method;

(4) education on the use of the selected family planning method, including the risks and benefits of the method; and

(5) medical/laboratory services prior to the provision of a family planning method when the selected method requires medical intervention for prescription, fitting, insertion, or for surgical or diagnostic procedures. When the selected method does not require medical intervention, as described herein, the applicant shall encourage service recipients to obtain medical/laboratory services, but provision by the applicant is not required. Medical/laboratory services shall include:

(a) social and medical/surgical history with emphasis on the reproductive system;

(b) height, weight, and blood pressure measures;

(c) bimanual pelvic examination for females;

(d) breast examination and instruction on self-examination for females;

(e) hemoglobin or hematocrit;

(f) urinalysis for sugar and protein;

(g) Pap smear; and

(h) when indicated by history or symptoms, for both male and female as appropriate, diagnosis and curative treatment of venereal disease, diagnosis and treatment of vaginitis, diagnosis of pregnancy, and for females, as appropriate, provision of rubella immunization.

Medical services shall be rendered by licensed physicians, or professional nurses with documentable training in gynecological care conducted under the supervision of a licensed physician, or nurse midwives certified by the American College of Nurse Midwifery, or physician's assistants, under the supervision of a licensed physician. Laboratory tests shall be conducted by personnel trained to conduct such tests.

E. Referral must include the provision, in writing, of information to service recipients which enables them to participate in family planning and other needed health and human services. Documentation of referrals must be maintained.

F. Follow-up must include specific procedures of continuing care designed to encourage safe and consistent utilization of family planning and other needed health and human services, using protocols based on accepted professional standards of care.

Statutory Authority: *MS s 145.925 subd 5; 144.05 para (f)*

History: *12 SR 1562*

4700.2300 CRITERIA FOR AWARD OF FAMILY PLANNING SPECIAL PROJECT GRANTS.

[For text of subpart 1, see M.R. 1987]

Subp. 2. Priority. Applications proposing to provide all family planning service components in counties with no other in county publicly subsidized family planning service will be given priority above all other applications.

Subp. 3. Quality and content. Applications will be evaluated on the basis of:

A. part 4700.1100, items C and E;

B. the extent the funds will be used to meet unmet needs in the geographic area as identified in the application;

C. the extent the application proposes an identifiable expansion in the scope of the family planning service system in the geographic area to be served by the applicant;

D. the extent the application proposes to coordinate family planning services with organizations, agencies, and individual providers in the geographic area to be served;

E. the extent the application proposes to serve high risk persons; and

F. the extent the application proposes to maximize use of alternative sources of funding.

[For text of subp 4, see M.R. 1987]

Subp. 5. Review and comment by local board of health. Prior to submission to the commissioner, the applicant shall submit the proposal to the board of health as defined in Minnesota Statutes, section 145A.02, subdivision 2, for review and comment. Any comments of a board of health shall be submitted to the commissioner within 45 days of the date the proposal was received by the board of health.

Statutory Authority: *MS s 145.925 subd 5; 144.05 para (f)*

History: *12 SR 1562; L 1987 c 309 s 24*

4700.2400 CONTINGENCY FUNDING.

Subpart 1. Funding recommendations. If after reviewing applications in accordance with part 4700.2300, the total amount of funds applied for in the applications exceeds the amount of family planning special project grant funds available, applications will be funded in accordance with the following:

A. Budget recommendations must be made in accordance with the criteria for award of family planning special project funds stated in part 4700.2300.

B. Applications must be funded in rank order according to the criteria for award of family planning special project funds stated in part 4700.2300, from highest to lowest as funds are available.

