



State of New Hampshire
Department of Health and Human Services

REQUEST FOR GRANT APPLICATION

FOR

Electronic Visit Verification

RGA-2023-DMS-01-ELECT

RELEASE DATE: June 1, 2023

New Hampshire Department of Health and Human Services
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1. Purpose and Overview

1.1. Introduction

1.1.1. The New Hampshire Department of Health and Human Services, Division of Long Terms Supports and Services, Division of Medicaid Services, and Division of Program Quality and Integrity (“Department”), is seeking responses to this Request for Grant Applications (“RGA” or “solicitation”) from Medicaid Personal Care and Home Health Care providers, to help mitigate the cost for providers to become compliant with the 21st Century Cures Act Electronic Visit Verification (EVV) requirements. Eligible providers may utilize grant funding for activities including, but not limited to:

- Procuring devices for workers to access and utilize the EVV system.
- Interface development and testing with the State’s EVV solution aggregator.
- Interface development utilizing internal or external consultant/contractor services.
- EVV system training.

1.1.2. The Department anticipates awarding multiple Grant Agreement(s) for the activities related to EVV compliance based on the need and available funding.

1.2. Key Information

The information in the table below is as anticipated by the Department and is subject to change. Grant Agreements are contingent upon the availability of funds and approval by the Governor and Executive Council.

Grant Agreement Effective Date	August 1, 2023
Grant Agreement End Date	April 30, 2024
Renewal Option	N/A – One time Funding Opportunity
Funding for the resulting agreement(s) is anticipated to be approximately:	\$1,000,000 inclusive of all grant agreements. The maximum amount of funding to be awarded per Grantee is \$50,000.
Funding Source	The Department anticipates using Federal funds for resulting grant agreement(s).
	Source: The American Rescue Plan Act of 2021 (H.R. 1319). ARPA Funds.
Match Requirements	N/A
Point of Contact	Marsha Lamarre, Contracts Specialist Marsha.M.Lamarre@dhhs.nh.gov 603-271-9780

From the date of release of this solicitation until an award is made and announced regarding the selection of a Vendor, all communication with personnel employed by or under contract with the Department regarding this solicitation is prohibited unless first approved by the Point of Contact listed above. Department employees have been directed not to hold conferences and/or discussions concerning this solicitation with any potential grantee during the selection process, unless otherwise authorized by the Point of Contact. Vendors may be disqualified for violating this restriction on communications.

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1.3. Procurement Timetable

All times are according to Eastern Time. The Department reserves the right to modify these dates and times at its sole discretion.		
Item	Action	Date
1.	Solicitation Released	6/1/2023
2.	Letter of Intent Submission Deadline (optional)	6/13/2023
3.	RGA Questions Submission Deadline	6/13/2023 12:00 PM
4.	Department Response to Questions Published	6/20/2023
5.	Vendor Solicitation Response Due Date	6/30/2023 12:00 PM

1.4. Background

1.4.1. New Hampshire Department of Health and Human Services, Division of Long Term Supports and Services, Division of Medicaid Services, and Division of Program Quality and Integrity

The Division of Long Term Supports and Services (DLTSS), Division of Medicaid Services (DMS), and Division of Program Quality and Integrity are responsible for the provision and oversight of Medicaid Personal Care and Home Health Care services. Staff within these divisions are tasked with ensuring the successful implementation of EVV and ongoing oversight.

Electronic Visit Verification, or EVV, is a requirement under the 21st Century Cures Act, a federal law passed in December of 2016. Under the 21st Century Cures Act, states must implement an electronic system to verify certain home and community-based services were delivered in order to continue receiving federal financial support toward the costs of those services.

1.4.2. Objective

The 21st Century Cures Act (CCA) under Section 12006 (a) mandates that states implement Electronic Visit Verification (EVV) for all Medicaid Personal Care Services (PCS) and Home Health Care Services (HHCS) that require an in-home visit by a provider. This applies to PCS provided under sections 1905 (a) (24), 1915 (c), 1915 (i), 1915 (j), 1915 (k), and Section 1115; and HHCS provided under 1905 (a) (7) of the Social Security Act or a waiver.

