

**MEMORANDUM OF AGREEMENT
BETWEEN
THE STATE OF ALABAMA DEPARTMENT OF FINANCE
AND
THE ALABAMA DEPARTMENT OF MENTAL HEALTH
FOR THE DISTRIBUTION AND ADMINISTRATION OF
CORONAVIRUS STATE FISCAL RECOVERY FUNDS**

This Memorandum of Agreement (the “Agreement”) is made by and between the State of Alabama Department of Finance, at 600 Dexter Avenue, Montgomery, Alabama 36130 (hereinafter referred to as “DOF”), and the Alabama Department of Mental Health at 100 North Union Street, Montgomery, Alabama 36130 (“ADMH”). DOF and ADMH may be referred to herein individually as a “party” and collectively as the “parties.” This Agreement becomes effective on the approval of the parties and the Governor of the State of Alabama.

I. PURPOSE

The federal American Rescue Plan Act of 2021, Public Law No. 117-2, 135 Stat. 4. (“ARPA”) was signed into law on March 11, 2021. The Act amended the federal Social Security Act to add Section 602 to the Social Security Act, and by doing so, created the Coronavirus State Fiscal Recovery Fund (hereinafter referred to as “FRF”). The Act appropriated funds from the FRF to the State of Alabama and other states to support their response to the impact of COVID-19 on their communities, residents, and businesses; and to aid in efforts to contain COVID-19. Under Section 602 of the Social Security Act, FRF funds may be used to cover costs incurred by the State on or before December 31, 2024, for one of four broad purposes:

- A. To respond to the COVID-19 public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits; or for aid to impacted industries;
- B. To respond to workers performing essential work during the COVID-19 public health emergency, by providing premium pay to eligible workers who are performing essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;
- C. For the provision of government services to the extent of the reduction in revenue of the State due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and
- D. To make necessary investments in water, sewer, or broadband infrastructure.

The Secretary of the Treasury has promulgated regulations for purposes of implementing FRF. On April 1, 2022, the Final Rule, published in the January 27, 2022, Federal Register, at 87 Fed. Reg. 4338 (the “Final Rule”), took effect.

The State of Alabama received \$2,120,279,417 in FRF funding from the federal government. Section 1(a)(5) of Alabama Act No. 2023-1 (“the Act”) appropriates up to

\$25,000,000 of such funds to DOF to be used to support mental health programs and services (the "Funds"). The Act authorizes DOF to delegate these funds through memoranda of agreement to ADMH. By way of this Agreement, DOF is allocating \$12,000,000 of the Funds to ADMH to reimburse allowable expenses already incurred and provide for COVID-19 related services.

II. PARTIES' RESPONSIBILITIES

A. ADMH agrees to the following:

1. To use the Funds in accordance with Section 602 of the Social Security Act, the Final Rule, the Act, and other applicable federal and state law, and for the purposes set forth in this Agreement and in Appendix A, and for no other purpose;
2. To comply with the federal Uniform Guidance applicable to federal assistance funds, including, but not limited to, complying with the State's procurement laws;
3. To provide to the State Finance Director's Office by September 10, 2023, and monthly thereafter on the 10th of every month, a report detailing how the Funds are being utilized and details of expenditures made since the preceding report, and further provide quarterly reports beginning on October 10, 2023 (and quarterly thereafter) as well as interim reports as the State Finance Director's Office may determine necessary;
4. To provide to DOF all information requested in a complete and timely manner;
5. To return any funds provided by DOF under this Agreement that remain unobligated on June 1, 2024 by June 30, 2024;
6. To provide to the State Finance Director's Office on June 1, 2025 and June 1, 2026, reports setting forth the expenditure status of all obligated Funds, to include the anticipated status of funds between the date of the report and the final return date set forth below; and
7. To return any Funds provided by DOF under this Agreement that remain unspent on June 1, 2026 by December 1, 2026.

B. DOF agrees to the following:

1. Within 14 days of the effective date of this Agreement, to provide \$12,000,000 to ADMH from the State's FRF funds as described herein and in Appendix A; and
2. To satisfy all federal reporting requirements applicable to the Funds.

III. TERMINATION OF AGREEMENT

Except as set forth in this section, this agreement may be terminated by either party for any reason with sixty days' written notice to the other party. ADMH acknowledges that all Funds provided under this Agreement must be obligated by June 1, 2024 or returned to DOF by June 30, 2024 and spent by June 1, 2026 or returned to DOF by December 1, 2026. If ADMH determines

that it will not pursue this project for whatever reason, it may terminate this agreement upon written notice to the State Finance Director and upon return of any unspent funds. DOF may terminate this agreement immediately upon written notice to ADMH.

