



Colorado Department
of Public Health
and Environment

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Disease Control and Environmental Epidemiology Division

6 CCR 1009-10

**RULES FOR THE COLORADO HIV AND AIDS PREVENTION GRANT PROGRAM
(Promulgated by the State Board of Health)**

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1.1 Definitions

- A. "Board" means the State Board of Health.
- B. "Advisory Committee" means the seven members committee set forth in Section 25-4-1414 (1) (a), C.R.S. that is responsible for overseeing the Colorado Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) Prevention Program that shall fund medically accurate HIV and AIDS prevention and education programs through a competitive grant process pursuant to Section 25-4-1413, C.R.S.
- C. "Division" means the Disease Control and Environmental Epidemiology Division.
- D. "Colorado HIV and AIDS Prevention Grant Program" (CHAPP) means the grant program created to address local community needs in the areas of medically accurate HIV and AIDS prevention and education through a competitive grant process established pursuant to Section 25-4-1413 (1), C.R.S. administered by the Disease Control and Environmental Epidemiology Division at the Colorado Department of Public Health and Environment.
- E. "Conflict of Interest" consists of one or more the following conditions:
 - 1. If a member of the Advisory Committee has an immediate personal, private, or financial interest in any matter pending before the Advisory Committee;
 - 2. If a member of the Advisory Committee has been an employee, consultant, officer, board member, advisor, grant writer, client, or volunteer for any of the agencies (whose grant applications are to be reviewed by the Advisory Committee) within the past twelve months, or has any other reasons that would prevent them from being an unbiased review panelist;
 - 3. All other individuals: a personal or financial interest that could reasonably be perceived as an interest that may influence an individual in his or her official duties.
- F. "Financial interest" means an interest held by an individual which is an ownership or vested interest in an entity or employment, or investment interests, or a prospective employment for which negotiations have begun, or a directorship or officership in an entity, or immediate family members.
- G. "Medically accurate HIV and AIDS prevention and education programs that are based in behavioral and social science theory and research" means that the curricula, interventions, strategies, and methods have been studied and are consistent with one or more of the following:
 - 1. Verified or supported by research conducted in compliance with scientific methods;
 - 2. Recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the American Public Health Association, American Social Health Association, the American Academy of Pediatrics, the American Academy

of Family Physicians, the American College of Obstetricians and Gynecologists, the Infectious Disease Society of America, and the American Psychological Association;

3. A study published in a peer-reviewed journal;
 4. Clearly identified link to social, behavioral, and biomedical science theories; or
 5. A local adaptation of an evidence-based model.
- H. "Comorbidities secondary to HIV infections" includes, but is not limited to, the scope of sexually transmitted infections, hepatitis, tuberculosis, substance abuse and mental health issues.
- I. "Urban" shall be a term applied to counties that fall within the standard definition of Metropolitan Statistical Areas, having within the county boundaries one or more population centers of 50,000 persons or more, AND which according to Colorado HIV surveillance data have a preponderance of HIV/AIDS cases, that is 250 cases or more.
- J. "Rural" shall be a term applied to counties that fall within non-Metropolitan Statistical Areas OR have less than 250 reported HIV/AIDS cases.

1.2 Program Goals and Services

- 1.2.1 Program Goals. The grant program is created for the purpose of addressing local community needs by funding medically accurate HIV and AIDS prevention and education programs that are based in behavioral and social science theory and research through a competitive grant process. The Division shall administer the program with the goal of developing a comprehensive approach that will decrease the transmission and acquisition of HIV and AIDS in Colorado.
- 1.2.2 Program Services. The program shall fund competitive grants.
- A. Grant applications shall address the following program criteria:
1. The primary purpose of the grant application must be to provide medically accurate HIV and AIDS prevention and education programs that are based in behavior and social science theory and research; and
 2. Grant applications must address local community needs in the areas of medically accurate HIV and AIDS prevention and education, as outlined in section 1.1 (H).
- B. Grant applications may also include activities related to conducting HIV prevention in conjunction with other comorbidities secondary to HIV infections.