Section 1903(l) of the Social Security Act (SSA), as added by Section 12006 of the Cures Act (Pub. L. No. 114-255) and further amended by Public Law No. 115-222, stipulates that states will be subject to a reduction in Federal Matching Assistance Percentages (FMAP), if they do not implement EVV for Personal Care Services by January 1, 2020, and for Home Healthcare Services by January 1, 2023. New Hampshire was approved for a good faith effort exemption for both Personal Care and Home Health Care Services. In addition, it requires that an EVV solution complies with the Health Insurance Portability and Accountability Act (HIPAA), and that it collects certain data elements. NH plans to implement both the PCS and HHCS components at the same time.

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The State has contracted with First Data Government Solutions (“Fiserv”), to provide the State’s EVV system including a data aggregator, which will connect with any provider’s existing EVV system with some modification. The State’s EVV implementation timeline is currently estimated to pilot with a small number of providers in late November 2023, and implement statewide for both Personal Care and Home Health Care services on January 1, 2024. The Department plans to collect the six required data elements, as well as the tasks performed by the direct service provider during the visit. Providers will have the choice to enter data directly into the State’s EVV solution, or external EVV visit data, collected by the provider’s EVV solution and sent to the State’s aggregator. Claims will be produced based on EVV visit data and will be sent via interface file to our Medicaid Managed Care Organizations (MCO), or to the Medicaid Management Information System (MMIS) for claims adjudication. A mobile application on a smart device will be the primary method of capturing EVV visit data with landline interactive voice response data capture serving as a backup. GPS within the device will be used as the method for validating location of services. Location shall be validated only at the beginning and at the end of the visit. If GPS location functionality is not possible, location may be validated via a landline. The Department plans to do a soft implementation with all providers. This phase will last about three to six months, during which time providers will have flexibilities to support a transition to the new process. These flexibilities may include, for example, allowing a higher number of manual entries per provider.

1.4.3. Covered Populations

Individuals in the DLTSS Home and Community Based Care waivers and Medicaid State Plan receiving home based services for Personal Care and Home Health Care will require EVV.

1.5. Grant Agreement Requirements

- 1.5.1. Applicants must demonstrate current certification or accreditation as an eligible Medicaid provider, as specified in Subsection 1.1. Introduction.
- 1.5.2. Applicants must be Medicaid providers that provide visit data to the State’s EVV solution for Medicaid members who are receiving Personal Care or Home Health Care Services in the home.
- 1.5.3. Applicants must demonstrate the need for funding under Section 12006 (a) between February 1, 2023, and April 30, 2024.
- 1.5.4. Allowable one-time costs may include, but are not limited to:
 - 1.5.4.1. Procuring devices for workers to access and utilize the EVV system.
 - 1.5.4.2. Interface development and testing with the State’s EVV solution aggregator.
 - 1.5.4.3. Interface development consultant services.
 - 1.5.4.4. EVV system training.
- 1.5.5. Costs not allowable under this RGA include:
 - 1.5.5.1. Staffing.
 - 1.5.5.2. Funding to supplant other grant awards or budgeted funds.
 - 1.5.5.3. Recurring fees, which may include, but are not limited to:
 - 1.5.5.3.1. Monthly cell phone charges.

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1.5.5.3.2. Third-party EMR and EVV Maintenance and operation fees.

1.5.6. Applications that do not demonstrate a direct correlation to becoming compliant with the 21st Century Cures Act EVV requirements and the NH EVV solution will not be considered for funding under this RGA.

1.5.7. Applicants must not submit any personal identifiable information in the Application submission.

1.6. Confidential Data

1.6.1. The selected Vendor(s) must meet all information security requirements as set by the Department in accordance with Appendix B, Standard Exhibits, Exhibit K: DHHS Information Security Requirements.

2. Applicant Information

2.1. Compensation

2.1.1. The total funding available across all grants awarded through this RGA is anticipated to be approximately \$1,000,000. *(For funding award details, see Paragraph 2.3.3.)*

2.1.2. The maximum funding request amount shall not exceed \$50,000. The Department may award grant amounts for less than the requested amount in accordance with Subsection 2.3, Scoring and Award Process.

2.1.3. Funding shall not be utilized to supplant other grant awards or budgeted funds.

2.1.4. All funding awarded through this RGA must be for actual expenses incurred and expended between the dates of February 1, 2023 and April 30, 2024.

