**Section 103.160 Grant agreement and addenda**

a) Definition of grant agreement

When fully executed, the grant agreement is the obligating instrument providing the basis for the Departmental financial participation in grant-in-aid programs, and which formalizes the contractual relationship between the Department and the agency, indicating the amount of Department funds which will be paid to the agency for the provision of services as described in the grant agreement and the agency plan.

b) Contents of grant agreement

The grant agreement shall specify the general services to be provided, the general terms and conditions of the agreement and may specify additional terms and conditions for specific services provided by the agency.

c) Preparation responsibilities

The Department is responsible for preparing the grant agreement, designating the appropriate addenda, and forwarding it to the agency. The agency shall sign the grant agreement and return it to the Department. The Department agent's signature shall be affixed thereby approving the grant agreement. An approved and executed copy shall be returned to the agency.

d) Provisions of the grant agreement

Provisions, as referenced in the grant agreement when applicable, and as described below become part of the grant agreement.

1) Non-discrimination

A) The agency agrees to comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C.A. 2000d (1996)) and all requirements imposed by or pursuant to the regulation of the U.S. Department of Health and Human Services (45 CFR 80 (1996)) issued pursuant to that Title, to the end that, in accordance with Title VI of that Act and the regulation, no person in the United States shall, on the grounds of sex, race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the grantee receives federal or State financial assistance from the grantor. Grantee hereby gives assurance that it will immediately take any measures necessary to effectuate this grant agreement.

B) The agency agrees to comply with Title VII of the Civil Rights Act of 1964 (42 U.S.C.A. 2000e (1996)) and not discriminate in the hiring or employment of staff on the basis of race, color, national origin, age, disability or sex.

C) The agency agrees to comply with the Americans With Disabilities Act of 1990 (42 U.S.C. 12101-12213 (1996) and 47 U.S.C. 225 and 611 (1996)) and all requirements imposed by or pursuant to the regulations of the U.S. Department of Health and Human Services issued pursuant to that statute, to the end that no otherwise qualified individual shall be discriminated against on the basis of handicap in the provision of services.

2) Drug-free workplace

The agency agrees to comply with the Drug-Free Workplace Act [30 ILCS 580]. Agency employees are prohibited from the unlawful manufacture, dispensing, possession or use of a controlled substance or alcohol in the workplace while performing their duties.

3) Mandated follow-up monitoring services

A) The agency shall comply with Section 15 of the Mental Health and Developmental Disabilities Administrative Act and the Department's rules at 59 Ill. Adm. Code 125 (Recipient Discharge/Linkage/Aftercare), which requires mandatory follow-up monitoring services to individuals placed in licensed nursing homes, sheltered care homes and homes for the aged in accordance with the Nursing Home Care Act [210 ILCS 45], and this Part.

B) The agency shall comply with the provisions of 59 Ill. Adm. Code 101.80 (Conflict of interest) in relation to its activities with licensed long-term care facilities. In essence, no employee of the agency shall serve as an employee or consultant either paid or unpaid to any licensed facility in the State of Illinois. Additionally, the agency itself shall not be in a financial relationship with a licensed facility in such a way which results in, or appears to result in, a conflict of interest with its monitoring functions under the grant. This shall include, at the very least, a situation where the agency is purchasing or receiving services from the same facility it monitors under this grant. The Secretary may issue approvals for exceptions which have been requested in writing to this subsection under circumstances including but not necessarily limited to those where the only developmental disabilities or mental health expertise available in a rural area is part of a current grant or of a governmental agency.

C) The Department shall monitor the agency's performance of the mandated follow-up monitoring function and maintain final responsibility for the provision of this service if the grant agreement is violated.

4) Adjustments addendum

This addendum is used for corrections, a redistribution, a supplemental award or a reduction in award.

(Source: Amended at 17 Ill. Reg. 10282, effective July 1, 1993)