IV. MISCELLANEOUS PROVISIONS

A. The terms and commitments contained herein shall not constitute a debt of the State of Alabama, which is prohibited by the Constitution of Alabama, 2022, Art. XI, Sec. 213.

B. By signing this Agreement, the contracting parties affirm, for the duration of the Agreement, that they will not violate federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the state of Alabama. A contracting party found to be in violation of this provision shall be deemed in breach of the Agreement and shall be responsible for all damages resulting therefrom.

C. In the event of any dispute between the parties, senior officials of both parties shall meet and engage in a good faith attempt to resolve the dispute. Should that effort fail, and the dispute involves the payment of money, the sole remedy is the filing of a claim with the Board of Adjustment of the State of Alabama. For any and all other disputes arising under the terms of this Agreement which are not resolved by negotiation, the parties agree to utilize appropriate forms of non-binding alternative dispute resolution including, but not limited to, mediation. Such dispute resolution shall occur in Montgomery, Alabama, utilizing, where appropriate, mediators selected from the roster of mediators maintained by the Center for Dispute Resolution of the Alabama State Bar.

D. In order to comply with federal requirements relating to the administration of grants and other federal assistance funds, DOF provides the following information to ADMH: this award is provided to ADMH through a grant to the State of Alabama in the amount of \$2,120,279,417 from the U.S. Treasury via Section 602 of the Social Security Act (42 U.S.C. 301 et seq.), known as the American Rescue Plan Act, as created by Section 9901 of the ARPA, Pub. L. No. 117-2 (March 11, 2021) under Federal Award Identification Number SLFRP2635 Coronavirus State and Local Fiscal Recovery Fund for the period March 3, 2021 to December 31, 2024, CFDA number 21.027. This award is provided in accordance with the requirements set forth in the ARPA and other applicable federal and state law and policy, and ADMH affirms that all information it has provided to DOF relating to this subaward is true and accurate. This award does not include research and development. The parties acknowledge and understand that each subrecipient of FRF funds will be evaluated in accordance with Code of Federal Regulations 200-331(b) for risk of noncompliance with federal statutes, regulations, and the terms and conditions of the award. Further, each recipient and subrecipient's activities will be monitored as necessary to ensure that the award is used for authorized purposes, in compliance with law, and that performance goals are achieved. Other monitoring tools may be implemented depending on the level of risk posed by the subrecipient.

E. Code of Federal Regulations, Title 2, § 200.332(f) requires DOF to verify that each subrecipient that is expected to expend \$750,000 or more in Federal awards during a fiscal year have a single or program-specific audit conducted for that year in accordance with the provisions of Code of Federal Regulations, Title 2, § 200.501. The parties acknowledge that DOF has provided notice to ADMH of the audit requirements applicable to the award made by this Agreement and ADMH agrees to notify additional subrecipients of these requirements and provide DOF with documentation to verify that any required audits have been completed.

F. The parties acknowledge and agree that any subrecipient, contractor, subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this Agreement. Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this Agreement.

G. Any publications produced with funds from this award must display the following language: "This project [is being] [was] supported, in whole or in part, by federal award number SLFRP2635 awarded to the State of Alabama by the U.S. Department of the Treasury."

V. AMENDMENTS

This Agreement may only be amended by a writing signed by each party of representatives of each party.

[SEE FOLLOWING PAGE FOR SIGNATURES]

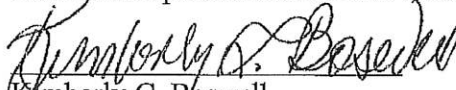
In witness whereof, the parties hereto have caused this agreement to be executed by those officers, officials, and persons thereunto duly authorized.

State of Alabama
Department of Finance




Bill Poole
Finance Director

State of Alabama
Alabama Department of Mental Health



Kimberly G. Boswell
Commissioner

APPROVED:

 8/23/23

Kay Ivey
Governor of Alabama

APPENDIX A

ALABAMA DEPARTMENT OF MENTAL HEALTH (ADMH) AND CERTIFIED COMMUNITY PROVIDERS (PROVIDERS)

I. PURPOSE

The Alabama Department of Mental Health (ADMH) will be allocated seven million dollars (\$7,000,000.000) to restore and bolster public sector capacity, which supports the government's ability to deliver critical COVID-19 services, for costs incurred through an emergency services contract with Wynden Starke, LLC, dba GQR, for a travel staffing company which provided a total of 175 qualified health care professionals at the state's three state hospitals from August 2022 – July 2023.