2.1.5. Payment shall be made on a cost reimbursement basis for actual expenses incurred upon receipt of invoice(s), in a format acceptable to the Department, that must include each allowable cost and/or service(s) rendered, and supporting documentation verifying all costs and expenses are incurred between February 1, 2023 and April 30, 2024 including, but not limited to, invoices and receipts from licensed or certified professionals.

2.2. Mandatory Responses to RGA Questions (20-page limit inclusive of all supporting documentation):

2.2.1. **Need & Work Plan** – (Q1) Describe in narrative form the need and a work plan for the proposed projects or activities necessary, or associated projects or activities conducted that align with the objectives of this RGA. Include any existing infrastructure or interfaces and how they may be repurposed towards the goals of this project. The need and work plan must include:

2.2.1.1. Relationship to 21st Century Cures Act EVV requirements; and

2.2.1.2. Anticipated start and completion dates of the activities, which must be between the dates of February 1, 2023 and April 30, 2024.

2.2.2. **Funding Request** – (Q2) Provide one budget sheet, with funding narrative, utilizing Appendix E – Budget Sheet. Include any supporting documentation, for the funding being requested under this RGA, which may include, but is not limited to:

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- 2.2.2.1. An itemized breakdown of each cost.
- 2.2.2.2. Justifications for hiring a consultant or contractor and a copy of each agreement, if applicable.
- 2.2.2.3. Demonstration of economic need and cost effectiveness.
- 2.2.2.4. Estimates or quotes received from licensed or certified professionals, including, but not limited to:
 - 2.2.2.4.1. Legal business name of professional business.
 - 2.2.2.4.2. Purchases.
 - 2.2.2.4.3. Labor expenses.
 - 2.2.2.4.4. Parts and materials.
 - 2.2.2.4.5. Required inspections expenses, if applicable.
- 2.2.2.5. Receipts and/or invoices from a professional business for services rendered relating to the objectives of this RGA with dates of services between February 1, 2023 and April 30, 2024.
- 2.2.2.6. Full disclosure of any other EVV related funding received as of the date of application and certify that funds have not been received in whole or in part to address the need, as identified in the response to Q1, in Paragraph 2.2.1 above.

2.3. Scoring and Award Process

- 2.3.1. Applicant Mandatory Responses to RGA Questions will be scored using the scoring method below:

Topic	Point Value
Need & Work Plan (Q1)	60 Points
Funding Request (Q2)	40 Points
Maximum Possible Score	100 Points
Minimum Allowable Score	50 Points

- 2.3.2. Each response to the questions in Subsection 2.2 will result in a stand-alone score. Each response will be scored based on the following scoring matrix:

Score Q1	Criteria <i>(Need & Work Plan)</i>
0-15	Request is not within timeline and/or is not directly or clearly related to EVV Cures Act compliance.
16-40	Request is within timeline, and is related to EVV Cures Act compliance.
41-60	Request is within timeline, and is clearly defined and directly related to EVV Cures Act compliance.

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Score Q2	Criteria <i>(Funding Request)</i>
0-10	Funding Request is not clearly defined and/or costs do not directly align with the objectives of the RGA.
11-25	Funding Request is defined, cost effective, and aligns with the objectives of the RGA.
26-40	Funding Request is clear and well defined, directly relates to the objectives of the RGA, and demonstrates significant economic need.

- 2.3.3. The total funding amount awarded to selected Applicants will be proportional to the number of points awarded for the Mandatory Responses to RGA Questions in accordance with Paragraph 2.3.1, and in accordance with Paragraph 2.1.2, as follows:
 - 2.3.3.1. 90 to 100 points = 100% of funding request;
 - 2.3.3.2. 80 to 89 points = 75% of funding request;
 - 2.3.3.3. 70 to 79 points = 50% of funding request; and
 - 2.3.3.4. 50 to 69 points = 25% of funding request.
- 2.3.4. A review team of qualified Department staff will score Applications in accordance with the scoring criteria in Paragraph 2.3.2.
- 2.3.5. Applicant scores will be ranked highest to lowest, **with a minimum allowable score of 50 points**.
- 2.3.6. The Department will award Grant Agreements to the highest-scoring Applicants, who meet or exceed the minimum allowable score of 50 points, until all funding is expended, in accordance with 2.3.3.

