

1 Department of Health

2

3 Proposed Permanent Rules Relating to Family Planning Special
4 Project Grants

5

6 Rules as Adopted

7 4700.1900 PURPOSE, SCOPE, AND APPLICABILITY.

8 The purpose and scope of parts 4700.1900 to 4700.2500 is to
9 prescribe requirements applicable to family planning special
10 project grants, to establish minimum standards for family
11 planning services supported in whole or in part by family
12 planning special project grant funds, and to provide criteria
13 for the review of family planning special project grant
14 applications.

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

23 4700.2000 DEFINITIONS.

24 Subpart 1. Scope. For purposes of parts 4700.1900 to
25 4700.2500, the following terms have the meanings given them in
26 this part.

27 Subp. 2. Approvable application. "Approvable application"
28 means an application which meets the criteria for award, as
29 specified in part 4700.2300.

30 Subp. 3. Community health board. "Community health board"
31 means a board of health established, operating, and eligible for
32 a subsidy under Minnesota Statutes, sections 145A.09 to 145A.13.

33 Subp. 4. Current award. "Current award" means the amount
34 of family planning special project grant funds received in the
35 year immediately preceding the one for which a new grant of

1 family planning special project funds is requested.

2 Subp. 5. **Current recipient.** "Current recipient" means an
3 agency receiving family planning special project grant funds in
4 the year immediately preceding the one for which a new grant of
5 family planning special project funds is requested.

6 Subp. 6. **Family planning.** "Family planning" means
7 voluntary planning and action by individuals to attain or
8 prevent pregnancy.

9 Subp. 7. **Family planning methods.** "Family planning
10 methods" means agents and devices for the purpose of fertility
11 regulation prescribed by a licensed physician, and other agents
12 and devices for the purpose of fertility regulation including,
13 spermicidal agents, diaphragms, condoms, oral contraceptives,
14 intrauterine devices, natural family planning methods,
15 sterilizations, and the diagnosis and treatment of infertility
16 by a licensed physician, which can be paid for in whole or in
17 part by family planning special project grant funds.

18 Subp. 8. **Family planning services components.** "Family
19 planning services components" means the public information,
20 outreach, counseling, method, referral, and follow-up categories
21 under which all services provided by family planning service
22 providers must be described. The minimum standards in part
23 4700.2210 serve to define these components.

24 Subp. 9. **High risk person.** "High risk person" means an
25 individual whose age, health, prior pregnancy outcome, or
26 socioeconomic status increases her chances of experiencing an
27 unplanned pregnancy or problems during pregnancy. High risk
28 persons include, but are not limited to, women under 18 or over
29 35; women who have experienced premature labor and delivery;
30 women with existing health problems such as diabetes, anemia,
31 and obesity; and persons whose individual or family income is
32 determined to be at or below 200 percent of the official income
33 poverty line as defined ~~according to~~ by United States Code,
34 title 42, section 9902, ~~as amended,~~ and as published by the
35 Federal Office of Management and Budget and revised annually in
36 the Federal Register. A copy of the most current guideline is

1 available from the Office of Planning and Evaluation, Department
2 of Health and Human Services, Washington, D.C., 20201, (202)
3 245-6141.

4 Subp. 10. Linkages. "Linkages" means formal or informal
5 arrangements between the applicant and other family planning
6 providers including contracts, reciprocal referral agreements,
7 and committees.

8 Subp. 11. New applicant. "New applicant" means an agency
9 which did not receive family planning special project funds in
10 the year immediately preceding the one for which a grant of
11 family planning special project funds is requested.

12 Subp. 12. Provide. "Provide" means to directly supply or
13 render or to pay for in whole or in part.

14 Subp. 13. Publicly subsidized. "Publicly subsidized"
15 means funded by federal, state, county, or city tax dollars, but
16 does not include title XIX of the Social Security Act medical
17 assistance funds.

18 Subp. 14. Region. "Region" means that group of counties
19 represented by a single person on the executive committee of the
20 State Community Health Advisory Committee. The counties in each
21 region are as follows:

22	Northeastern	Northwestern	West Central
23			
24	Aitkin	Becker	Clay
25	Carlton	Beltrami	Douglas
26	Cook	Clearwater	Grant
27	Itasca	Hubbard	Otter Tail
28	Koochiching	Kittson	Pope
29	Lake	Lake of the Woods	Stevens
30	Saint Louis	Mahnomen	Traverse
31		Marshall	Wilkin
32		Norman	
33		Pennington	
34		Polk	
35		Red Lake	
36		Roseau	
37			
38			
39	Central	Metro	South Central
40			
41	Benton	Anoka	Blue Earth
42	Cass	Carver	Brown
43	Chisago	Dakota	Faribault
44	Crow Wing	Hennepin	Le Sueur
45	Isanti	Ramsey	McLeod
46	Kanabec	Scott	Martin
47	Mille Lacs	Washington	Meeker
48	Morrison		Nicollet
49	Pine		Sibley
50	Sherburne		Waseca