Certified Community Providers (Providers) will be allocated a total of five million dollars (\$5,000,000.00) for reimbursement of costs for its community providers program which will reimburse said providers for eligible and verifiable costs incurred in responding to the COVID-19 outbreak and economic impacts thereof.

II. TARGET POPULATION

ADMH: Due to the COVID-19 pandemic and the economic impacts thereof, the ADMH was at a critical staffing level which required the use of an emergency services contract for 175 qualified health care professionals, including registered nurses, certified nursing assistants, and mental health technicians, to alleviate the critical staffing shortage at the state's three mental health hospitals in Tuscaloosa, Alabama beginning August 15, 2022 and ending July 31, 2023. This emergency services contract was critical to ensuring the continued operations of the state's three state hospitals, continued recruitment and retention of ADMH staff, as well as continued quality treatment and care for those individuals entrusted to the ADMH at the state hospitals.

Providers: ADMH has nearly 300 certified provider agencies that offer essential services to more than 200,000 Alabamians with mental illness, substance use disorders, and developmental disabilities. These funds are necessary to continue to respond to and mitigate the COVID-19 pandemic and public health emergency in Alabama and the economic impacts thereof.

III. SERVICES TO BE PROVIDED

ADMH: As detailed in the U.S. Department of Treasury's Overview of the Final Rule (Final Rule) published January 6, 2022, recipients may use state and local fiscal recovery funding for payroll and covered benefits for public safety, public health, health care, human services, and similar employees of a recipient government, for the portion of the employee's time spent responding to COVID-19. As enumerated in the Final Rule, eligible public health staff include:

- Employees involved in providing medical and other physical or mental health services to patients and supervisory personnel, including medical staff assigned to schools prisons, and other such institutions.

Providers: The U.S. Treasury recognizes that the pandemic has broadly impacted American's behavioral health and recipients can provide behavioral health care, such as mental health treatment, substance use treatment, and other behavioral health services, to the general public to respond to the public health emergency. As enumerated in the Final Rule, these eligible uses include:

- Prevention, outpatient treatment, inpatient treatment, crisis care, diversion programs, outreach to individuals not yet engaged in treatment, harm reduction, and long-term recovery support.
- Enhanced behavioral health services in schools.
- Services for pregnant women or infants born with neonatal abstinence syndrome.
- Support for equitable access to reduce disparities in access to high-quality treatment.
- Peer support groups, costs for resident in supportive housing or recovery housing, and the 988 National Suicide Prevention Lifeline or other hotline services.
- Expansion of access to evidence-based services for opioid use disorder prevention, treatment, harm reduction, and recovery.
- Behavioral health facilities and equipment.



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Kay Ivey
 Governor

Kimberly G. Boswell
 Commissioner

To: Certified Community Providers

From: Alabama Department of Mental Health

Date: August 22, 2023

Re: ADMH American Rescue Plan Act Funds – Provider Reimbursement

Under the federal American Rescue Plan Act of 2021, Public Law No. 117-2 Stat. 4. (“ARPA”), the State of Alabama was allocated \$2,120,279,417 from the federal State Recovery Fund. Through Act 2022-1 and Act 2023-1, funds were appropriated to support the delivery of health care and related services to citizens of Alabama related to the coronavirus pandemic. The Alabama Department of Mental Health (ADMH) requested and received \$5,000,000 of this funding in both Act 2022-1 and Act 2023-1 which have been used to establish a grant program to reimburse provider agencies that offer essential services to individuals with mental illness, substance use disorders, and developmental disabilities for eligible and verifiable COVID-19-related expenditures.

ADMH has decided to make these grant funds available to certified MH/SU providers, allowing them to apply for reimbursement of COVID-19-related expenditures incurred on or after March 3, 2021, or on or before June 1, 2024. **If requesting reimbursement for mental health, substance use, or prevention services, the MH/SU Providers must be certified to provide such services.** Priority will be given to those providers who did not participate in previous rounds of COVID-19 relief funding. Previous relief funding provided through ADMH included the CARES Act grant funding that was paid to responding providers from August 2020 - February 2021 and the HRSA Phase 4 Provider relief grant funds paid to those who applied for funding in conjunction with ADMH’s application.

Reimbursement for mental health, substance use, and prevention services will be reimbursed at the current published ADMH rates.