2.4. Application Email

- 2.4.1. Applications must be submitted electronically to rfx@dhhs.nh.gov, and the Contract Specialist at the email address specified in Subsection 1.2.
- 2.4.2. The Subject line must include the following information:
RGA-2023-DMS-01-ELECT (email xx of xx)
- 2.4.3. The maximum size of file attachments per email is 25 MB. Attachments that exceed the maximum limit must be submitted via multiple emails.
- 2.4.4. The Department must receive submissions by the time and date specified in the Procurement Timetable in Section 1.3, and in the manner specified or it may be rejected as non-compliant, unless waived by the Department as a non-material deviation.
- 2.4.5. The Department will conduct an initial screening step to verify Vendor compliance with the requirements of this Solicitation. The Department may waive or offer a limited opportunity for a Vendor to cure immaterial deviations from the Solicitation requirements if it is deemed to be in the best interest of the Department.

- 2.4.6. Late submissions that are not accepted will remain unopened. Disqualified submissions will be discarded. Submission of solicitation responses shall be at the Vendor's expense.

2.5. Application Content

- 2.5.1. **Mandatory Responses to RGA Questions in Subsection 2.2;**
- 2.5.2. **Completed Appendix E – Budget Sheet with funding narrative; and**
- 2.5.3. **Completed Appendix D – Transmittal Letter and Applicant Information.**

2.6. Applicant's Questions & Answers

- 2.6.1. All questions about this RGA, including but not limited to requests for clarification, additional information or any changes to the RGA must be made in writing citing the RGA page number and section, subsection, etc., and submitted by email to the Contract Specialist identified in Subsection 1.2.
- 2.6.2. The Department may consolidate and/or paraphrase questions for efficiency and clarity. Questions that are not understood will not be answered. Statements that are not questions will not receive a response.
- 2.6.3. Questions must be received by the deadline provided in Subsection 1.3. Procurement Timetable.
- 2.6.4. Department response to questions received will be published on the Department's website on or about the date indicated in Subsection 1.3. Procurement Timetable.

2.7. Validity of Application

Applications are valid for one hundred eighty (180) days following the deadline for submission in the Procurement Timetable above, or until the Effective Date of any resulting Grant Agreement, whichever is later.

3. Notices

3.1. Exceptions

- 3.1.1. To the extent that an Applicant believes that exceptions to the standard form Grant Agreement, General Provisions, which is attached as Appendix A, will be necessary for the Applicant to enter into an Agreement, the Applicant must note those issues during the RGA Questions period as identified in Subsection 1.3 Procurement Timetable. The Department will review requested exceptions to the Grant Agreement, General Provisions (Appendix A) and Standard Exhibits (Appendix B) and accept, reject or note that it is open to negotiation of the proposed exception at its sole discretion. If the Department accepts an Applicant's exception, the Department will, at the conclusion of the RGA Questions & Answers period, provide notice to all potential Applicants of the exceptions that have been accepted and indicate that exception is available to all potential Applicants by publication of the Department's responses on or about the date indicated in Subsection 1.3 Procurement Timetable. Any exceptions to the standard form Grant Agreement, General Provisions, and standard exhibits that are not raised by an Applicant during the RGA Questions period may not be considered. In no event is an Applicant to submit its own standard grant terms and conditions as a replacement

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for the Department's terms in response to this solicitation.

3.2. RGA Amendment

3.2.1. The Department reserves the right to amend this RGA, as it deems appropriate, prior to the Application submission deadline on its own initiative or in response to issues raised through Applicant questions. In the event of an amendment to the RGA, the Department, at its sole discretion, may extend the Application submission deadline. The amended language will be posted on the Department's website.

3.3. Compliance

3.3.1. Applicants must be in compliance with applicable federal and state laws, rules and regulations, and applicable policies and procedures adopted by the Department currently in effect, and as they may be adopted or amended during the grant agreement period. Applicants must comply with all Standard Exhibits D-K, which are attached hereto as Appendix B.

