

**West Virginia Department of Health and Human Resources
Bureau for Public Health, Center for Local Health**

**Local Board of Health Emergency Fund Program Statewide Call
3/22/2016: Summary Questions and Answers**

Q1: What is the Emergency Fund? The Emergency Fund is established by the West Virginia Legislature (*W.Va. Code* §16-1-4) and the Commissioner is authorized to use the emergency fund to assist local boards of health in need of funds to meet unanticipated financial emergencies (*W.Va. Code R* §64-67-4).

Q2: Why is the Call for Proposals being released now? Information regarding the Emergency Fund is made available throughout the year to local health departments. In April, the Center for Local Health distributes an annual State Funding Allocation Summary which includes the annual allocation amount for the local health departments and the funding available to local boards of health in cases of emergency. Information regarding the emergency fund is also maintained on the Center for Local Health's website. Local boards of health can apply at any time throughout the year. This announcement provides a general written framework and guidance and was made to highlight the availability of the fund in FY 2016 so that all local boards of health have an equal opportunity and time to submit a proposal before the funds are to be dispersed to all local health departments (*W.Va. Code R* §64-67-5.2).

Q3: Why are local health department employees not involved in the process for approving emergency fund applications? Because local health departments have a clear financial interest in the award of emergency funds and the disbursement of any monies remaining in the fund on May 15. It would be improper for an employee of a local board of health to vote or make recommendations regarding appropriations of public moneys to local boards of health when the employee's local board of health stands to gain from the vote or recommendation. An approval process that includes representatives of local health departments would create a conflict of interest.

Q4: Did the Bureau for Public Health seek the opinion of the Ethics Commission or the Attorney General in forming a decision/opinion on the conflict of interest? No, it was determined to be unnecessary. The Commissioner has the authority to withhold up to 2% of state funding to support local boards of health in addressing unanticipated financial emergencies (*W.Va. Code R* §64-67-4.2). However, individuals expressing concern regarding the ability of local health department employees to serve on a committee that recommends disbursement of these funds are encouraged to contact the Ethics Commission to request an advisory opinion.

Q5: Why was there no discussion with local health departments before the Call for Proposals was released? The purpose of the statewide call was to discuss the Call for Proposals with local health departments and answer questions specific to the Emergency Fund. The Center for Local Health is available to answer questions for those who were unable to attend the call and can be reached by phone at 304-558-8870 or by email at dhhrbphclh@wv.gov.

Q6: Why did the Center for Local Health not communicate the Call for Proposals process to the West Virginia Public Health Partnership? The Center for Local Health did not want to delay the communication regarding the emergency fund due to the time sensitivity. A delay in the communication would not have allowed time for local boards of health to submit applications and the Bureau to review and award funding by the legislatively mandated deadline of May 15, 2016. At the time of the March Partnership meeting, the Bureau had not yet completed work on the new procedure for the distribution of emergency funds; consequently it would have been premature to discuss the Call for Proposals at that time.

Q7: Do letters required from the County Commissions need to be secured from all Commissions, even for multi-county jurisdictions? Yes; however, if an agency is unable to obtain a letter of support from an appointing authority due to the timeframe of the application process and/or the emergency, the agency should submit documentation stating the reasons for the omission.

Q8: Will there be transparency in the process so that all LHD's know who has applied and results? Yes. The Bureau for Public Health will provide a year-end summary as is always done in years in which applications are received.

Q9: What is the definition of "unanticipated financial emergencies"? The Commissioner is authorized to decide whether to approve an application. Unanticipated financial emergency is not defined in *W. Va. Code R §64-67*. As has been the case for over two decades, the application form provides an opportunity for each local board of health to describe the circumstances that have resulted in an unanticipated financial emergency.

Q10: When was the last emergency funding application submitted? FY 2009 was the last year in which an emergency fund application was funded. The Center for Local Health has not received an application for emergency funding since 2013.

Q11: Can local health departments use this funding for expenses in the next fiscal year? These funds are available to support projects beginning May 15, 2016 and through FY 2017.

Q12: Will applications that support multi-county collaborations for billing be considered? All local boards of health are encouraged to submit applications and each application will be evaluated using the criteria outlined in the Call for Applications. Should applications be submitted and not funded, the Center for Local Health will continue to assist agencies in obtaining funding to support projects that improve the public health system.

Q13: If all emergency funds are distributed to Health Departments by May 15, 2016, what will happen if a Health Department has an emergency before July 1, 2016? *W. Va. Code R 64-67-5.2* states that funds not obligated for emergency use by May 15 shall be distributed by the Commissioner to local boards of health according to the funding formula. Each year, upon passage of the state budget, the Commissioner is authorized to establish the emergency fund for that fiscal year.

Q14: If no Health Department applies or there is a remainder of money after all projects have been approved, will it be distributed as it has been in the past? Funds not obligated for emergency use by May 15 shall be distributed by the Commissioner to local boards of health according to the funding formula (*W. Va. Code R §64-67*).

Q15: How much is available? FY 2016 Emergency Fund is \$332,967. However, should state agencies be directed to make further reductions, this fund may decrease.

Q16: Are these funds required to be used to support basic public health services? Yes. All state funds appropriated by the legislature for the benefit of local boards of health must be used for the provision of basic public health services.

Q17: Are we required to follow the PHITF Core concepts? The PHITF Core Concepts were unanimously adopted by key public health stakeholders (including West Virginia Association of Local Health Departments, West Virginia Association of Counties, West Virginia Association of County Commissioners, West Virginia Association of Free Clinics, West Virginia Hospital Association, West Virginia University School of Public Health, payers and legislators) and serve as a foundation for modernizing the public health system. Alignment with these concepts will result in a stronger application as they are included in the scoring process. The concepts are 1.) Maintain a local presence and services in every county 2.) Partner with stakeholders to align West Virginia's public health system by developing a minimum package of services accessible to all 3.) Support a public health system that is accreditation ready 4.) Assess the system (state and local) 5.) Encourage the efficient and effective use of public resources that support statewide public health services.

Q18: Can local health departments work together and submit an application? Yes. Eligible applicants include one or more local boards of health.

Q19: Is this a grant? No.

Q20: Without local health department employees involved in the process, could these funds be distributed as political favors? By law, the Commissioner is authorized to distribute state funds to local boards of health, which includes the emergency fund (*W. Va. Code R §64-67*). A procedure has been established that places the administration of the emergency fund within the Center for Local Health and includes a review committee that makes recommendations to the Commissioner. In order to avoid any potential conflicts of interest, the process does not include representatives from agencies that stand to receive these funds.