

activities carried out under the applicable programs, the State or local government has the option to separate out the Federal funds or commingle them. If the funds are commingled, the provisions of this part shall apply to all of the commingled funds, in the same manner, and to the same extent, as the provisions apply to the Federal funds.

**§ 54a.12 Treatment of intermediate organizations.**

If a nongovernmental organization (referred to here as an “intermediate organization”), acting under a contract or other agreement with the Federal Government or a State or local government, is given the authority under the contract or agreement to select nongovernmental organizations to provide services under any applicable program, the intermediate organization shall have the same duties under this part as the government. The intermediate organization retains all other rights of a nongovernmental organization under this part and the SAMHSA Charitable Choice provisions.

**§ 54a.13 Educational requirements for personnel in drug treatment programs.**

In determining whether personnel of a program participant that has a record of successful drug treatment for the preceding three years have satisfied State or local requirements for education and training, a State or local government shall not discriminate against education and training provided to such personnel by a religious organization, so long as such education and training is comparable to that provided by nonreligious organizations, or is comparable to education and training that the State or local government would otherwise credit for purposes of determining whether the relevant requirements have been satisfied.

**§ 54a.14 Determination of nonprofit status.**

The nonprofit status of any SAMHSA applicant can be determined by any of the following:

(a) Reference to the organization’s listing in the Internal Revenue Service’s (IRS) most recent list of tax-ex-

empt organizations described in section 501(c)(3) of the IRS code.

(b) A copy of a currently valid IRS Tax exemption certificate.

(c) A statement from a State taxing body, State Attorney General, or other appropriate State official certifying that the applicant organization has a nonprofit status and that none of its net earnings accrue to any private shareholder or individuals.

(d) A certified copy of the organization’s certificate of incorporation or similar document if it clearly establishes the nonprofit status of the organization.

(e) Any of the above proof for a State or national parent organization and a statement signed by the parent organization that the applicant organization is a local nonprofit affiliate.

**APPENDIX TO PART 54A—MODEL NOTICE OF INDIVIDUALS RECEIVING SUBSTANCE ABUSE SERVICES**

**MODEL NOTICE TO INDIVIDUALS RECEIVING SUBSTANCE ABUSE SERVICES**

No provider of substance abuse services receiving Federal funds from the U.S. Substance Abuse and Mental Health Services Administration, including this organization, may discriminate against you on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to actively participate in a religious practice.

If you object to the religious character of this organization, Federal law gives you the right to a referral to another provider of substance abuse services. The referral, and your receipt of alternative services, must occur within a reasonable period of time after you request them. The alternative provider must be accessible to you and have the capacity to provide substance abuse services. The services provided to you by the alternative provider must be of a value not less than the value of the services you would have received from this organization.

**PART 55a—PROGRAM GRANTS FOR BLACK LUNG CLINICS**

**Subpart A—General Provisions**

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55a.101 Definitions.

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- 55a.104 What confidentiality requirements must be met?
- 55a.105 How must grantees carry out their projects?
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### Subpart C—Grants to Entities Other Than States

- 55a.301 What is required for an application from an entity other than a State?

AUTHORITY: Sec. 427(a), Federal Mine Safety and Health Act of 1977, 92 Stat. 100 (30 U.S.C. 937(a)).

SOURCE: 50 FR 7913, Feb. 27, 1985, unless otherwise noted.

## Subpart A—General Provisions

### § 55a.101 Definitions.

*Act*, as used in this part, means the Federal Mine Safety and Health Act of 1977, as amended (30 U.S.C. 801 *et seq.*).

*Secretary* means the Secretary of Health and Human Services and any other officer or employee of the Department of Health and Human Services to whom the authority involved has been delegated.

*Miner* or *coal miner* means any individual who works or has worked in or around a coal mine or coal preparation facility in the extraction or preparation of coal. The term also includes an individual who works or has worked in coal mine construction or transportation in or around a coal mine, to the extent that the individual was exposed to coal dust as a result of employment.

### § 55a.102 Who is eligible to apply for a Black Lung clinics grant?

Any State or public or private entity may apply for a grant under this part.

### § 55a.103 What criteria has HHS established for deciding which grant application to fund?

(a) The Secretary will give preference to a State, which meets the requirements of this part and applies for a grant under this part, over other applicants in that State.

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(b) Within the limits of funds available for these purposes the Secretary may award grants to assist in the carrying out of those programs which will in the Secretary's judgment best promote the purposes of section 427(a) of the Act, taking into account;

- (1) The number of miners to be served and their needs; and
- (2) The quality and breadth of services to be provided.

### § 55a.104 What confidentiality requirements must be met?

All information as to personal facts and circumstances obtained by the grantee's staff about recipients of services shall be held confidential and shall not be disclosed without the individual's consent except as may be required by law or as may be necessary to provide service to the individual or to provide for audits with appropriate safeguards for confidentiality of patient records. Otherwise, information may be disclosed only in summary, statistical, or other form which does not identify particular individuals.

### § 55a.105 How must grantees carry out their projects?

Grantees must carry out their projects in accordance with their applications and the provisions of this part.

### § 55a.106 Provision for waiver by the Secretary.

The Secretary may, for good cause shown, waive provisions of these regulations.

