

## Chapter DHS 182

### LEAD POISONING OR LEAD EXPOSURE PREVENTION GRANTS

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**Note:** Chapter HFS 182 was created as an emergency rule, effective December 5, 1995. Chapter HSS 182 was renumbered chapter HFS 182 under s. 13.93 (2m) (b) 1. and 7., Stats., Register, June, 1996, No. 486. Chapter HFS 182 was renumbered chapter DHS 182 under s. 13.92 (4) (b) 1., Stats., and corrections made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637.

**DHS 182.01 Authority and purpose.** This chapter is promulgated under the authority of s. 254.151, Stats., for the purpose of establishing criteria and procedures for the award of annual project grants from the appropriation under s. 20.435 (1) (ef), Stats., to local health departments or non-profit agencies working in collaboration with local health departments on projects aimed at preventing lead poisoning or exposure to lead.

**History:** Cr., Register, June, 1996, No. 486, eff. 7-1-96; correction made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637; **correction made under s. 13.92 (4) (b) 7., Stats., Register July 2011 No. 667.**

**DHS 182.02 Applicability.** This chapter applies to the department and to applicants for and recipients of grants awarded under this chapter.

**History:** Cr., Register, June, 1996, No. 486, eff. 7-1-96.

**DHS 182.03 Definitions.** In this chapter:

(1) "Applicant" means a local health department or a non-profit agency working in collaboration with a local health department that applies for a grant under this chapter.

(2) "Continuation grant" means a grant awarded to an applicant for continued support of a project funded during the preceding funding year.

(3) "Department" means the Wisconsin department of health services.

(4) "Funding year" means the state fiscal year, July 1 to June 30.

(5) "Funds" means the state general purpose revenue appropriation under s. 20.435 (1) (ef), Stats.

(6) "Grant" means a transfer of funds to an approved applicant for the conduct of a project on lead poisoning or lead exposure prevention in accordance with s. 254.151, Stats., and this chapter.

(7) "Initial grant" means the first grant awarded to an applicant for a given project.

(8) "Lead exposure" or "exposure to lead" means any amount of lead in the blood of any person.

(9) "Lead exposure hazard" means any substance, service or object that contains lead and that, due to its condition, location or nature, may contribute to lead poisoning or to dangerous levels of lead exposure.

(10) "Lead poisoning" means, in reference to children under the age of 6, a level of lead in the blood of 10 or more micrograms per 100 milliliters of blood.

(11) "Local health department" means any agency listed in s. 250.01, Stats.

(12) "Project" means a time-limited lead poisoning or lead exposure prevention effort supported by a grant awarded by the department under this chapter.

(13) "Project year" means the 12-month period selected by the department during which a project will be supported by a grant under this chapter.

(14) "Review committee" means a committee established by the department to review applications for grants under this chapter.

(15) "RFP" means a request for proposals, a document released by the department to solicit applications for project support, and which defines project priorities, who may apply for funding, the amounts available for support of given types of projects, the term of projects, application procedures, review criteria and procedures for appealing rejection of an application.

(16) "Selected grantee" means an applicant to whom funds are to be awarded, but with whom an agreement under s. DHS 182.06 (4) has not yet been signed.

**History:** Cr., Register, June, 1996, No. 486, eff. 7-1-96; corrections in (3) and (5) made under s. 13.92 (4) (b) 6. and 7., Stats., Register January 2009 No. 637; **correction in (5) made under s. 13.92 (4) (b) 7., Stats., Register July 2011 No. 667.**

**DHS 182.04 Allocation of funds.** The department shall annually allocate funds available under s. 20.435 (1) (ef), Stats., for the support of lead poisoning or lead exposure prevention programs. The monies to support these programs shall be in the form of grants and shall be awarded based on the criteria set out in this chapter. Grants may be used for any of the following purposes:

(1) To fund educational programs about the dangers of lead poisoning or exposure to lead.