1.3 Procedures for Grant Application

1.3.1 Grant Application Contents

A. Grant Application Contents

1. At a minimum, all applications shall be submitted to the Division in accordance with these rules and shall contain the following information:
 - a. Documentation to verify that that the grant applicant is either:
 - (1) A nonprofit organization that is governed by a board of directors,

- (2) A tax-exempt organization 501 (c) (3) of the federal "internal revenue code, or
 - (3) A local health department.
- b. Since preference shall be given to grant applicants that have as one of their primary purposes HIV and AIDS prevention and education, documentation must be provided to verify that that the grant applicant meets this criterion, if applicable.
 - c. A statement of the local HIV and AIDS prevention or education issue(s) to be addressed.
 - d. A description of the constituency (clients) that shall be served or targeted.
 - e. A description of the needs of the community or population to be served.
 - f. A description of how the constituency (clients) will benefit from the grant.
 - g. A description of the goals and objectives of the grant applicant in submitting an application under the program.
 - h. A description of the impact of HIV disease on the individual constituency and/or community to be served.
 - i. A description of the geographical area to be served.
 - j. A description of the activities planned to accomplish the goals and objectives of the grant applicant and of the outcomes measures that will be used by the grant applicant.
 - k. A description of the history, experience, and cultural competence of the applicant including work with the target community or population and in providing the services described in the application.
 - l. A description of the applicant's capacity to comply with and monitor the implementation of the grant requirements.
 - m. Documentation to demonstrate that the intervention, strategy, or methods is medically accurate and based in behavioral and social science theory, as outlined in section 1.1(H).
 - n. A detailed description of implementation steps and timelines.
 - o. A description of the roles and responsibilities of all staff funded through the application.
 - p. A detailed operating budget and budget narrative.
 - q. A detailed evaluation plan to include process and outcome measures.
- (1) Process measures shall include the number of clients to be reached, and when feasible, age, race, ethnicity, gender, and behavioral risk factors.

(2) Outcome measures may include:

- (a) Improved early detection of HIV, personal knowledge of HIV status, enhanced partner disclosure,
- (b) Improvements in HIV-related knowledge, attitude, beliefs, and behavior,
- (c) Reduction in the number of sex partners and other high-risk transmission behaviors, such as needle sharing and substance abuse.

r. A list of partners or supporters of the application and a description of their roles.

B. Timelines for Grant Application

- 1. Grant applications may be solicited up to two times each fiscal year, on dates determined by the Division and in consultation with the Advisory Committee.

1.4 Criteria for Selecting Entities

- A. The Division shall solicit competitive applications. The Advisory Committee shall review applications received pursuant to Section 25-4-1413 and Section 25-4-1414 C.R.S. and submit to the Board and the executive director of the Department recommended recipients, recommended grant amounts, and the duration of each recommend grant. In making recommendations for grants, the Advisory Committee shall follow the purpose of the program as outlined in section 25-4-1413.
- B. In making recommendations for grants, the Advisory Committee shall consider the distribution of federal funds in the areas of HIV and AIDS prevention, education, and treatment.
- C. In reviewing and approving grant applications, the Advisory Committee and the Board shall ensure that grants are distributed statewide and address the needs of both urban and rural residents of Colorado.
- D. The Board shall have final authority to approve the grants administered under Section 25-4-1414 and Section 25-4-1413 C.R.S.
 - 1. Within 30 days after receiving the Advisory Committee's recommendations, the executive director shall submit his or her recommendations to the Board.
 - 2. If the Board disapproves a recommendation for a grant recipient, the Advisory Committee may submit a replacement recommendation within 30 days after disapproval.
 - 3. The Board shall award grants to the entities selected by the Advisory Committee specifying the amount and duration of each grant award.
- E. At a minimum, the Advisory Committee shall use the following criteria for selecting potential grantees:
 - 1. The grants administered pursuant to Section 25-4-1413 shall only be given for medically accurate HIV and AIDS prevention and education programs that are based in behavioral and social science theory and research.

