

Change in Recipient under the State Health Information Exchange Cooperative Agreement Program

NOTE: Grants Management Advisories (GMAs) provide guidance for ONC recipients in selected areas based on ONC's receipt of recurring questions or other factors. Their purpose is to provide a common interpretation for all affected ONC recipients of how ONC will apply existing policy as reflected in award terms and conditions. They do not replace or modify award terms and conditions.

ISSUES:

What actions are required and by whom if, under the State Health Information Exchange (HIE) Cooperative Agreement Program, a State wants to transfer the responsibility for its award to (1) a State-designated entity (SDE) (if the award originally was made to the State), (2) another component of the State government; or (3) a different SDE than its current SDE?

KEY POINTS:

- ONC expects the entity that submitted the application that served as the basis for award of a grant or cooperative agreement to remain responsible for the award throughout the project period. Among the bases for award were the eligibility of the submitting entity and the capabilities of that entity to successfully complete the project, appropriately use Federal funds, and supply the matching share, when required.
- However, it is possible under the State HIE Cooperative Agreement Program, for a State to request a change in the recipient of the cooperative agreement. Such a post-award change can be accomplished, as long as certain requirements are met. This is considered a "change of grantee organization" (as this term is used in the HHS Grants Policy Statement) and requires ONC prior approval.
- A change in recipient may be permitted only if--
 - the scope of the originally approved project remains the same;
 - the Governor provides a letter indicating the name of the proposed recipient (i.e., a different component of the State government or a different SDE);
 - The Governor provides a copy of the agreement between the State and the SDE that shows that the State can remove the designation at its discretion, this making the SDE ineligible to continue with the award and providing ONC a legal basis on which to withdraw the award and negotiate final costs;
 - the proposed recipient submits required information (see below), meets the eligibility criteria for the award, and is determined by ONC to be qualified for the ONC cooperative agreement; and
 - the qualifications of the Program Director (PD) or other key person(s), if the PD or other key personnel are being replaced, are acceptable to ONC.
- The recipient whose award is ending, i.e. the recipient shown on the Notice of Grant Award (NGA) ("recipient of record"), should cooperate in effecting the transfer and closeout of the original award by providing current funds accounting information and other documentation requested by ONC. This includes a relinquishment statement that provides an estimate of the unobligated balance of direct and indirect costs as of the date of the planned change in recipient and agrees to the transfer of any equipment acquired under the cooperative agreement, if applicable. The recipient of record

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may use PHS 3734 (Official Statement Relinquishing Interests and Rights in a Public Health Service Research Grant) (<http://grants.nih.gov/grants/phs3734.pdf>) or an equivalent format.

- The proposed recipient must provide a completed SF 424, Application for Federal Assistance,; a budget and budget narrative for use of the remaining funding, including its current negotiated indirect cost rate agreement; and a resume for the new PD and other key personnel (if applicable).
- Following ONC's receipt and review of the information it receives from the Governor, the recipient of record, and the proposed recipient, if the proposed recipient is determined to be eligible and qualified for the ONC cooperative agreement, and the qualifications of the PD/other key personnel are determined to be acceptable, ONC will issue two NGAs: (1) a revised NGA to the recipient of record to show the revised budget/project period end dates, adjust the Federal share, and deobligate any funds remaining from the original award; and (2) an NGA to the new recipient showing the duration of the project period for the new award; the amount of ONC funding and required matching; the name of the approved PD and, as applicable other key persons; and other terms and conditions of the award. Based on the completion of a new NGA in the automated grants system, the HHS Division of Payment Management will ensure that payment information for the new recipient is obtained and recorded.
- If any property is to be transferred, ONC will make arrangements with the recipient of record and the new recipient for its physical transfer.
- ONC will not have two awards for the same project in effect at the same time. Therefore, if the recipient of record does not provide required information in a timely manner, ONC may, if appropriate, delay the award to the new recipient; terminate the original award; and/or exercise its right to transfer title to any non-expendable personal property to the new recipient.

RECIPIENT AND OTHER PARTIES' RESPONSIBILITIES:

- Governor's office to provide a letter at least 60 days in advance of the planned change in recipient to allow ONC to obtain documentation from the recipient of record and proposed recipient, make the necessary determinations, and issue amended NGAs.
- Recipient of record to provide requested information to ONC within any time frame specified by ONC when making the request and, as applicable, assist ONC in making arrangements to transfer equipment acquired under the ONC cooperative agreement.
- Proposed recipient to provide any requested information to ONC within ONC-specified time frames.

REFERENCES:

45 CFR 92.30(d)(3);92.32(g)

45 CFR 74.25(c)(2); 74.34(h)

HHS Grants Policy Statement

Funding Opportunity Announcement, State HIE Cooperative Agreement Program