

From: Pisarik, Holly
To: Dutton, Lee <slutton@daodas.sc.gov>
Date: 3/21/2016 4:28:27 PM
Subject: FW: Fiscal Impact Survey - Loss of Federal Funds

[Title 45](#) [Subtitle A](#) [Subchapter A](#) [Part 96](#) [Subpart L](#) [§96.123](#)

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Title 45: Public Welfare

[PART 96—BLOCK GRANTS](#)

[Subpart L—Substance Abuse Prevention and Treatment Block Grant](#)

§96.123 Assurances.

- (a) The application must include assurances that:
- (1) the State will expend the Block Grant in accordance with the percentage to be allocated to treatment, prevention, and other activities as prescribed by law and, also, for the purposes prescribed by law;
 - (2) The activities relating to intravenous drug use pursuant to §96.126 will be carried out;
 - (3) The TB services and referral will be carried out pursuant to §96.127, as well as the early intervention services for HIV provided for in §96.128, if a designated State;
 - (4) The revolving funds to establish group homes for recovering substance abusers is in place consistent with the provisions of §96.129 and the loans will be made and used as provided for by law;
 - (5) The State has a law in effect making it illegal to sell or distribute tobacco products to minors as provided in §96.130(b), will conduct annual, unannounced inspections as prescribed in §96.130, will enforce such law in a manner that can reasonably be expected to reduce the extent to which tobacco products are available to individuals under the age of 18, and will submit an annual report as required under §96.122(d) and §96.130(e);
 - (6) Pregnant women are provided preference in admission to treatment centers as provided by §96.131, and are provided interim services as necessary and as required by law;
 - (7) The State will improve the process in the State for referrals of individuals to the treatment modality that is most appropriate for the individuals, will ensure that continuing education is provided to employees of any funded entity providing prevention activities or treatment services, and will coordinate prevention activities and treatment services with the provision of other appropriate services as provided by §96.132;
 - (8) The State will submit an assessment of need as required by section 96.133;
 - (9) The State will for such year maintain aggregate State expenditures by the principal agency of a State for authorized activities at a level that is not less than the average level of such expenditures maintained by the State for the 2-year period preceding the fiscal year for which the State is applying for the grant as provided by §96.134;
 - (10) The Block Grant will not be used to supplant State funding of alcohol and other drug prevention and treatment programs;
 - (11) For purposes of maintenance of effort pursuant to §§96.127(f), 96.128(f), and 96.134, the State will calculate the base using Generally Accepted Accounting Principles and the composition of the base will be applied consistently from year to year;
 - (12) The State will for the fiscal year for which the grant is provided comply with the restrictions on the expenditure of Block Grant funds as provided by §96.135;
 - (13) The State will make the State Plan public within the State in such manner as to facilitate comment from any person (including any Federal or other public agency) during the development of the State Plan and after the submission of the State Plan (including any revisions) to the Secretary as provided by §1941 of the PHS Act;
 - (14) The State will for the fiscal year for which the grant is provided, provide for independent peer review to assess the quality, appropriateness, and efficacy of treatment services provided in the State to individuals under the program involved as required by §96.136;
 - (15) The State has in effect a system to protect from inappropriate disclosure patient records maintained by the State in connection with an entity which is receiving amounts from the grant;
 - (16) The State will comply with chapter 75 of title 31, United States Code, pertaining to audits; and
 - (17) The State will abide by all applicable Federal laws and regulations, including those relating to lobbying (45 CFR part 93), drug-free workplace (45 CFR 76.600), discrimination (PHS Act Sec. 1947), false statements or failure to disclose certain events (PHS Act Sec. 1946), and, as to the State of Hawaii, services for Native Hawaiians (PHS Act Sec. 1953).**
 - (18) The State will comply with the requirements of 42 CFR part 54.

From: Patel, Swati
Sent: Monday, March 21, 2016 12:39 PM
To: Pisarik, Holly; Smith, Austin
Cc: Veldran, Katherine
Subject: FW: Fiscal Impact Survey - Loss of Federal Funds
Importance: High

Holly - Please assist DAODAS.

From: Dutton, Lee
Sent: Monday, March 21, 2016 12:36 PM
To: Patel, Swati
Cc: Peterson, Sharon; Veldran, Katherine
Subject: FW: Fiscal Impact Survey - Loss of Federal Funds
Importance: High

Swati:

I hope this finds you well; we are without counsel here at DAODAS. In order to correctly answer Mr. Boles request around federal laws, I am wondering if you can give us the Governor's Office interpretation of the federal law before we answer regarding S997.

Thanks in advance.

Dutton

From: Boles, Les
Sent: Friday, March 18, 2016 3:17 PM
To: adriana.day@scdhhs.gov; Soura, Christian; mjinnett@ed.sc.gov; Spearman, Molly; Amber.Gillum@dss.sc.gov; william.brayjr@dss.sc.gov; phillika@dhec.sc.gov; heigelce@dhec.sc.gov; busbeebc@dhec.sc.gov; pastides@mailbox.sc.edu; lgbrunel@mailbox.sc.edu; Stanton, Cheryl; dgrant@dew.sc.gov; sfoster@dew.sc.gov; richard.hutto@schousing.com; Williams, Valarie; ngetsinger@scvrd.state.sc.us; relam@scvrd.state.sc.us; dkoon@scvrd.state.sc.us; Smallsch@musc.edu; sothmann@musc.edu; wamsleyp@musc.edu; Clements, James; dbrett@clemson.edu; Mark Binkley; Magill, John; David Schaefer; Rochester, Renee; Kremlick, Lindsey; Adams, Marcia; Taylor, Alvin; spearess@dnr.sc.gov; meggied@dnr.sc.gov; Peterson, Sharon; Dutton, Lee; Toomey, Bob; Hitt, Robert; chuffman@sccommerce.com; Parrish, Duane; ysistare@scprt.com; Kirby, James; jsims@sccb.sc.gov
Cc: Boles, Les; Stein, Robert; Gardner, Stephen; Fulmer, Rachael; Walling, April; Wren, Lisa; Rainwater, Frank
Subject: Fiscal Impact Survey - Loss of Federal Funds
Importance: High

Dear Agency Heads, Chief Financial Officers, and Fiscal Impact Contacts,

In conjunction with RFA's preparation of a fiscal impact on S 997 relating to the federal Refugee Resettlement Program, members of the General Assembly have asked us to survey all state agencies that receive substantial funding from the federal government for further information.

Please respond to the following two questions by close of business Tuesday March 22nd:

1. Does federal law allow the exclusion of federal benefits by a state to individuals legally in this country?
2. If a state should choose to exclude federal benefits to individuals legally in this country, would that action result in a loss of federal funds for the agency?

Please send end your responses to Debbie.Cooper@RFA.sc.gov.

If you have any questions just give me or your RFA analyst a call.

Thank you for your help.

Sincerely,

Les Boles
Director, Budget Development
Revenue and Fiscal Affairs Office
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