1	Stearns	Watonwan
2	Todd	
3	Wadena	
4	Wright	
5		
6		
7	Southeastern	Southwestern
8		
9	Dodge	Big Stone
10	Fillmore	Chippewa
11	Freeborn	Cottonwood
12	Goodhue	Jackson
13	Houston	Kandiyohi
14	Mower	Lac Qui Parle
15	Olmsted	Lincoln
16	Rice	Lyon
17	Steele	Murray
18	Wabasha	Nobles
19	Winona	Pipestone
20		Redwood
21		Renville
22		Rock
23		Swift
24		Yellow Medicine
25		

26 4700.2100 CONTENT OF APPLICATION.

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

30 [For text of items A and B, see M.R.]

31 C. A description of the family planning service
32 components to be provided by the applicant. Each component to
33 be provided with family planning special project funds must meet
34 the standards for that component described in part 4700.2210.
35 The application must include a budget and budget justification
36 and summary of applicable training or experience of persons
37 providing services relevant to these components. Also, for each
38 component provided, the application must describe:

39 (1) the goals;

40 (2) the population to be served (target
41 population);

42 (3) the specific objectives to be achieved during
43 the funding period;

44 (4) the methods by which each objective will be
45 achieved; and

46 (5) the criteria to be used to evaluate the
47 progress towards each objective.

48 [For text of items D to K, see M.R.]

1 4700.2300 CRITERIA FOR AWARD OF FAMILY PLANNING SPECIAL PROJECT
2 GRANTS.

3 Subpart 1. **Application criteria.** Applications which meet
4 the requirements of law and parts 4700.1900 to 4700.2500 shall
5 be deemed approvable applications and eligible for award
6 according to the notice of availability and the following
7 criteria.

8 Subp. 2. [See repealer.]

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

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

13 B. the extent the application proposes an
14 identifiable expansion in the scope of the family planning
15 service system in the geographic area to be served by the
16 applicant;

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

20 D. the extent the application proposes to serve high
21 risk persons;

22 E. the extent the application proposes to maximize
23 use of alternative sources of funding; and

24 F. the extent the application proposes to provide
25 family planning methods according to part 4700.2210, item D.

26 Subp. 4. **Agency.** When equivalent and competing
27 applications are submitted for a geographic area, award
28 priorities will be in accordance with the following:

29 A. first priority will be given to community health
30 boards; and

31 B. second priority will be given to eligible
32 nonprofit corporations.

33 Subp. 4a. **Priority.** Current recipients of family planning
34 special project funds will not be accorded any priority over new
35 applicants.

1 Subp. 5. **Review and comment by community health board.**
2 Before submission to the commissioner, the applicant shall
3 submit the proposal to the community health board responsible
4 for the geographic area in which the applicant proposes to
5 provide its services, for the community health board's review
6 and comment. The community health board's comments shall
7 address the application based on the criteria in subpart 3. Any
8 comments of a community health board shall be submitted to the
9 commissioner within 45 days of the date the proposal was
10 received by the community health board.

11 4700.2410 ALLOCATION SCHEME.

12 Subpart 1. **Family planning hotline grant.** Five percent of
13 the total annual funds available or \$100,000 per year, whichever
14 is less, must be allocated for a statewide family planning
15 hotline. Applications must contain identifiable plans and
16 budget allocations for both the operation of the hotline and its
17 promotion statewide. If the grant award is not for the full
18 amount of funds allocated under this subpart, the funds
19 remaining must be reallocated for distribution under subpart 2.

20 Subp. 2. **Family planning services grants.** The portion of
21 the total funds remaining after the distribution made under
22 subpart 1 must be allocated according to this subpart. Except
23 as provided in part 4700.2420, subpart 4, the family planning
24 special project grant funds must be allocated on a regional
25 basis according to the following needs-based distribution
26 formula.

27 A. Determine the regional need by totaling the
28 following three factors:

29 (1) the number of resident women within the
30 region who are 12 to 18 years of age, determined by using
31 Department of Health data from the most recent year for which it
32 is available;

33 (2) the number of resident women within the
34 region 19 to 34 years of age who are on medical assistance as
35 determined by using Department of Human Services data from the

1 most recent year for which it is available; and

2 (3) the number of resident women within the
3 region who are 35 to 44 years of age as determined by using
4 Department of Health data from the most recent year for which it
5 is available.