3.4. Public Disclosure

3.4.1. Pursuant to RSA 21-G:37, all responses to this RGA shall be considered private until the award of a grant agreement. The content of an Applicant's application must remain confidential until the Governor and Executive Council have approved any grant agreement(s) as a result of this RGA. An Applicant's disclosure or distribution of the contents of its application, other than to the State, will be grounds for disqualification at the State's sole discretion.

3.4.2. The content of each Application and addenda thereto will become public information once the Governor and Executive Council have approved a grant agreement. Any information submitted as part of an Application in response to this RGA may be subject to public disclosure under RSA 91-A. In addition, in accordance with RSA 9-F:1, any grant agreement entered into as a result of this RGA will be made accessible to the public online via the website Transparent NH (www.nh.gov/transparentnh/). Accordingly, business financial information and proprietary information such as trade secrets, business and financials models and forecasts, and proprietary formulas may be exempt from public disclosure under RSA 91-A:5, IV.

3.4.3. Insofar as an Applicant seeks to maintain the confidentiality of its confidential commercial, financial or personnel information, the Applicant must clearly identify in writing the information it claims to be confidential and explain the reasons such information should be considered confidential. This must be done by separate letter identifying by page number and Application section the specific information the Applicant claims to be exempt from public disclosure pursuant to RSA 91-A:5.

3.4.4. Each Applicant acknowledges that the Department is subject to the Right-to-Know Law New Hampshire RSA Chapter 91-A. The Department shall maintain the confidentiality of the identified confidential information insofar as it is consistent with applicable laws or regulations, including but not limited to New Hampshire RSA Chapter 91-A. In the event the Department receives a request for the information identified by an Applicant as confidential, it will notify the Applicant and

specify the date it intends to release the requested information. Any effort to prohibit or enjoin the release of the information shall be the Applicant's responsibility and at the Applicant's sole expense. If the Applicant fails to obtain a court order enjoining the disclosure, the Department may release the information on the date specified in its notice to the Applicant without incurring any liability to the Applicant.

3.5. Non-Commitment

3.5.1. Notwithstanding any other provision of this RGA, this RGA does not commit the Department to award a grant. The Department reserves the right to reject any and all Applications or any portions thereof, at any time, and to cancel this RGA and to solicit new Applications under a new Application process.

3.6. Request for Additional Information or Materials

3.6.1. The Department may ask any Applicant to provide additional information or materials needed to clarify information presented in the Application. Such a request will be issued in writing and will not provide an Applicant with an opportunity to change, extend, or otherwise amend its Application in intent or substance.

3.7. Liability

3.7.1. By submitting an Application in response to this RGA, an Applicant agrees that in no event shall the State be either responsible for or held liable for any costs incurred by an Applicant in the preparation or submittal of or otherwise in connection with an Application, or for work performed prior to the Effective Date of a resulting grant agreement.

3.8. Successful Applicant Notice and Grant Award Negotiations

3.8.1. If an Applicant(s) is selected, the Department will notify the successful Applicant(s) in writing of their selection and the State's desire to enter into grant award negotiations. Until the Department successfully completes negotiations with the selected Applicant(s), all submitted Applications remain eligible for selection by the Department. In the event negotiations are unsuccessful with the selected Applicant(s), the evaluation team may recommend another Applicant(s). The Department will notify Applicant(s) that are not initially selected to enter into negotiations.

3.9. Scope of Award and Grant Award Notice

3.9.1. The Department reserves the right to award a service, part of a service, group of services, or total services and to reject any and all Applications in whole or in part. A grant award is contingent on approval by the Department.

3.9.2. If a grant is awarded, the Applicant must obtain written consent from the Department before any public announcement or news release is issued pertaining to any grant award.

3.10. Protest of Intended Award

3.10.1. Any challenge of an award made or otherwise related to this RGA shall be governed by RSA 21-G:37, and the procedures and terms of this RGA. The procedure set forth in RSA 21-G:37, IV, shall be the sole remedy available to challenge any award resulting from this RGA. In the event that any legal action is brought challenging this RGA and selection process, outside of the review process identified in RSA 21-G:37, IV, and in the event that the State of New Hampshire prevails, the challenger agrees to pay all expenses of such action, including attorney's fees and costs at all stages of litigation.

