

ADAP Client Eligibility

Revised 06/2022

Federal Policy Reference: -Ryan White CARE Act (PL 104-146) Sect. 2617 4B(II)
-HRSA/HAB Program Policy Notice No. 10-02; 97-01
-Ryan White Part B Manual
-45 CFR Part 75
-HRSA PCN 16-02

The Nebraska Ryan White HIV/AIDS Program (RWHAP) has waived all requirements for subgrant entities regarding imposition of charges for services, pursuant to Section 2617(c)(4)(A) of the Ryan White Modernization Act of 2006.

The HRSA/HAB Fiscal and Program Monitoring Standards for Ryan White Part B Recipients (Monitoring Standards) will guide the oversight of Supportive Services by the NDHHS. The Monitoring Standards are attached to this document by reference. Annual fiscal and programmatic monitoring is required by regulation, both internally and by the NDHHS. <https://careacttarget.org/category/topics/program-monitoring>

Purpose: The purpose of this policy is to ensure compliance with applicable Federal policies for eligible clients receiving Ryan White Part B AIDS Drug Assistance Program (ADAP) only funding. This policy identifies client eligibility requirements and limitations for individuals applying for ADAP funding.

The Recipient and all sub-recipients must guarantee that funds will not be utilized to make payments for any item or service to the extent that payment has been made, or can reasonably be expected to be made by sources other than Ryan White funds. 45 CFR Part 75.

The following client eligibility guidelines are applicable to all services available through Nebraska Ryan White Part B ADAP funding. The Nebraska Department of Health and Human Services Ryan White Program Manager or designee is responsible for final eligibility determination. ***HRSA guidance supercedes all other regulations regarding client eligibility.***

Client Eligibility

1. Client must be HIV positive and documentation (e.g., viral load laboratory results, physician's verification of HIV status in form of signed letter) substantiating their HIV status must be on file with the contracting/subrecipient organization providing Ryan White Part B funded services.

2. Client must meet current income eligibility guidelines requiring that a client's **household*** earned income **must fall at or below 400% of the Federal Poverty Guidelines for the current grant year (Beginning April 1st)** unless otherwise noted or the policy is altered.
3. Inmates of the County, State, or Federal Corrections system, and immigration detainees, are not eligible for services under the Ryan White Part B program while in any form of detention.
4. Client must permanently reside in Nebraska and must have a valid physical street/home address and must be physically living there (homelessness is an exception to this rule, with substantiated homeless status). Post Office Boxes, addresses in care of family, neighbor, friend's etc. are not valid addresses.
5. Client must complete an intake process through a Ryan White Part B Provider and **must provide updated information at least twice annually** to ensure continued eligibility for ADAP. Clients must sign applicable consent for service forms and privacy/security agreements as required annually.
6. Client must complete other verifications as necessary under federal mandate and available through the medical case manager at the provider agency.
7. Clients who intentionally provide information which is misleading or fraudulent for the purposes of obtaining benefits through the RWHAP Part B Program funding may be immediately removed from the participation in all Ryan White Part B funded services (including ADAP) with the possibility of legal action taken.

* **Household** is defined as the individual Ryan White applicant, spouse and anyone who is claimed as a dependent on the individual's federal tax return. If the individual does not file a tax return and is not claimed as a dependent on a tax return, the household is the individual and the following (if they live with the individual):

- Spouse.
- Natural, adopted and/or stepchildren under 19 or up to 26 if still enrolled fulltime in school and dependent on the individual for support.
- Adult parent under the care of the adult client.

If the applicant is a child, then the household is natural, adopted and/or step parents and siblings/step siblings.