6 B. Compute the regional proportion of the total state
7 need for services by totaling the three factors in item A for
8 each region and dividing each regional total by the sum of the
9 three factors for the entire state.

10 C. Calculate the amount of family planning special
11 project grant funds available for each region by multiplying its
12 regional proportion by the total amount of money available for
13 family planning special projects under this subpart.

14 4700.2420 FAMILY PLANNING SERVICES GRANT FUNDING.

15 Subpart 1. Funding limit. ~~If the total funds available~~
16 ~~for distribution under part 4700.2410, subparts 1 and 2, are~~
17 ~~\$2,200,000 per year or less,~~ An applicant, other than one an
18 applicant for a family planning hotline grant, ~~with an~~
19 ~~approvable application who is also a current recipient of family~~
20 ~~planning special project grant funds~~ shall be limited to an
21 annual application request of ~~\$40,000 or its current award,~~
22 ~~whichever is greater~~ \$75,000 per region. A new applicant with
23 ~~an approvable application shall be limited to an annual request~~
24 ~~of \$40,000.~~ ~~If the funds available for distribution exceed~~
25 ~~\$2,200,000 per year, the funding limit shall increase by a~~
26 ~~percentage equal to half the percentage increase in the amount~~
27 ~~of total funds available for distribution.~~ Two or more agencies
28 may submit a joint application; each agency that is a party to
29 it shall be limited to an annual application request of \$75,000
30 for each region covered by the joint application.

31 Subp. 2. Grant allocations. The applications, other than
32 those for a family planning hotline grant, must be ranked in
33 order within each region from highest to lowest based on the
34 criteria for award in part 4700.2300. The applications must be
35 funded in rank order from highest to lowest until all available

1 funds for the region are allocated. ~~An applicant may submit~~
2 ~~applications for more than one region, however, the total~~
3 ~~funding requested by one applicant for all regions shall not~~
4 ~~exceed the funding limit of subpart 1.~~

5 Subp. 3. Funding awards. If the amount requested by any
6 applicant is more than that reasonably required to provide the
7 proposed services, or if the proposed services are not based on
8 part 4700.2210 or 4700.2300, the commissioner must either deny
9 funding or award less than the amount the applicant requested.
10 When the commissioner decides to award less than requested, the
11 applicant must submit a revised description of the target
12 population, methodologies, budget, or budget justification as
13 required by the commissioner to receive funding.

14 Subp. 4. Contingency funding. If any of the conditions in
15 items A to D exist, the commissioner shall redistribute the
16 funds according to this subpart.

17 A. If funds remain available in a region after all
18 approvable applications are funded according to this part, the
19 commissioner shall redistribute the funds to the other regions,
20 proportional to their share of funding need, based upon the
21 process stated in part 4700.2410, subpart 2. The redistributed
22 funds shall be awarded according to subpart 2.

23 B. Funds remaining available after all approvable
24 applications are funded at the funding limit in subpart 1, and
25 awarded according to subpart 2, will be proportionally
26 distributed to all applicants with approvable applications. In
27 order to receive additional funds, an applicant with an
28 approvable application must submit a revised description of the
29 target population, objectives, methodologies, budget, and budget
30 justification to the commissioner within 60 days after receiving
31 notice of the availability of additional funds.

32 C. If the department funds for family planning
33 special project grants are increased after awards have been made
34 under part 4700.2410, subpart 1, or 4700.2420, subparts 2 to 4,
35 funds must first be allocated to the family planning hotline
36 grant recipient within the funding limits specified in part

1 4700.2410, subpart 1. Remaining funds must then be distributed
2 to the regions proportional to their share of funding need as
3 determined according to part 4700.2410, subpart 2, and awarded
4 according to part 4700.2420, subparts 2 to 4.

5 D. If department funds for family planning special
6 project grants are reduced after awards have been made under
7 this subpart or subpart 2 and part 4700.2410, subpart 1, all
8 awards must be reduced proportionate to the department's
9 reduction in these funds. A grant award recipient must submit a
10 revised description of the target population, objectives,
11 methodologies, budget, and budget justification to the
12 commissioner within 60 days after receiving notice of reduced
13 awards.

14 4700.2500 USE OF STATE FUNDS AVAILABLE FOR FAMILY PLANNING
15 SPECIAL PROJECT GRANTS.

16 Family planning special project grant recipients may not
17 replace funds from other sources, such as existing federal,
18 state, or local funds which the recipient uses for family
19 planning information or services and over which the recipient
20 exercises discretion, with family planning special project grant
21 funds. Recipients are not required to match funds available
22 under family planning special project grants.

23 REPEALER. Minnesota Rules, parts 4700.2300, subpart 2;
24 4700.2400; and 4700.2550, are repealed.