Subp. 2. Contingency funding proration. If department funds for family

MINNESOTA RULES 1988

19

COMMUNITY HEALTH SERVICES 4700.2700

planning special project grants are reduced after awards have been made, awards must be reduced in accordance with the following:

A. Step No. 1: Approved applications proposing to provide all service components in counties with no other publicly subsidized in county family planning service will receive first priority. Up to the first \$25,000 of the recommended budget in these applications will be awarded with no modification. Any portion in excess of \$25,000 will be awarded in accordance with item B as follows:

B. Step No. 2: All other applications and those unawarded portions of applications in item A will be prorated in an amount equal to their recommended budget, multiplied by the ratio of total available funds minus funds awarded under item A to total amount of the recommended budgets minus funds awarded under item A.

Subp. 3. [Repealed, 12 SR 1562]

Statutory Authority: *MS s 145.925 subd 5; 144.05 para (f)*

History: *12 SR 1562*

4700.2500 USE OF STATE FUNDS AVAILABLE FOR FAMILY PLANNING SPECIAL PROJECT GRANTS.

Family planning special project grant funds may not be used to supplant any existing federal, state, or local funds for family planning information or services. Applicants are not required to match funds available under family planning special project grants.

Statutory Authority: *MS s 145.925 subd 5; 144.05 para (f)*

History: *12 SR 1562*

4700.2550 ALLOCATION SCHEME.

Annual awards to current recipients of family planning special project funds shall not exceed \$30,000 or a percentage increase or decrease of the current award that is proportionate to the increase or decrease in the department's biennial allocation of these funds.

Annual awards to new applicants shall not exceed \$30,000.

Statutory Authority: *MS s 145.925 subd 5; 144.05 para (f)*

History: *12 SR 1562*

GRANTS FOR MATERNAL AND CHILD HEALTH SERVICES

4700.2600 PURPOSE.

The purpose of parts 4700.2600 to 4700.4000 is to establish a process for allocating federal maternal and child health funds and state funds in the form of grants to assist in establishing and maintaining maternal and child health services.

Statutory Authority: *MS s 145.884; 145.889*

History: *11 SR 1887*

4700.2700 SCOPE.

Parts 4700.2600 to 4700.4000 apply generally to maternal and child health project grants awarded by the commissioner under Minnesota Statutes, sections 145.88 to 145.889. The money available for the grant awards governed by parts 4700.2600 to 4700.4000 comes from federal sources, under United States Code, title 42, sections 701 to 709, as amended through July 18, 1984, and from state appropriations. Parts 4700.2600 to 4700.4000 do not prescribe the exclusive requirements uniformly applicable to federal and state grants, but are in addition to any requirements specified in the federal and state enabling and authorizing laws governing grant programs, as well as applicable federal regulations and directives.

Statutory Authority: *MS s 145.884; 145.889*

History: *11 SR 1887*

4700.2800 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 4700.2600 to 4700.4000, the following terms have the meanings given them.

Subp. 2. **Application.** "Application" means a written request for funds submitted by the applicant on forms provided by the commissioner.

Subp. 3. **Award.** "Award" means the authorization by the commissioner for an applicant to receive and expend grant funds for an activity.

Subp. 4. **Competitive grant projects.** "Competitive grant projects" means those maternal and child health activities selected by the commissioner on a competitive basis and funded under Laws of Minnesota 1985, First Special Session chapter 14, article 19, section 37, subdivision 4, paragraph (d).

Subp. 5. **Formula grant projects.** "Formula grant projects" means those maternal and child health activities approved by the commissioner and funded under Minnesota Statutes, section 145.882, subdivisions 3 and 4.

Subp. 6. **Local match.** "Local match" means the applicant's share of the cost of maternal and child health activities for which federal and state funds are awarded.

Subp. 7. **Notice of availability.** "Notice of availability" means a written announcement by the commissioner noting the availability of funds.

Subp. 8. **Notice of intent.** "Notice of intent" means a written response to a notice of availability that must be submitted to the commissioner by the applicant in accordance with the timetable specified in the notice of availability.

Subp. 9. **Preblock grant projects.** "Preblock grant projects" means those maternal and child health special projects funded in state fiscal year 1983 and continued under Minnesota Statutes, section 145.882, subdivision 1.