(2) To fund lead poisoning or lead exposure screening, care coordination and follow-up services, including lead inspections, for children under age 6 who are not covered by a third-party payer.

(3) To fund administration or enforcement of responsibilities delegated to local health departments under s. 254.152, Stats.

(4) To fund other activities related to lead poisoning prevention or prevention of exposure to lead.

(5) To fund any combination of the purposes under subs. (1) to (4).

(6) To develop and implement outreach and education programs for health care providers to inform them of the need for lead poisoning or lead exposure screening and of the requirements under subch. II of ch. 254, Stats., relating to lead poisoning or exposure to lead.

**History:** Cr., Register, June, 1996, No. 486, eff. 7-1-96; correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637; **correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register July 2011 No. 667.**

**DHS 182.05 Application. (1) WHO MAY APPLY.** An applicant for a grant may be any of the following:

(a) A local health department.

(b) Two or more local health departments.

(c) A non-profit agency working in collaboration with one or more local health departments.

(2) **SOLICITATION.** (a) The department shall solicit applications for initial grants by preparing one or more RFPs, sending a notice to each local health department regarding the availability of the RFPs, and distributing copies of the RFPs upon request.

(b) The department may solicit applications for continuation grants from currently-funded projects.

(3) **MAKING APPLICATION.** (a) A local health department or a collaborating non-profit agency considering making application

for a grant shall give notice to the department of intent to apply. Notice shall be given in the form and according to the instructions given in the relevant RFP or continuation grant application instructions.

(b) An application for a grant shall be made in accordance with the format specified in the relevant RFP or continuation grant application instructions.

(c) An application for a grant shall be submitted to the department, as specified in the appropriate RFP or continuation grant application instructions, by the deadline shown in the RFP or continuation grant application instructions.

(4) **CONTENT OF APPLICATION.** The department shall specify in each RFP or set of continuation grant application instructions the format of and the required elements to be included in an application for a grant.

(5) **PRELIMINARY REVIEW OF APPLICATIONS.** The department shall review all applications for a grant for compliance with the format and content specifications of the relevant RFP or continuation grant application instructions. The department may reject any application failing to meet the specifications published in the RFP or continuation grant application instructions.

(6) **FINAL REVIEW OF APPLICATIONS.** (a) The department shall appoint a review committee or review committees to evaluate applications for initial and continuation grants. The number and expertise of members of a review committee shall be determined by the department based on the nature and number of the applications anticipated, as determined by notices of intent received under sub. (3) (a).

(b) The review committee or committees shall review applications for initial or continuation grants in accordance with the following criteria:

1. The number and percentage of children under age 6 in the applicant's area reported with lead exposure or lead poisoning.

2. Housing stock information, including age and condition of residential housing and the proportion of renter-occupied versus owner-occupied dwellings.

3. Population-based information from the U.S. census such as, but not limited to, the number of children under age 6 in the applicant's area, the number of children under age 6 in the applicant's area living in poverty and the percentage of the population in the applicant's area living in housing constructed prior to 1950, or a combination of any of these factors.

4. Lead poisoning prevention program activities, including past experience and future plans. These activities may include the following:

- a. Screening activities.
- b. Inspection activities.
- c. Education activities.
- d. Care coordination and follow-up services.
- e. Enforcement activities.
- f. Case management activities.
- g. Collaborative efforts with other agencies to identify, evaluate or control lead exposure hazards and documentation of those efforts.

5. Commitment of public or private resources to control lead hazards in housing.

6. Purposes and objectives of the proposed project.

7. The degree to which the proposal addresses basic components of the grant program under subd. 4.

8. Reasonableness of the proposed budget and budget justification.

9. How the applicant proposes to monitor and evaluate progress in meeting the program objectives and goals.

10. Success in achieving previously-stated objectives.

11. The stated qualifications of the applicant.

12. Scientific merit of the proposal, if applicable.

13. Availability of applicants capable of and qualified to provide the proposed service.

14. Availability of the proposed service.

15. Capability of the applicant to carry out the proposed service based on previous funding and experience.

**History:** Cr., Register, June, 1996, No. 486, eff. 7-1-96.

**DHS 182.06 Awards.** (1) **MAKING AWARDS.** (a) The department shall make awards based on the recommendations resulting from the review under s. DHS 182.05 (6) and taking into account other factors such as geographic distribution of current lead poisoning prevention grants; existing providers or availability of services in the proposed project service area; and the availability of other, more appropriate funding sources for the proposed project.

