

**FAMILY PLANNING PROGRAM****SECTION:** Program Administration**POLICY AND PROCEDURE MANUAL****SUBJECT:** Grant Termination

POLICY: The ND Family Planning program may terminate any grant in whole, or part, at any time before the date of expiration, whenever it determines that delegate agency has materially failed to comply with the terms of the grant and refuses to take corrective action.

PROCEDURE:

1. The Director of the ND Family Planning Program (NDFPP) may after thirty (30) days written notice of termination, terminate the grant in whole or part.
2. When the grant is terminated, the delegate agency shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible.
3. The NDFPP shall allow full credit to the delegate agency for the Federal share of the noncancellable obligations properly incurred by the grantee prior to termination.
4. Upon termination, the NDFPP shall arrange to pay promptly any allowable reimbursement costs not covered by previous payments, if appropriate.
5. The delegate agency shall immediately refund, in accordance with instructions from NDFPP, any unobligated balance of cash advanced to the delegate agency.
6. The following sums shall constitute a debt or debts owed by the delegate agency to the NDFPP, and shall, if not paid upon demand, be recovered from the delegate agency or its successor or assignees by setoff or other action as provided by law:
 - a) any grant funds paid to the delegate agency by the NDFPP in excess of the amount to which the delegate agency is finally determined to be entitled under the terms of the contract
 - b) any interest or other investment income earned on advances of grant funds which is due the NDFPP pursuant to 74.47
 - c) any royalties or other special classes of program income which, under the terms of the grant, are required to be remitted to the NDFPP (See Subpart F - Grant Related Income, DHHS Administration of Grants, Federal Regulations Title 45 Part 74)

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- d) any amounts due NDFPP as outlined Subpart O - Property, DHHS Administration of Grants, Federal Regulations Title 45 Part 74
 - e) any other amounts finally determined to be due NDFPP under the terms of the contract.
7. The delegate agency shall submit all financial, performance and other reports required by the terms of the grant within 90 days of the date of the termination.
 8. If the grant is terminated without an audit, the grantee retains the right to disallow and recover any appropriate amount after fully considering any recommended disallowances resulting from an audit which may be conducted later.
 9. The State office and the delegate agency shall negotiate a plan for the disposition and protection of agency-generated records to include but not limited to financial and medical records.
 10. The State office and the delegate agency shall negotiate a plan for the notification of clients regarding the closure of the program and options for continued care.

Reference:

1. PHS Grants Policy Statement, DHHS Publication No. (OASH) 94-50, 000 (Rev.) April 1, 1994, p. 8-23, "Suspension, Termination, and Withholding."

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