2. Must be nonprofit organizations that are governed by a board of directors, have the benefit of tax-exempt status pursuant section 501 (c) (3) of the federal "internal revenue code" or local health departments as defined in Section 25-4-1413 (2) C.R.S.
 3. Preference shall be given to grant applicants that have as one of their primary purposes HIV and AIDS prevention and education as defined in Section 25-4-1413 (3) (a) C.R.S.
 4. Grants may be given to organizations that conduct HIV prevention in conjunction with other comorbidities secondary to HIV infections as defined in Section 25-4-1413 (3) (b) C.R.S.
 5. Grants shall not be used to contribute to existing scholarships, directly to endowments, fundraising events, annual fund drives, or debt reduction.
 6. The grants administered pursuant to Section 25-4-1413 shall only be subject to the restrictions provided for in this section and Section 25-4-1413 and shall not be subject to the same restrictions as grants provided with federal moneys for HIV and AIDS prevention.
- F. The Board of Health shall select at least one grant recipient to evaluate the effectiveness of the funded initiatives.

1.5 Awarding of Program Grants

- A. The Board shall award grants to the selected entities, specifying the amount of the grant.
- B. Any actual or prospective applicant who is aggrieved in connection with the solicitation or award of a contract pursuant to Section 25-4-1413 may protest to the Executive Director of the department or his/her designee.
1. Such protests must be submitted in writing within seven working days after such aggrieved person knows, or should have known, of the facts giving rise thereto.
 2. At the discretion of the Executive Director or his/her designee, protests may be placed on the agenda of the Advisory Committee for their consideration, and, if necessary, the Board.
 3. At the discretion of the Executive Director or his/her designee, awards may proceed pending the final outcome of a Board decision regarding a protest.
 4. At the discretion of the Board, a protest may result in changes in the final selection of entities receiving awards, the amount and duration of awards, and the termination of contracts or other agreements that were awarded pursuant to Section 25-4-1413.
- 1.5.1 Criteria for the Grant Amount At a minimum, the Board shall consider the following factors, as appropriate:
- A. The recommendation or rating of the application by the Advisory Committee;
 - B. The distribution of federal funds in the areas of HIV and AIDS prevention, education, and treatment;
 - C. That grants are distributed statewide and address the needs of both urban and rural residents of Colorado; and

- D. The availability of funds.
- 1.5.2 Criteria for Overall Grant Awards At a minimum, the Board shall consider the following factors, as appropriate:
- A. Ensure that a proportion of the moneys awarded through the grant program be directed to projects impacting:
 - 1. Urban areas of the state;
 - 2. Rural areas of the state impacted by HIV/AIDS;
 - 3. Populations disproportionately affected by the epidemiological impact of (incident and prevalent) HIV/AIDS cases;
 - B. If no viable or competitive applications are received for one or more of the categories listed in 1.5.2 (A), then awards will be made in the remaining category or categories for which viable or competitive applications are received.
- 1.5.3 Criteria for Duration of Program Grants The Board shall specify the duration of the grant; however, no grant shall be awarded for a period that exceeds three years. The Board shall receive recommendations from the Advisory Committee for non-renewal of grants for failure to perform.

1.6 Responsibilities of Grantees

- 1.6.1 Program Evaluation. Grantees shall be responsible for program evaluation consisting of the following:
- A. The development and implementation of a detailed written evaluation plan and the preparation of a final evaluation report. At a minimum, the plan shall describe how the grantee will document process and outcome measures, as described above in section 1.3.1 (A)(j) and section 1.3.1 (A)(2);
 - B. Determination of how the results achieved by the program contribute to the achievement of the program goals as stated in section 1.2.
 - C. The interventions or approach selected and the desired outcomes;
 - D. Why this approach was chosen;
 - E. The number of people served and the services provided;
 - F. Prior to implementation, the grantee must provide documentation that the HIV prevention messages, images, and materials developed or purchased by the grantee for distribution in the context of the funded prevention activity have been reviewed and approved by an expert panel designated by the Advisory Committee. The review criteria include, but are not limited to, consistency with department policy, scientifically sound and accurate, and are appropriate and acceptable to the targeted risk population.
- 1.6.2 Annual Reports. Grantees shall submit the annual report no later than 30 days after the end of the grant period. The grant period will vary depending on the grant, as described in section 1.5.3. Continuation of the grant is contingent on submitting an annual report. Grantees who fail to submit the annual report may be terminated for nonperformance. At the end of the grant period, the final report shall serve as that year's annual report.