ADMH will begin validating submissions for funding starting October 1, 2023. Before your organization's submission is validated and processed, the following form and invoice must be submitted to the appropriate MHSA fiscal manager:

1. Certificate and Assurance Form (Included)
2. ADMH Grant Program Invoice (Attached, please submit as an Excel document, not a PDF)
3. Invoices containing Mental Health and/or Substance Use Treatment Services must be accompanied by the ADMH ARPA Grant Program Screening Tool and the Patient Services Detail report (Attached)
4. Invoices for Prevention Services in a congregate setting must be submitted with the ARPA Services Detail Report (Attached)





Kay Ivey
Governor

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Kimberly G. Boswell
Commissioner

All funds must be used in accordance with the conditions, provisions, and terms of the American Rescue Plan (ARPA) federal State Recovery Fund terms.

Expenditures allowable for reimbursement are as follows:

- COVID-19 Vaccination
- COVID-19 Testing
- COVID-19 Contact Tracking
- Prevention in Congregate Settings
- Personal Protective Equipment
- Medical Expenses (including Alternative Care Facilities)
- Mental Health Services (which includes Substance Use Disorder Treatment Services)

Should you have any questions, please reach out to the appropriate fiscal manager. The department appreciates all your organization has done to "Serve, Empower, and Support" during this unprecedented time.



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**Coronavirus State and Local Fiscal Recovery Fund
 Certification and Assurance Form**

1. _____ I certify that my agency accepts liability for repayment of grant funds, legal costs, and any penalties under violation of these terms.
2. _____ I understand that the State will rely on this certification as a material representation in making an award to my agency.
3. _____ I certify that my agency is a “beneficiary” of the funding received under this grant program and will comply with applicable reporting requirements.
4. _____ I certify that I agree to maintain records concerning the funds provided in this award. Such records must be available for review or audit by appropriate federal and pass-through agency officials.
5. _____ I certify that appropriate support documentation (invoice supported by a general ledger trial balance or canceled check or a detailed receipt) is attached to verify that the expenditures for which reimbursement is being requested are allowable and incurred on after March 3, 2021, or on or before December 31, 2024.
6. _____ I certify that that the request for repayment does not supplant any other funding nor has my agency received reimbursement for these funds from any other funding source.
7. _____ I certify that I shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury’s Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this Agreement. Title VI also includes protection to persons with “Limited English Proficiency” in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury’s Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this Agreement.
8. _____ I certify that any publications produced from this award will display the following language: “This project [is being] [was] supported, in whole or part, by federal award number SLFRP2635 awarded to the State of Alabama by the U.S. Department of the Treasury.”

I, the named authorized signatory, hereby certify under the pains and penalties of perjury that I have the authority on behalf of the entity below to request payment from the State of Alabama (‘State’) of funding from the Coronavirus State and Local Fiscal Recovery Fund.





STATE OF ALABAMA
DEPARTMENT OF MENTAL HEALTH

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Agency Name:

Executive Director or Authorized Signer:

Date:

ADMH ARPA Grant Program Screening Tool

Completed By
Agency Name

Date of Screen:
Case Identifier

To your knowledge, is this client currently enrolled in services at your agency?

*If yes, please verify that the client is not being paid from any other funding source.

Last Name: _____ First Name: _____ Middle Initial: _____

Address: _____

Phone: _____ Alt Phone: _____ Email: _____

Note: The following questions have no bearing on enrollment into substance abuse or mental health services. They are used to determine if you are eligible for funding provided by the ADMH ARPA Grant Program.

Have you or an immediate family member tested positive for Covid-19 since March 2020?

Have you experienced the loss of a family member, friend, co-worker or neighbor due to Covid-19?

Have you lost employment or an education opportunity due to Covid-19?

Has your support system been affected by Covid-19?
(Ex: Has your 12 step or faith based groups closed?) or (Is it hard to access virtual meetings?)

Do you believe you are currently experiencing depression, anxiety, trauma or experiencing any other emotional or mental problems that is a result of being impacted by Covid-19?

If you were diagnosed with a mental illness prior to the pandemic, do your normal symptoms come more frequent or are you experiencing new symptoms that you did not have before the pandemic?

If you were diagnosed with a substance use disorder before the pandemic, are you finding it hard to cope with the pandemic without the use of alcohol or drugs?

If client has answered yes to 1 or more questions then they are eligible for reimbursement for provided services through the ADMH ARPA Grant Program.

Client Signature and Date _____

Staff Signature and Date _____