

**CORONAVIRUS RELIEF FUND**  
**NURSING FACILITY & INTERMEDIATE CARE FACILITY**  
**DIRECT PAYMENT ATTESTATION**  
**Due by September 30, 2020**

This Attestation provides an overview of the use of funds provided from the federal Coronavirus Relief Fund (“CRF”) as authorized by the Strengthening People and Revitalizing Kansas (“SPARK”) taskforce and approved by the State Finance Council, as well as the Federal reporting and compliance requirements associated with the use of the funds. As a recipient of these funds, the UNDERSIGNED ATTESTS TO UNDERSTANDING TO THE FOLLOWING:

1. Direct payment to Recipient is contingent on completion and return of this attestation form to the Kansas Department for Aging and Disability Services address listed on Page 4.
2. Recipient agrees to comply with the restrictions set forth in section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). **Pursuant to the CARES Act, as codified in 42 U.S.C. § 801, CRF funds may only be used to cover costs that:**
  - a. **are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);**
  - b. **were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and**
  - c. **were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.**
3. Eligible Expenditures. United States Department of Treasury has provided a list of nonexclusive examples of eligible expenditures, which includes, but is not limited to, payment for:
  - i. Medical expenses such as:
    - i. COVID-19-related expenses of public hospitals, clinics, and similar facilities.
    - ii. Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
    - iii. Costs of providing COVID-19 testing, including serological testing.
    - iv. Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
    - v. Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
  - ii. Public health expenses such as:

- i. Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
    - ii. Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
    - iii. Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency.
    - iv. Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
    - v. Expenses for public safety measures undertaken in response to COVID-19.
    - vi. Expenses for quarantining individuals.
  - b. Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the CARES Act. Revenue replacement is not a permissible use of fund payments.
4. Noncompliance. As provided in 42 U.S.C. § 801(f), the Inspector General of the Department of the Treasury determines whether CRF payments have been used for eligible purposes. Fund payments that are deemed to have been used for ineligible purposes are treated as a debt owed by the implementing government to Treasury. As a result, Recipient may be required to pay any debt incurred to the Department of the Treasury due to ineligible expenditures of appropriated CRF funds.
5. Unspent funds. Under current law, CRF Funds for which no expenditure is incurred during the Covered Period must be returned to the United States Department of the Treasury and/or KDADS. CRF Funds for which no qualified expenditure has been or is planned to be incurred by October 15, 2020, or for which delivery or performance cannot occur before December 30, 2020, shall be subject to return to KDADS as early as November 1, 2020.
6. Compliance with applicable laws and guidance:
  - a. United States Department of the Treasury or the Kansas Office of Recovery may issue guidance regarding the transfer, expenditure, reimbursement, or other use of CRF funds, which shall apply to all recipients of monies from the CRF. Any recipient of CRF funds must review and comply with the guidance provided by the Department of Treasury or other federal law or guidance which is issued, including the following:
    - i. Coronavirus Relief Fund Guidance <https://covid.ks.gov/wp-content/uploads/2020/07/US-Treasury-Department-CRF-Updated-Guidance-6.30.20.pdf>
    - ii. Frequently Asked Questions regarding the Coronavirus Relief fund located at <https://covid.ks.gov/wp-content/uploads/2020/07/US-Treasury-Department-CRF-FAQ-6.24.2020.pdf>

## 7. Audit Requirements.

- a. Recipient is subject to the audit requirements in 2 CFR Subpart F (Section 200.500 through 200.521) including:
  - i. Section 200.501 Audit Requirements. A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of the Uniform Grant Requirements including but not limited to 2 CFR 200.514.
  - ii. Section 200.508 Auditee Responsibilities. The auditee must procure or otherwise arrange for the audit required and ensure it is properly performed and submitted when due. The auditee must prepare appropriate financial statements, including the schedule of expenditures of Federal awards in accordance with §200.510 Financial statements and must provide the auditor with access to personnel, accounts, books, records, supporting documentation, and other information as needed for the auditor to perform the audit required. The auditee must promptly follow up and take corrective action on audit findings, including preparation in accordance with §200.511.
- b. Recipient shall cooperate with audits or inquiries by the Department of the Treasury, the State of Kansas, and/or KDADS concerning CRF funds.
- c. Authorized representatives of KDADS, the Office of Recovery, Kansas Legislative Post Audit, and the Inspector General of the Department of the Treasury shall have access to all books, accounts, records, reports, files, papers, things, or property belonging to, or in use by Recipient pertaining the receipt and expenditure of CRF Funds as may be necessary to make audits, examinations, excerpts, and transcripts for a period of five (5) years after final expenditure of funds.
- d. Compliance and Reporting. CRF Funds are subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance (2 C.F.R. Part 200), 2.C.F.R. § 200.303 and §§ 200.330 through 200.332. Moreover, audits must be conducted in accordance with the provisions contained in 2 CFR Chapter I, Chapter II, Part 200, et al. Uniform Administrative Requirements, including 2 CFR 200, Subpart F, Cost Principles, Audit Requirements for Federal Awards, and Final Rule, the provisions of which apply to Section 29.A. of this Grant.
  - i. Standards for Financial and Program Management, 2 CFR 200.303 Internal Controls. An entity must establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States or the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
  - ii. Subrecipient Monitoring and Management:

- a) Pursuant to Section 200.330 Recipient is considered subrecipient of funds.
  - b) Pursuant to Section 200.331 funds provided to Recipient are considered a subaward.
8. By accepting CRF monies, Recipient declares and assures that no costs or expenditures which have been funded by other federal or state Grant funds, including other funding provided by the CARES Act, have been duplicated or otherwise included as part of the funding request.
  9. Records Retention. Recipient shall create, maintain, and preserve sufficient records to demonstrate their compliance with the requirements of the CARES Act and Recipient shall provide such records to KDADS promptly upon written request. Such records shall be maintained not less than five (5) years after final payment.
  10. Transparency. Payments and all reports regarding the use of the CRF Funds by Recipient may be made publicly available.
  11. The undersigned represents and warrants that they have been duly authorized and empowered to bind the Recipient of CRF funds to this Attestation and that all necessary and corporate approvals have been obtained.

**FULL LEGAL NAME OF RECIPIENT:** \_\_\_\_\_

**RECIPIENT MAILING ADDRESS:** \_\_\_\_\_

**PRINTED NAME OF SIGNATORY:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**Provider KMAP ID** \_\_\_\_\_

**National Provider ID** \_\_\_\_\_

**Please return signed copy to: COVIDchecklist@ks.gov**