# Ryan White HIV/AIDS Program (RWHAP) Legislative Overview August 29, 2017

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### RWHAP Legislative Overview Legislative History

- Enacted on August 18, 1990
- Reauthorizations
  - **1996**
  - **2000**
  - **2006**
  - 2009





#### **RWHAP Legislative Overview**

#### **Grants under the RWHAP**

- Part A—Mandatory awards to specific cities
- Part B—Mandatory awards to States/Territories
- Part C Discretionary, competitive awards to providers
- Part D Discretionary, competitive awards to providers with focus on women, infants, children and youth
- Part F –SPNS, AETCs, Dental Programs and MAI





### RWHAP Legislative Overview Part B

- Part B Mandatory Awards to States
  - Part B Base formula
  - AIDS Drug Assistance Program (ADAP) formula
  - ADAP Supplemental Formula
  - Emerging Communities (EC) Formula
  - Minority AIDS Initiative (MAI) Formula





#### RWHAP Legislative Overview Part B Continued

- Part B Supplemental
  - Competitive with statutory priority

#### **Other Grants**

 Emergency Relief Funding – Discretionary, competitive awards to States





#### RWHAP Legislative Overview Part B Base Formula

#### Part B Base Formula

- Includes a minimum award for certain states/territories
- Attempts to address potential doublecounting for those States that also contain an area that receives funding under RWHAP Part A





### RWHAP Legislative Overview Statutory Requirements

#### RWHAP Part B Programs must comply with various statutory requirements

- Core medical services
- Comprehensive planning processes, which include public input
- Focus on Early Identification of Individuals with HIV/AIDS
- Maintenance of effort
- Payer of last resort
- Administrative cost caps
- Clinical Quality Management

See §§ 2617, 2618 of the PHS Act See HAB Policy Notice 15-01





### RWHAP Legislative Overview Core Medical Services Requirement

 Requirement to use not less than 75 percent of funding for Core Medical Services (defined) unless waiver is granted

- Secretarial waiver is permitted if:
  - No waiting lists for ADAP and
  - Core Medical Services are available to all individuals identified and eligible in an applicant's service area

See § 2612(b) of the PHS Act See HAB Policy Notice 13-07





### **RWHAP Legislative Overview Obligation and Expenditure of Funds**

#### **Obligation and Expenditure of Grant Funds**

- Added to address the issue of very large unobligated balances (UOB) in cities and States, even as the epidemic was increasing
- To implement, RWHAP Part A and Part B funds have threeyear availability (unusual for HHS funds)
  - "For carrying out title XXVI of the PHS Act with respect to the Ryan White HIV/AIDS program, \$2,318,781,000, of which \$1,970,881,000 shall remain available to the Secretary through September 30, 2019, for parts A and B of title XXVI of the PHS Act, and of which not less than \$900,313,000 shall be for State AIDS Drug Assistance Programs under the authority of section 2616 or 311(c) of such Act."

See § 2622 of the PHS Act See HAB Policy Notice 12-02





### RWHAP Legislative Overview Obligation and Expenditure of Funds Continued

- Obligation and Expenditure of Grant Funds
  - Gives the Secretary the authority to recoup unused funds, and re-award them without violating appropriation law

 Creates onerous tracking responsibilities on all parties (recipients, POs, and GMOs)



See § 2622 of the PHS Act See HAB Policy Notice 12-02



#### RWHAP Legislative Overview Obligation and Expenditure of Funds Exception

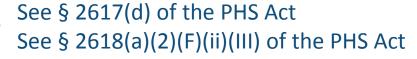
- Obligation and Expenditure of Grant Funds
  - Exception
    - If the UOB is a result of the expenditure of rebate funds, which are required to be spent prior to grant funds, no UOB penalty is imposed.

See § 2622 of the PHS Act See HAB Policy Notice 12-02



## RWHAP Legislative Overview Match Requirement

- Match Requirements
  - States with more than 1% of the total HIV/AIDS cases in the U.S. are required to match (PR is statutorily excluded)
  - Match applies to Part B Base, ADAP and EC
    - Match varies, depending on length of match, but years do not need to be consecutive
  - ADAP Supplemental Match
    - Required at \$1:\$4 by all recipients, unless request waiver.
    - Waiver permitted only if required to meet Part B Base match and do meet that match
- For both matches, recipients may request an award amount less than they would otherwise be entitled to, up to the amount that they can match





### RWHAP Legislative Overview Part B Supplemental

#### **Part B Supplemental**

- Eligibility:
  - Submission of application
  - No UOB > 5% in prior fiscal year (FY)
- Award based on demonstrated need
- Competitive award



See § 2620 of the PHS Act



#### RWHAP Legislative Overview Emergency Relief Funding

#### **Emergency Relief Funding – Discretionary awards to States**

- Awarded under § 311(c) of the PHS Act pursuant to appropriation law
- Three-year availability of funds
- Competitive/formula
- Separate application process
- Not part of title XXVI of the PHS Act, but supports the ADAP activities



### RWHAP Legislative Overview Recipient Expense Categories

Planning and evaluation (P&E): capped at 10%

- Administrative costs: capped at 10%
  - Combined (P&E) plus administrative costs: capped at 15% (or one full-time-equivalent employee)
- Clinical Quality Management: capped at 5% or \$3,000,000

See § 2618(b) of the PHS Act