3.11. Contingency

3.11.1. Aspects of the award may be contingent upon changes to state or federal laws and regulations.

3.12. Ethical Requirements

3.12.1. From the time this RGA is published until a grant agreement is awarded, no Applicant shall offer or give, directly or indirectly, any gift, expense reimbursement, or honorarium, as defined by RSA 15-B, to any elected official, public official, public employee, constitutional official, or family member of any such official or employee who will or has selected, evaluated, or awarded an RFA, or similar submission. Any Applicant that violates RSA 21-G:38 shall be subject to prosecution for an offense under RSA 640:2. Any Applicant who has been convicted of an offense based on conduct in violation of this section, which has not been annulled, or who is subject to a pending criminal charge for such an offense, shall be disqualified from submitting an application to this RGA, or similar request for submission and every such applicant shall be disqualified from responding to any RFA or similar request for submission issued by any state agency. An Applicant that was disqualified under this section because of a pending criminal charge which is subsequently dismissed, results in an acquittal, or is annulled, may notify the Department of Administrative Services, which shall note that information on the list maintained on the state's internal intranet system, except in the case of annulment, the information, shall be deleted from the list.

3.13. Compliance

3.13.1. The selected Vendor(s) must be in compliance with applicable federal and state laws, rules and regulations, and applicable policies and procedures adopted by the Department currently in effect, and as they may be adopted or amended during the Grant Agreement period.

3.13.2. The selected Vendor(s) may be required to participate in monitoring activities for the resulting Grant Agreement(s), at the sole discretion of the Department, including, but not limited to:

3.13.3. Site visits.

3.13.4. File reviews.

3.13.5. Staff training.

3.14. Records

- 3.14.1. The selected Vendor(s) must maintain the following records during the resulting Grant Agreement term where appropriate and as prescribed by the Department:
 - 3.14.1.1. Books, records, documents, invoices and other electronic or physical data evidencing and reflecting all costs and other expenses incurred by the selected Vendor(s) in the performance of the resulting Grant Agreement(s), and all income received or collected by the selected Vendor(s).
 - 3.14.1.2. All records must be maintained in accordance with accounting procedures and practices, which sufficiently and properly reflect all such costs and expenses, and which are acceptable to the Department, and to include, without limitation, all ledgers, books, records, and original evidence of costs such as purchase requisitions and orders, vouchers, requisitions for materials, inventories, valuations of in-kind contributions, labor time cards, payrolls, and other records requested or required by the Department.
- 3.14.2. During the term of the resulting Grant Agreement(s) and the period for retention hereunder, the Department, the United States Department of Health and Human Services, and any of their designated representatives shall have access to all reports and records maintained pursuant to the resulting Grant Agreement(s) for purposes of audit, examination, excerpts and transcripts. If, upon review of the Final Expenditure Report the Department shall disallow any expenses claimed by the selected Vendor(s) as costs hereunder the Department shall retain the right, at its discretion, to deduct the amount of such expenses as are disallowed or to recover such sums from the selected Vendor(s).

3.15. Credits and Copyright Ownership

- 3.15.1. All documents, notices, press releases, research reports and other materials prepared during or resulting from the performance of the services of the resulting Grant Agreement(s) must include the following statement, "The preparation of this (report, document etc.) was financed under a Grant Agreement with the State of New Hampshire, Department of Health and Human Services, with funds provided in part by the State of New Hampshire and/or such other funding sources as were available or required, e.g., the United States Department of Health and Human Services."
- 3.15.2. All written, video and audio materials produced or purchased under the Grant Agreement must have prior approval from the Department before printing, production, distribution or use.
- 3.15.3. The Department will retain copyright ownership for any and all original materials produced, including, but not limited to:
 - 3.15.3.1. Brochures.
 - 3.15.3.2. Resource directories.
 - 3.15.3.3. Protocols.
 - 3.15.3.4. Guidelines.
 - 3.15.3.5. Posters.
 - 3.15.3.6. Reports.

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3.15.4. The selected Applicants must not reproduce any materials produced under the Grant Agreement without prior written approval from the Department.

4. Appendices

- 4.1. Appendix A – Grant Agreement, Form G-1 (*for reference only*)**
- 4.2. Appendix B – Standard Exhibits (*for reference only*)**
- 4.3. Appendix C – NOT USED**
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