### § 55a.107 What other regulations apply?

Other regulations which apply to the Black Lung Clinics Program include, but are not limited to, the following:

- 42 CFR part 50, subpart D—Public Health Service grant appeals procedure;
- 42 CFR part 50, subpart E—Maximum allowable cost for drugs;
- 45 CFR part 16—Procedures of the Departmental Grant Appeals Board;
- 45 CFR part 19—Limitations on payment or reimbursement for drugs;
- 45 CFR part 75—Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards;
- 45 CFR part 80—Nondiscrimination under programs receiving Federal assistance through the Department of Health and

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Human Services effectuation of title VI of the Civil Rights Act of 1964;  
45 CFR part 81—Practice and procedure for hearings under part 80;  
45 CFR part 84—Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance; and  
45 CFR part 91—Nondiscrimination on the basis of age in HHS programs or activities receiving Federal financial assistance.  
[50 FR 7913, Feb. 27, 1985, as amended at 81 FR 3008, Jan. 20, 2016]

**Subpart B—Grants to States****§ 55a.201 What is required for a State application?**

An approvable State application must contain assurances that the State will:

- (a) Provide the following services for active and inactive miners in the State:
  - (1) Primary care;
  - (2) Patient and family education and counseling;
  - (3) Outreach;
  - (4) Patient care coordination, including individual patient care plans for all patients;
  - (5) Antismoking advice; and
  - (6) Other symptomatic treatments.
- (b) Provide medical services in consultation with a physician with special training or experience in the diagnosis and treatment of respiratory diseases.
- (c) Meet all criteria for approval and designation by the Department of Labor under 20 CFR part 725 to perform disability examination and provide treatment under the Act.
- (d) Use grant funds under this part to supplement and not supplant existing services of the State.
- (e) Provide the services described above for those miners previously served by a Black Lung Clinic in the State for which grant support expires during the funding period of the State's grant.
- (f) Provide services described above regardless of a person's ability to pay.
- (g) Audit its expenditures from amounts received under this part in ac-

cordance with the provisions of subpart F of 45 CFR part 75.

(Approved by the Office of Management and Budget under control number 0915-0081)

[50 FR 7913, Feb. 27, 1985, as amended at 50 FR 53156, Dec. 30, 1985; 81 FR 3008, Jan. 20, 2016]

**Subpart C—Grants to Entities Other Than States****§ 55a.301 What is required for an application from an entity other than a State?**

An approvable application must contain the following:

- (a) A plan for the provision of the services required by § 55a.201(a), consistent with the requirements of § 55a.201 (b) and (c). The plan must also contain at least the following elements:
  - (1) A description of the target population to whom services are to be provided, including a statement of the need for services;
  - (2) An assurance that charges shall be made for services rendered as follows:
    - (i) A schedule shall be maintained listing fees or payments for the provision of services, designed to cover reasonable costs of operations;
    - (ii) A schedule of discounts adjusted on the basis of a patient's ability to pay shall be maintained. The schedule of discounts must provide for a full discount to individuals and families with annual incomes at or below the poverty line established in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), (except that nominal fees for service may be requested, but not required, from individuals and families with annual incomes at or below the poverty line). No discounts shall be provided to individuals and families with annual incomes greater than twice the poverty line; and
    - (iii) Where third-party payors (including Government Agencies) are authorized or under a legal obligation to pay all or a portion of such charges, all services covered by that reimbursement plan will be billed and every reasonable effort will be made to obtain payment.

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(b) An assurance that no person will be denied services because of inability to pay.

(c) An assurance that grant funds received under this part will be used to supplement and not supplant existing services of the grantee.

(Approved by the Office of Management and Budget under control number 0915-0081)

[50 FR 7913, Feb. 27, 1985, as amended at 50 FR 53156, Dec. 30, 1985]

## PART 56—GRANTS FOR MIGRANT HEALTH SERVICES

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### Subpart H—Acquisition and Modernization of Existing Buildings

- 56.801 Applicability of 42 CFR part 51c, subpart E.

AUTHORITY: Secs. 215, 319, Public Health Service Act (42 U.S.C. 216, 247d).

SOURCE: 42 FR 60406, Nov. 25, 1977, unless otherwise noted.

### Subpart A—General Provisions

#### § 56.101 Applicability.

The regulations of this subpart are applicable to all grants authorized by section 319 of the Public Health Service Act (42 U.S.C. 247d).

#### § 56.102 Definitions.

As used in this part:

(a) *Act* means the Public Health Service Act (42 U.S.C. 201 *et seq.*), as amended.

(b)(1) *Agriculture* means farming in all its branches, including—

(i) Cultivation and tillage of the soil;

(ii) The production, cultivation, growing, and harvesting of any commodity grown on, in, or as an adjunct to or part of a commodity grown in, or on, the land; and

(iii) Any practice (including preparation and processing for market and delivery to storage or to market or to carriers for transportation to market) performed by a farmer or on a farm incident to or in conjunction with an activity described in subsection (ii).

(c) *Catchment area* means the geographic area served by a project funded under section 319 of the Act.

(d) *Environmental health services* means the detection and alleviation of unhealthy conditions of the environment of the persons served by the