1.6.3 Final Evaluation Report. Grantees shall submit a final evaluation report within 30 days of the end of the grant period. At a minimum, each Final Evaluation Report shall include:

- A. A determination of how the results achieved by the grantee contributed to the achievement of the Program;
- B. Whether the grantee participated in state-level evaluation or surveillance studies regarding the impact of the overall grants program at the request of the department, or the Advisory Committee, a description of each evaluation or study;
- C. The number of people and target population the grantee served and the services provided;
- D. A summary of the lessons the grantee learned from the implementation of the grant services, including discussion of the obstacles and how they were overcome as well as changes that would be made in the future;
- E. Measures or indicators used;
- F. Methods/strategies used to determine effectiveness and impact on HIV transmission;
- G. How results will be used, disseminated and communicated;
- H. Whether plans for sustainability after the grant period ends have been implemented, and if so, what those plans are; and
- I. How grantees impacted the target population.

1.6.4 Termination

- A. Grants awarded under this program may be terminated due to nonperformance or other cause. Grounds for termination of this grant may include, but are not limited to:
 - 1. Change in eligibility of the grant,
 - 2. Unauthorized release of confidential client information or failure to maintain internal records in a manner which ensures the confidentiality and security of those records in accordance with all applicable statutes,
 - 3. Substantial failure to meet objectives described in grant applications,
 - 4. Violation of federal or state law or regulation,
 - 5. Failure to deliver required reports or to submit required data in a timely and accurate manner,
 - 6. Demonstrated or probable harm to clients through exploitation, negligence, or poor quality of services.
- B. A recommendation to terminate a grant under this program will be submitted by the Advisory Committee as necessary. The Advisory Committee shall accept or reject this recommendation by simple majority vote. A recommendation for termination will include the following information:
 - 1. Description of the grounds for termination,

2. Description of the investigations conducted and the findings of these investigations,
 3. Evidence substantiating all findings (presented in a manner that does not violate client confidentiality),
 4. Actions, short of termination, that have been attempted to address deficiencies and the outcomes of such actions,
 5. A statement prepared and submitted by the grantee describing mitigating factors, additional evidence, or other information refuting the grounds for grant termination.
- C. Terminations of grants under this program may be appealed to the Advisory Committee. Such appeals must be filed with the Advisory Committee within 30 days of the receipt of notification of intent to cancel a grant. The Advisory Committee may request additional information or may conduct interviews or other investigations in regard to such appeals. Grants shall remain in effect pending the outcome of the appeal.
- D. At the discretion of the Advisory Committee, grantees whose awards were terminated may be deemed ineligible for future grant awards.

1.7 Conflict of Interest

1.7.1 Applicability This section applies to any person:

- A. Who reviews submitted applications; or
- B. Makes recommendations to the Board regarding which applicants receive grants and the amounts of said grants; or
- C. Who is a member of the Board or Advisory Committee.

1.7.2 Prohibited Behavior. No person may be involved in the activities specified in subsection (1) of this section if that person has a conflict of interest, as that term is defined in section 1.1(F) herein.

1.7.3 Responsibilities of Persons with a Potential Conflict of Interest. A person who believes that he or she may have a conflict of interest shall disclose the conflict as soon as he or she becomes aware of it. If the person is a member of the Advisory Committee, that person shall not vote on the matter for which the person has a conflict. Other activities of members of the Advisory Committee are subject to subparagraph (b) of this paragraph (1.7.3).

- A. If the person is a member of the Advisory Committee and acting in his or her capacity as an Advisory Committee member, the person shall publicly disclose the conflict of interest to the Advisory Committee. If the Advisory Committee determines there exists of a conflict of interest, the person shall recuse himself or herself from any of the activities specified in section 1.7(F) relating to the conflict.
- B. Any other person shall disclose the conflict of interest in writing to the Advisory Committee. If the Advisory Committee determines that the person has a conflict of interest, the person shall recuse himself or herself from any of the activities specified in section 1.7(F) relating to the conflict.