

CCWIS Final Rule APD & Failure to Comply Requirements



March 2, 2017

What requirements are covered in this webinar?

- 1355.50 – Purpose
- 1355.51 – Definitions
- 1355.52 – CCWIS project requirements
 - 1355.52(a) – Efficient, economical, & effective ✓
 - 1355.52(b) – CCWIS data ✓
 - 1355.52(c) – Reporting ✓
 - 1355.52(d) – Data quality ✓
 - 1355.52(e) – Bi-directional data exchanges ✓
 - 1355.52(f) – Data exchange standard ✓
 - 1355.52(g) – Automated eligibility determination ✓
 - 1355.52(h) – Software provision
 - 1355.52(i) – Submission ✓
 - 1355.52(j) – Other applicable requirements ✓
- 1355.53 – CCWIS design requirements
- 1355.54 – CCWIS options ✓
- 1355.55 – CCWIS reviews and assessment
- 1355.56 – Transition period ✓
- 1355.57 – Cost allocation ✓
- 1355.58 – Failure to meet APD conditions ✓
- 1355.56.60 & 45 CFR 95, Subpart F – Conforming regulations

Previous CCWIS Presentations

Find CCWIS introductory presentations at:

<http://www.acf.hhs.gov/cb/research-data-technology/state-tribal-info-systems/training>

Available presentations:

- CCWIS Transition Requirements
- CCWIS Cost Allocation
- CCWIS Submission Requirements
- CCWIS Data & Reporting Requirements
- CCWIS Data Quality Requirements
- CCWIS Data Exchange Requirements – coming soon!
- CCWIS Title IV-E Eligibility Determination Requirements – coming soon!

Agenda

- CCWIS Definitions
- APD & Failure to Comply Overview
- Document submission requirements for CCWIS projects at or above APD thresholds
- Document submission requirements for CCWIS projects under APD thresholds
- Failure to meet the conditions of the approved APD
- Take-Aways
- Questions

CCWIS Definitions

The following terms are defined at the end of this slide deck:

- Automated Function
- Notice of Intent
- Transition Period

APD & Failure to Comply Overview

Threshold for APD Submissions

APD threshold:

- \$ 5 million in anticipated total costs (45 CFR 95.611(a))
- Projects at or above the \$ 5 million APD threshold must comply with all APD requirements at CFR 95, subpart F
- Projects below the \$ 5million APD threshold must comply with some APD requirements at CFR 95, subpart F (such as starting to submit Operational APDs when the project begins operations)

APD & Failure to Comply Overview

Projects that Meet or Exceed Thresholds

- For CCWIS projects that meet or exceed thresholds:
 - All APD requirements at 45 CFR 95, subpart F apply
 - **CCWIS regulations require additional documentation that all CCWIS projects must submit.**
- For non-CCWIS projects that meet or exceed thresholds:
 - All APD requirements at 45 CFR 95, subpart F apply

APD & Failure to Comply Overview

Projects Below Thresholds

- For CCWIS projects below thresholds:
 - Eleven sections of the APD requirements at 45 CFR 95, subpart F apply
 - **CCWIS regulations require additional documentation all CCWIS projects must submit.**
- For non-CCWIS projects below thresholds:
 - A small number of APD requirements apply, such as the requirement to submit Operational APDs

APD & Failure to Comply Overview

Failure to Comply

For projects that fail to meet the conditions of the approved APD, CCWIS regulations describe:

- the reasons a CCWIS project may be suspended
- the process for suspended projects to be reinstated
- the possible financial consequences of suspension or a voluntary termination of a CCWIS project

CCWIS Document submission requirements for projects at or above thresholds

CCWIS requirements:

- Notification to ACF that describes how the project will meet the CCWIS project requirements (1355.52(a) – (h)) &, if applicable, CCWIS options (1355.54), per 1355.52(i)(1)(i)
- The notification must be:
 - included in an APD
 - submitted before claiming CCWIS cost allocation
 - submitted by July 31, 2018, **if transitioning a S/TACWIS or non-S/TACWIS to CCWIS**

CCWIS Document submission requirements for projects at or above thresholds (continued...1 of 3)