(b) The department may reject any application, and may reject all applications.

(c) The department may negotiate the amount of an award made under par. (a), specific budget items and project goals and objectives before entering into an agreement under sub. (4).

(2) **NOTIFICATION.** The department shall notify in writing all applicants for initial or continuation grants of award decisions.

(3) **APPEAL.** An applicant may appeal rejection of an application for funds based on alleged failure of the department to adhere to review and award criteria and procedures specified in this chapter and procedures specified in the RFP or the continuation grant application instructions. An appeal shall be in writing and shall be submitted to the department of administration's division of hearings and appeals within 30 days after the date of the notice under sub. (2) in accordance with instructions which the department shall include in the relevant RFP instructions or continuation grant application materials. An appeal shall fully and clearly identify and describe all contested issues.

**Note:** The mailing address of the Division of Hearings and Appeals is P.O. Box 7875, Madison WI 53707. Appeals may be delivered in person to that office at 5005 University Avenue, Room 201, Madison.

(4) **AGREEMENT.** An award shall be contingent upon the signing by both parties of an agreement drawn up by the department. If an application is submitted by more than one local health department or jointly by one or more local health departments and non-profit agencies, only one local health department or agency shall sign the agreement and assume responsibility for implementing the contract. Failure of a selected grantee to sign the agreement shall result in withdrawal of the offer of award. A preliminary draft of the relevant agreement shall be included in each RFP or set of continuation grant application materials. The final agreement may differ from the preliminary draft.

(5) **AVAILABILITY OF FUNDS.** (a) All funding decisions shall be contingent upon the availability of funds under s. 20.435 (1) (ef), Stats. Any changes in the amount available which were unforeseen at the time of the department's issuance of an RFP or continuation grant application materials shall be accommodated by the department, as appropriate, by means of reduction, elimination or increase in existing awards, by awarding of funds to applicants previously denied due to insufficient funds, or by release of a new RFP or new continuation grant application materials.

(b) Any funds that become available due to denial of an award to a selected grantee as a result of failure of the selected grantee to sign the required agreement or as a result of termination of a project by either party, or failure of a grantee to spend its allocation of grant funds in the required time frame shall be reallocated by the department to either another grantee or an initial non-selected applicant at the department's discretion but within the limits of the appropriation and this chapter.

**History:** Cr., Register, June, 1996, No. 486, eff. 7-1-96; correction in (3) made under s. 13.93 (2m) (b) 6., Stats., Register, June, 2000, No. 534; correction in (5) (a) made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637; **correction in (5) (a) made under s. 13.92 (4) (b) 7., Stats., Register July 2011 No. 667.**

**DHS 182.07 Restrictions on use of grants.** Funds made available through grants under s. 254.151, Stats., and this chapter shall not be used for the purchase or renovation of buildings, the purchase of land, the purchase of major medical equipment or the costs of medical treatment for patients, unless otherwise specified, or for non-lead poisoning prevention program activities. Any other restriction shall be specified in the RFP or continuation grant application materials and in the agreement under s. DHS 182.06 (4).

**History:** Cr., Register, June, 1996, No. 486, eff. 7-1-96.

**DHS 182.08 Records and reports.** All recipients of grants under this chapter shall maintain records of the projects supported by the grants as required by the department and shall submit to the department reports as required by the department on a quarterly basis or as described by the department in the RFP. A recipient's failure to maintain these records or to submit these reports may result in the department's termination of the grant.

**History:** Cr., Register, June, 1996, No. 486, eff. 7-1-96.