Subp. 10. **Technically completed applications.** "Technically completed applications" means applications that contain all the information specified in the notice of availability and in part 4700.3200 as well as any additional information that the commissioner considers necessary for the proper review of applications and award of funds.

Statutory Authority: *MS s 145.884; 145.889*

History: *11 SR 1887*

AVAILABILITY OF FUNDS AND APPLICATION PROCESS

4700.2900 NOTICE OF AVAILABILITY.

The commissioner shall mail a notice of availability of grant funds to interested parties and local boards of health who have requested the commissioner in writing to be notified. The notice of availability must also be published in the State Register and must include at least the following information:

- A. the specific purposes for which funds are available;
- B. the eligibility requirements for applicants;
- C. the format of the notice of intent to apply for funds;
- D. the final dates for submission of notice of intent and for submission of applications;
- E. the expected timetable for review of applications by the commissioner; and
- F. the regional review requirements.

Statutory Authority: *MS s 145.884; 145.889*

History: *11 SR 1887*

4700.3000 NOTICE OF INTENT.

Interested parties shall notify the commissioner in writing of intent to apply for funds in accordance with the timetables and format specified in the commissioner's notice of availability.

Statutory Authority: *MS s 145.884; 145.889*

History: *11 SR 1887*

4700.3100 PROVISION OF APPLICATION FORMS.

Upon receipt of the notice of intent, the commissioner shall send application forms and instructions to interested parties who have submitted notices of intent.

Statutory Authority: *MS s 145.884; 145.889*

History: *11 SR 1887*

4700.3200 SUBMISSION OF APPLICATION.

Applications shall be submitted to the commissioner by the date specified in the notice of availability. Applicants for preblock grant projects, formula grant projects, and competitive grant projects shall provide the information specified in Minnesota Statutes, section 145.885, subdivision 1. Local boards of health applying for formula grant projects shall also provide the information specified in Minnesota Statutes, section 145.885, subdivision 2. Formula grant project applications may include the local component of projects of regional or statewide significance. The commissioner may require additional information that is necessary for the proper review of applications and award of funds consistent with the purposes of Minnesota Statutes, sections 145.88 to 145.889. The commissioner may refuse to award a grant for failure of an application to provide such information.

Statutory Authority: *MS s 145.884; 145.889*

History: *11 SR 1887*

4700.3300 ADDITIONAL REQUIREMENTS FOR FORMULA GRANT PROJECT APPLICANTS.

Boards of health as defined in Minnesota Statutes, section 145A.02, subdivision 2, intending to apply for formula grant projects shall:

A. Notify local public and private providers of the availability of funding through the local board of health for maternal and child health services. The notification process shall include direct mailings to providers and publication of pertinent information in newspapers of general circulation in the community health services area.

B. Develop a written statement of the criteria to be applied to public and private agency requests for funding and make it available to providers and other interested parties.

C. Explain how priorities were established for selecting the requests to be included in the formula grant application and make information available to providers and other interested parties.

Statutory Authority: *MS s 145.884; 145.889*

History: *11 SR 1887; L 1987 c 309 s 24*

REVIEW AND DISPOSITION OF APPLICATIONS**4700.3400 REGIONAL REVIEW.**

The applicant shall submit one copy of the completed application form to the commissioner by the date specified in the notice of availability and shall concurrently submit one copy of the completed application form to each of the following entities for the area in which the proposed activity will take place: regional development commission, and board of health, as defined in Minnesota

Statutes, section 145A.02, subdivision 2. Any comments of the regional development commission, or board of health shall be submitted to the commissioner within 45 days after receipt of the application.