CCWIS requirements:

- Automated function list meeting the requirements of 1355.52(i)(1)(iii) that is
 - included in an APD
 - submitted before claiming CCWIS cost allocation
 - submitted by July 31, 2018, **if transitioning a S/TACWIS or non-S/TACWIS to CCWIS**
 - updated annually in an Annual or Operational APD

CCWIS Document submission requirements for projects at or above thresholds (continued...2 of 3)

CCWIS requirements:

- Automated function list:
 - provides automated functions organized by child welfare program functions
 - for more information on the automated function list submitted with an APD, see Information Memorandum ACYF-CB-IM-16-07 at:
<https://www.acf.hhs.gov/cb/resource/im1607>

CCWIS Document submission requirements for projects at or above thresholds (continued...3 of 3)

CCWIS requirements:

- Data quality plan meeting the requirements of 1355.52(d)(5) that is:
 - Included as part of Annual or Operational APDs submitted after the title IV-E agency has claimed CCWIS cost allocation
 - updated in future Annual or Operational APDs
- See our CCWIS Submission Requirements & CCWIS Data Quality Webinars for more information on the above CCWIS requirements.

APD Document submission requirements for projects at or above thresholds

- APD requirements:
 - Not new; required under S/TACWIS
 - All requirements in 45 CFR 95, subpart F per 1355.30(k)
- For more information on the APD requirements, see our APD 101 presentation here:
<https://www.acf.hhs.gov/cb/resource/apd101>

CCWIS Document submission requirements for projects below thresholds

CCWIS requirements:

- Notice of Intent that describes how the project will meet the CCWIS project requirements (1355.52(a) – (h)) &, if applicable, CCWIS options (1355.54)
- The notice of intent must be:
 - submitted before claiming CCWIS cost allocation
 - submitted by July 31, 2018, **if transitioning a S/TACWIS or non-S/TACWIS to CCWIS**

CCWIS Document submission requirements for projects below thresholds (continued...1 of 3)

CCWIS requirements:

- Automated function list meeting the requirements of 1355.52(i)(1(iii)) that is:
 - submitted before claiming CCWIS cost allocation
 - submitted with the Notice of Intent or included in an Operational APD
 - updated annually in subsequent Operational APDs

CCWIS Document submission requirements for projects below thresholds (continued...2 of 3)

CCWIS requirements:

- Automated function list:
 - provides automated functions organized by child welfare program functions
 - for more information on the automated function list submitted with a Notice of Intent, see Information Memorandum ACYF-CB-IM-16-04 at:
<https://www.acf.hhs.gov/cb/resource/im1604>

CCWIS Document submission requirements for projects below thresholds (continued...3 of 3)

CCWIS requirements:

- Data quality plan meeting the requirements of 1355.52(d)(5) that is:
 - included in the first Operational APD
 - updated annually in subsequent Operational APDs

APD document submission requirements for CCWIS projects below thresholds

APD requirements, per 1355.52(j):

- 95.613– Procurement standards
- 95.615 – Access to systems & records
- 95.617 – Software & ownership rights
- 95.619 – Use of Automated Data Processing (ADP) systems
- 95.621 – Automated Data Processing (ADP) Reviews
- 95.626 – Independent Verification & Validation

APD document submission requirements for CCWIS projects below thresholds (continued...)

APD requirements:

- 95.627 – Waivers
- 95.631 – Cost identification for purpose of FFP claims
- 95.633 – Nondiscrimination requirements
- 95.635 – Disallowance of FFP for automated systems that fail to comply substantially with requirements
- 95.641 – Applicability of rules for charging equipment in Subpart G

Failure to meet the conditions of the approved APD (1355.58)

- Not new; regulations for suspending APDs & recouping funding were applicable to S/TACWIS and non-S/TACWIS projects
- Suspension: Title IV-B & title IV-E funding approved in the APD may be suspended
- Recoupment: ACF may recoup all title IV-E funds claimed for the CCWIS project

Failure to meet the conditions of the approved APD (continued...1 of 3)

Funding may be suspended as of the date ACF determines that the title IV-E agency:

- fails to comply with APD requirements of 45 CFR 95, subpart F; or
- fails to meet CCWIS requirements at:
 - 1355.52 – project requirements;
 - 1355.53 – design requirements;
 - 1355.54 – options; or
 - 1355.56 – transition requirements

Failure to meet the conditions of the approved APD (continued...2 of 3)

The APD (and associated funding) may be reinstated as of the date ACF:

- determines the title IV-E agency complies with APD requirements of 45 CFR 95, subpart F; or
- approves a plan to make changes to meet CCWIS requirements at:
 - 1355.52 – project requirements;
 - 1355.53 – design requirements;
 - 1355.54 – options; or
 - 1355.56 – transition requirements

Failure to meet the conditions of the approved APD (continued...3 of 3)

All title IV-E funds claimed by the CCWIS project may be recouped:

- if ACF suspends an APD; or
- if the title IV-E agency voluntarily ceases the design, development, installation, operation, or maintenance of an approved CCWIS

Next Steps

- Determine if your agency will implement a CCWIS
- Determine if your project meets the APD \$5 million threshold
- Decide if your agency will request a waiver of APD requirements to accommodate your development approach (such as for a commercial off-the-shelf (COTS) product).
- If you are transitioning a system to CCWIS, notify ACF by July 31, 2018

Next Steps (continued...)

Access training & technical assistance:

- Review other APD requirements questions & answers at the child welfare policy manual here:
http://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/policy.jsp?idFlag=6
- Participate in upcoming webinars
- Submit questions to CCWIS.Questions@acf.hhs.gov
- Sign up for announcements
(<https://www.acf.hhs.gov/programs/cb/resource/ccwis-announcements-listserv>) to learn about:
 - Upcoming webinars
 - Updates to the Child Welfare Policy Manual
 - Other technical assistance

Take-Aways

- APD requirements
 - CCWIS projects that meet or exceed APD thresholds must meet all APD requirements of 45 CFR 95, subpart F
 - CCWIS projects below APD thresholds must meet the APD requirements listed in 1355.52(j)
 - Review APD requirements with our APD 101 presentation found here:
<https://www.acf.hhs.gov/cb/resource/apd101>

Take-Aways (continued... 1 of 2)

Document	CCWIS Meets or Exceeds \$5 Million	CCWIS Below \$5 Millions
Notification to ACF (CCWIS description)	In APD before claiming CCWIS cost allocation	In Notice of Intent before claiming CCWIS cost allocation
Automated Function List	<ul style="list-style-type: none"> • With Notification in an APD • Annual updates in APD 	<ul style="list-style-type: none"> • With Notice of Intent or an Operational APD • Updated annually in subsequent Operational APDs
Data Quality Plan	<ul style="list-style-type: none"> • In first APD after project begins • Annual updates in Annual or Operational APDs 	<ul style="list-style-type: none"> • In first Operational APD • Annual updates in Operational APDs

Take-Aways (continued...2 of 2)

- Failure to comply requirements
 - ACF intends to partner with at-risk title IV-E agencies to develop plans to avoid suspension, therefore:
 - ACF will inform title IV-E agencies of suspension risks that ACF identifies
 - title IV-E agencies are encouraged to inform their federal analyst of project issues as soon as possible
 - Suspended projects may be reinstated

Schedule Change!

The CCWIS Design Requirements,
Software Repository, and CCWIS Options
webinar will be on
Thursday, April 13 at 1:30 – 3:00 EDT

Questions?

CCWIS Definition: Automated Function

Automated Function is defined in the CCWIS regulations at 45 CFR 1355.51 and means a computerized process or collection of related processes to achieve a purpose or goal.

CCWIS Definition: Notice of Intent

Notice of Intent is defined in the CCWIS regulations at 45 CFR 1355.51 and means a record from the title IV-E agency, signed by the governor, tribal leader, or designated state or tribal official and provided to ACF declaring that the title IV-E agency plans to build a CCWIS project that is below the APD approval thresholds of 45 CFR 95.611(a).

CCWIS Definition: Transition Period

Transition Period is defined in the CCWIS regulations at 45 CFR 1355.51 and means the 24 months after the effective date of these regulations.