

POLICIES AND PROCEDURES FOR ADMINISTERING THE
COMMONWEALTH NEUROTRAUMA INITIATIVE TRUST FUND

CHAPTER 185.

POLICIES AND PROCEDURES FOR ADMINISTERING
THE COMMONWEALTH NEUROTRAUMA INITIATIVE TRUST FUND.

Article 1.

Definitions and general information.

12 VAC 5-185-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meaning unless the context clearly indicates otherwise:

"Advisory board" means the Commonwealth Neurotrauma Initiative Advisory Board.

"Board" means the State Board of Health.

"Code" means the Code of Virginia.

"Fund" means the Commonwealth Neurotrauma Initiative Trust Fund.

"Neurotrauma" means an injury to the central nervous system, i.e., a traumatic spinal cord or brain injury, which results in loss of physical functions, cognitive functions or both.

"RFP" or "request" means a request for proposals published by the advisory board seeking applications for moneys in the fund.

12 VAC 5-185-20. Authority for regulations.

Article 12 of Chapter 2 of Title 32.1 of the Code contains the law authorizing establishment of the Fund and the advisory board. Subdivision C 2 of Section 32.1-73.3

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of the Code directs the advisory board to recommend to the board policies and procedures for the administration of the fund, including criteria for reviewing and ranking grant applications, distribution of funds, and areas of research need in accordance with Section 32.1-73.2. Section 32.1-73.4 of the Code authorizes the board, after having received the recommendations of the advisory board, to promulgate regulations establishing procedures and policies for soliciting and receiving grant applications and criteria for reviewing and ranking such applications, including, but not limited to, goals, timelines, forms, eligibility and mechanisms to ensure avoidance of any conflicts of interest or appearances thereof.

12 VAC 5-185-30. Statement of General Policy.

The Commonwealth of Virginia has recognized the need to prevent traumatic spinal cord and brain injuries and to improve the treatment and care of Virginians with traumatic spinal cord and brain injuries. By creating the Fund and authorizing the advisory board to administer the Fund, the Commonwealth makes available to Virginia-based organizations, institutions and researchers funds to address these needs. The advisory board seeks to administer the Fund in order to carry out the intent of the law in accordance with its authority.

12 VAC 5-185-40. Purpose of chapter.

This chapter serves to (i) establish policies and procedures for soliciting and receiving applications for grants from the Fund, (ii) establish criteria for reviewing and ranking such applications, and (iii) establish procedures for distributing moneys in the Fund,

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which shall be used solely to provide grants to Virginia-based organizations, institutions, and researchers, and of which fifty percent of the moneys shall be allocated for research on the mechanisms and treatment of neurotrauma and fifty percent shall be allocated for rehabilitative services, i.e., community-based rehabilitative programs for injured individuals. Those applications for grants to conduct research on the mechanisms and treatment of neurotrauma shall be identified as Option A applications. Those applications for grants to provide rehabilitative services shall be identified as Option B applications.

12 VAC 5-185-50. Compliance with the Administrative Process Act.

Chapter 1.4:1 (Section 9-6.14:1 et seq.) of Title 9 of the Code of Virginia (the Administrative Process Act) governs the promulgation and administration of this chapter and applies to any appeal of a case decision made pursuant to or based upon this chapter.

12 VAC 5-185-60. Application of an exemption to the Virginia Freedom of Information Act.

Pursuant to a provision of the Virginia Freedom of Information Act, Chapter 21 of Title 2.1 of the Code of Virginia, records submitted as a grant application, or accompanying a grant application, to the advisory board pursuant to the law and these regulations are excluded from the requirement of open inspection to the extent that they contain medical or mental records or other data identifying individual patients, or proprietary business or research-related information produced or collected by an applicant in the

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conduct of or as a result of study or research on medical, rehabilitative, scientific, technical or scholarly issues, when such information has not been publicly released, published, copyrighted or patented, if the disclosure of such information would be harmful to the competitive position of the applicant. The advisory board intends to rely upon this exemption in order to encourage the submission of applications.

Article 2.Soliciting and reviewing applications.12 VAC 5-185-70. Requests for proposals.

The advisory board will solicit applications for grants of moneys from the Fund by publishing requests for proposals from time to time. Each application for a grant must be received in response to an actual request for proposals and by a deadline specified in the request, which will be no fewer than 60 days following publication of the request.

12 VAC 5-185-80. Appointment of grant reviewers and technical advisors.

The advisory board may choose to appoint grant reviewers or other technical advisors, or both, at any time to assist in reviewing and ranking applications. Such reviewers and advisors may represent medical researchers, medical practitioners, community-based service providers, consumers, or advocates for consumers. Reviewers and advisors shall be appointed so as to provide equal representation from Virginia's three medical schools. Reviewers and advisors shall be selected so as to avoid any conflict of interests or the appearance thereof, and may be chosen because of their residing or working outside Virginia in order to insure impartiality. Whenever reviewers or advisors

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sit as a committee, the chairman of the advisory board or his designee shall serve as chairman of the committee but shall not vote on individual applications.