Statutory Authority: *MS s 145.884; 145.889*

History: *11 SR 1887; L 1987 c 309 s 24*

4700.3500 COMMISSIONER REVIEW.

The commissioner shall review all applications in accordance with the time schedule specified in the notice of availability. Consideration shall be given by the commissioner to the following criteria in determining which activities shall receive funds:

A. a determination that all legal conditions of eligibility are established under Minnesota Statutes, sections 145.882, subdivisions 1, 3, 5, and 7 and 145.883, subdivision 3;

B. a determination that the application is technically completed;

C. in the case of formula grant project applicants, evidence of compliance with part 4700.3300 and Minnesota Statutes, section 145.885, subdivision 2;

D. evidence of the availability of local match consistent with Minnesota Statutes, section 145.888; and

E. the findings submitted by the regional review agencies and the advisory task force established under Minnesota Statutes, section 145.881.

Statutory Authority: *MS s 145.884; 145.889*

History: *11 SR 1887*

4700.3600 DISPOSITION.

The commissioner shall inform each applicant in writing that one of the actions in items A to D has been taken with respect to its application.

A. Approval of application as submitted.

B. Approval of application with modifications.

C. Conditional disapproval due to inadequate funds. In this case, the applications shall be retained by the commissioner pending availability of additional funds.

D. Disapproval of application with justification.

The commissioner's notice of award shall specify the amount of the award, source of funds, duration of the funding period, and other conditions necessary for assuring the appropriate use of public funds.

Statutory Authority: *MS s 145.884; 145.889*

History: *11 SR 1887*

ADMINISTRATION

4700.3700 MONITORING.

A staff member of the Department of Health shall be designated to act as monitor for each grant awarded. The person designated shall, in consultation with the award recipient, provide or arrange for administrative and technical support and shall monitor progress toward the goals and objectives of the activity.

Statutory Authority: *MS s 145.884; 145.889*

History: *11 SR 1887*

4700.3800 RESPONSIBILITIES OF AWARD RECIPIENTS.

In addition to fulfilling the goals and objectives of the activity, the award recipients shall:

MINNESOTA RULES 1988

23

COMMUNITY HEALTH SERVICES 4700.4000

A. comply with the terms and conditions of the commissioner's award notice and with the requirements of parts 4700.2600 to 4700.4000 and other applicable laws and rules;

B. maintain such records, including program and accounting records, as are necessary to make the required reports and to permit assessment of the activity by the commissioner;

C. provide the commissioner with access to records relating to the funded activity;

D. provide progress reports in accordance with a schedule specified in the commissioner's award notification;

E. assure that:

(1) the recipient's treasurer or an official exercising similar functions shall receive and provide for the custody of all funds paid by the commissioner;

(2) all local funds expended by the recipient in order to match a directly awarded federal grant are reported on the budget and expenditure form;

(3) the local funds identified as local match are used solely to match the specific grant awarded by the commissioner;

(4) funds are used solely for the purpose authorized in the award;

(5) accounting records are supported by source documents;

(6) audits are conducted to determine the fiscal integrity of financial transactions and reports;

(7) fiscal and programmatic accountability is maintained for all subcontracts;

(8) services will be provided in accordance with program standards of the commissioner and standards of accepted professional organizations such as the American Academy of Pediatrics; and

(9) funds will not be used for inpatient services except for high risk pregnant women and infants.

Statutory Authority: *MS s 145.884; 145.889*

History: *11 SR 1887*

4700.3900 DISQUALIFICATION.

The commissioner shall withhold or terminate funding for failure to comply with the terms of the award or with the requirements of the applicable rules or statutes. The commissioner shall require reimbursement of unauthorized expenditures identified by fiscal audit.

Statutory Authority: *MS s 145.884; 145.889*

History: *11 SR 1887*

4700.4000 UNIFORM REPORTS.

Award recipients shall furnish uniform reports to the commissioner. Reports of expenditure, filed on forms provided by the commissioner, and annual reports of evaluations of activities shall be submitted no later than 90 days following the close of the fiscal year.

Statutory Authority: *MS s 145.884; 145.889*

History: *11 SR 1887*