

SUMMARY OF PROPOSED RULES FOR THE TEXAS OPIOID ABATEMENT FUND PROGRAM

Section 16.200

DEFINITIONS

provides definitions for the following terms used throughout the rules: authorized official, Comptroller, council, council member, director, grant agreement, grant applicant, grant application, grant award, grant recipient, notice of funding availability, peer review, peer review panel, peer review panel member, program staff member and statewide opioid settlement agreement.

Section 16.201

OPIOID ABATEMENT STRATEGIES

describes the council's process for determining and approving opioid abatement strategies that are eligible for grant funding and for categorizing and prioritizing each strategy.

Section 16.202

GRANT ISSUANCE PLAN

describes the council's process for adopting a grant issuance plan that allocates grant funds among one or more grant cycles. The council will establish various grant cycles based on the categories established in Section 16.201 and will describe the details of each cycle (e.g., the frequency and order of grant cycles, the amount of grant funds allocated to each cycle and the parameters for regional and

targeted intervention components). This section also states the regional allocations found in Section 17.18(b) of the General Appropriations Act.

Section 16.203

NOTICE AND APPLICATION

requires a notice of funding availability (NOFA) to be published, as necessary, on the Texas.gov eGrants website and the Comptroller's website. This section also describes the information that may be included in a NOFA (e.g., the amount of grant funds available for grant awards; strategies that are eligible for funding; and the order of priority for grant funding, grant eligibility requirements and grant award and evaluation criteria.) Additionally, the section explains grant application requirements.

Section 16.204

AVAILABILITY OF FUNDS

establishes that grant funding is contingent upon the availability of funds and upon approval of a grant application by the council, and that neither the rules nor a grant agreement create any right to receive a grant award.

Section 16.205

ENGAGE IN BUSINESS IN TEXAS

requires grant recipients to be engaged in business in Texas.

Section 16.206

PEER REVIEW PANEL MEMBERS

allows the council to select and compensate individuals who live and work outside the state of Texas to serve as unbiased peer review panel members for purposes of a peer review analysis

for each grant application, unless a special need justifies selecting one or more individuals living or working in Texas. This panel will minimize the potential for conflicts of interest in the peer review of grant applications. This section requires a peer review panel member who has a present relationship with, or has received or will receive any benefit from, a grant applicant to disclose this relationship or benefit. This section also prohibits a panel member from reviewing a grant application of a grant applicant if such a relationship or benefit exists. This section also prohibits a panel member from reviewing a grant application of a grant applicant if such a relationship or benefit exists.

Section 16.207

RESOLUTION; AUTHORIZED OFFICIALS

requires each grant applicant to designate a person as the one with authority to act on behalf of the grant applicant.

Section 16.208

GRANT APPLICATION REVIEW

describes the process for reviewing grant applications. Program staff will review the applications during an initial screening to determine compliance with the necessary administrative requirements. The grant applications will move on to the peer review process to be scored and summarized by the peer review panel members. The council will make the final decision on which applications are awarded based on the council's review and the information provided by peer review panel members.

Section 16.209

AMOUNT OF GRANT AWARD

establishes the council as the sole entity permitted to set the grant award amount and establishes that the council is not required to fund any grant at the amount the grant applicant requests.

Section 16.210

FINANCIAL RESPONSIBILITY

requires the grant recipient to manage the day-to-day operations and activities of the grant and to maintain a sound financial management system to account for the grant award funds.

Section 16.211

ALLOWABLE COSTS; DISBURSEMENT OF GRANT FUNDS

requires costs to be reasonable and necessary for the proper and efficient performance and administration of the grant project and requires grant funds to be disbursed on a reimbursement basis.

Section 16.212

GRANT REQUIREMENTS

details the requirements of the grant recipients, including compliance with the provisions outlined in the grant agreement and state and federal law.

Section 16.213

USE OF COUNCIL'S GRANT MANAGEMENT SYSTEM

explains how the grant applicant or grant recipient's use of the electronic grant management system requires certain affirmations, including that the information submitted is true and correct and that the signatures are valid.

Section 16.214

CODE OF ETHICS

permits the council to adopt a code of ethics to provide guidance related to the ethical conduct of the council members, peer review panel members and program staff.

Section 16.215

REPORTING

requires grant recipients to submit periodic reporting in accordance with the grant agreement. This section also authorizes the director, upon reasonable notice, to request any additional information necessary to show that grant funds are being used for the intended purpose and that the grant recipient has complied with the grant agreement.

Section 16.216

GRANT REDUCTION OR TERMINATION

allows the council to reduce or terminate a grant award based on circumstances described in this section.

Section 16.217

EXTENSIONS

allows the council to approve no-cost time extensions for a grant recipient requesting additional time to complete a grant project.

Section 16.218

NONCOMPLIANCE

allows the council to hold a grant recipient accountable for noncompliance with the grant agreement and any applicable law.

Section 16.219

MONITORING GRANT AWARD PERFORMANCE AND EXPENDITURES

allows the council to monitor grant awards to ensure compliance and proper stewardship of grant award funds.

Section 16.220

RECORDS RETENTION; AUDIT

requires grant recipients to maintain all records regarding the grant project and provides records retention and audit review requirements.

Section 16.221

FORMS AND OTHER DOCUMENTS

authorizes the council to prescribe forms or other documents necessary for the implementation of this program and to require these forms or other documents to be submitted electronically.

Section 16.222

REFERENCES

specifies which subchapter in Chapter 403 of the Texas Government Code applies to this program because Chapter 403 contains two subchapters entitled "Subchapter R."

If adopted, these rules will be located in new Subchapter C in Texas Administrative Code, Chapter 16. The title of Chapter 16 will be changed from "Broadband Development" to "Comptroller Grant Programs" to allow the program rules (Subchapter C) to be included in Chapter 16 along with the Broadband Development rules (Subchapters A and B).