12 VAC 5-185-90. Specification of Option A or B.

Each application shall clearly state a purpose to seek funds to carry out a program consistent with Option A or Option B. Option A applications shall state and demonstrate a clear intention of researching the mechanisms of neurotrauma or the treatment of neurotrauma, or both. Option B applications shall demonstrate a clear intention to provide rehabilitative services by developing, expanding or improving community-based programs and facilities serving and treating individuals who have experienced traumatic brain injury or traumatic spinal cord injury, or both, and expanding opportunities for such individuals to become as independent and physically and functionally capable as possible.

12 VAC 5-185-100. Review of applications; stated priorities.

In reviewing applications for grant awards, whether Option A or Option B, the advisory board will give priority to applications that:

1. Present a convincing and persuasive discussion of how the proposed project will carry out its intention, as specified in accordance with 12 VAC 5-185-90, and describe, in as much detail as possible, its anticipated effectiveness in carrying out its intention.

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2. Include a system for measuring outcomes and documenting project impact and effectiveness, including any anticipated long-term effect of the proposed project.
3. Provide the means for consumer involvement in the design, implementation and evaluation of the project, as relevant to the intention of the proposed project;
4. Identify sources of funds, if known, and fundraising strategies to be used in sustaining the proposed project following termination of a grant award, as relevant to the intention of the proposed project;
5. Comply fully with additional informational and administrative requirements stated in the specific RFP to which applications are responding;
6. In the case of an Option A application,
 - a. discuss the relevance of the proposed project to an identified field of medical inquiry,
 - b. demonstrate the anticipated benefit of the proposed project in terms of expanding knowledge and understanding of neurotrauma,
 - c. discuss any innovation or breakthrough the project seeks to promote, specifying outcome measures where possible for each of the preceding enumerated items in this subdivision, and
 - d. describe efforts to ensure that the proposed project will not duplicate completed or ongoing research; and

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7. In the case of an Option B application,
 - a. Describe and demonstrate the need for the proposed project, in terms of the absence of alternative services, resources and facilities available to the intended individuals and community,
 - b. Demonstrate the avoidance of duplication of services already available; and
 - c. State and emphasize a commitment to collaborative community planning involving consumer groups, service providers, employers, other funding sources, as available or anticipated to become available, and relevant state and local agencies.

Article 3.Specific .Project Considerations and Application Criteria, Selection of Successful Applications and Amount and Announcement of Awards.12 VAC 5-185-110. Ranking and Reviewing Applications.

The advisory board will distinguish the class of Option A applications from the class of Option B applications when soliciting, ranking and reviewing applications. Applications will be considered and ranked among only applications with the stated intention to address the same option. Applications initially deemed effective in serving the purpose of either option and to have substantially addressed the general considerations stated in Article 2 of this chapter, as applicable, will be subsequently ranked and reviewed

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according to their satisfaction of the following criteria, which will be weighted as

indicated:

1. The purpose and significance of the project 20 points
2. The objectives and expected benefits of the project 20 points
3. The design of the project, means of assessing outcomes, methods to be employed, and the level of detail and feasibility of an included action plan 25 points
4. Detailed nature, completeness and feasibility of an included budget 15 points
5. Demonstrated or anticipated capability of the existing or planned organizational structure 15 points
and,
6. A commitment to include the participation of small, women-owned and minority businesses, as such are available and capable of participation 5 points

When initially reviewing applications or subsequently ranking and reviewing applications, the advisory board may ask applicants to provide required information that is missing from the application or additional clarifying information relating to their applications and proposed projects. Failure to provide missing information or failure to provide additional information that is material and relevant may result in the rejection or lowered ranking of an application.

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- A. After reviewing all applications, duly received, for either Option A or Option B, the advisory board will determine which proposed projects will be offered funding. The selection of successful applications will be made based on availability of moneys in the fund and the criteria listed in this chapter. Subsequent discussions and negotiations may be conducted between the advisory board and successful applicants in order to clarify any remaining issues relating to the proposed project.
- B. In considering and determining the amount of a grant award and the duration of funding for a particular project, the advisory board will consider the requested amount, need and the project design and justification. Actual grant awards will be made in amounts ranging from \$5,000 to \$150,000 per year, for an anticipated duration, i.e., a total anticipated funding period, of one to three years. The award and duration of funding for a project of an anticipated duration exceeding one year will be contingent upon (i) the availability of moneys in the Fund, whether so stated at the time of the award or not, and (ii) the grantee's successful completion of timelines and of interim objectives and milestones as proposed and approved in the grant award documents.
- C. The award of grants to successful applicants will be made public within 60 days of the advisory board's decision regarding all applications submitted in response to a request for proposals.

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- D. In the event any timelines and interim objectives and milestones pertaining to a project are not completed to the satisfaction of the advisory board, the advisory board may act to withhold moneys not yet disbursed for such a project. In the event of a substantial decline in moneys in the Fund, the advisory board will attempt to distribute moneys to projects of an anticipated duration greater than one year in a manner as fair and equitable as possible.

I certify that this regulation is full, true, and correctly dated.

E. Anne Peterson, M.D., M.P.H.
State Health Commissioner
Department of Health (State Board of)

Date: December ____, 2000