



## DHHS ARPA Program Compliance

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**Program:** Rural Ambulance Replacement

**Amount (by Fiscal Year):** FY 2023 \$20,000,000

**How is this eligible under American Rescue Plan Act (ARPA)?**

State and Local Fiscal Recovery Funds (SLFRF) final rule, page 61, provides a list of enumerated eligible uses for COVID-19 mitigation funds, which includes obtaining “COVID-19 prevention and treatment equipment, such as ventilators and ambulances.”

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**Program:** Behavioral Health Care Services

**Amount (by Fiscal Year):** FY 2023 \$2,500,000

**How is this eligible under American Rescue Plan Act (ARPA)?**

As referenced in SLFRF final rules, pages 69, 70, and 102, development of behavioral health facilities and increased access to behavioral health inpatient treatment are enumerated uses of ARPA funds.

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**Program:** Emergency Medical Services Grants

**Amount (by Fiscal Year):** FY 2023 \$5,000,000

**How is this eligible under American Rescue Plan Act (ARPA)?**

SLFRF final rule, page 417, provides a list of enumerated eligible uses for COVID-19 mitigation and prevention funds which includes the “acquisition and distribution of medical equipment for prevention and treatment of COVID-19.”

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**Program:** Local Public Health Departments

**Amount (by Fiscal Year):** FY 2023 \$10,000,000

**How is this eligible under American Rescue Plan Act (ARPA)?**

As referenced in SLFRF final rule, pages 55-56, the project fits under the enumerated uses of responding to the public health emergency caused by the COVID-19 pandemic, including COVID-19 mitigation and prevention. This project supports public health response.

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**Program:** Rural Health Providers Incentive Program

**Amount (by Fiscal Year):** FY 2022 \$5,000,000

**How is this eligible under American Rescue Plan Act (ARPA)?**

This is allowable as a response to the public health and negative economic impacts of the pandemic, as referenced in SLFRF final rule, pages 37-38 and 49.

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**Program:** COVID Model System of Care

**Amount (by Fiscal Year):** FY 2023 \$5,000,000

**How is this eligible under American Rescue Plan Act (ARPA)?**

This is allowable as a response to the public health and negative economic impacts of the pandemic, as referenced in SLFRF final rule, pages 37-38 and 49.

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**Program:** Nursing Incentives

**Amount (by Fiscal Year):** FY 2022 \$5,000,000

**How is this eligible under American Rescue Plan Act (ARPA)?**

The program addresses negative economic impacts by rebuilding public sector capacity and helps support public health response, allowable as referenced in SLFRF final rule, pages 12-13.

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**Program:** HIV Surveillance and Prevention

**Amount (by Fiscal Year):** FY 2022 \$500,000

**How is this eligible under American Rescue Plan Act (ARPA)?**

This is a response to Nebraskans who are at high risk who have been impacted due to COVID-19 restrictions that limited access to testing, medication, and health care, allowable as referenced in SLFRF final rule, pages 12-13.

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**Program:** Services for Youth Who Have Aged Out of Foster Care

**Amount (by Fiscal Year):** FY 2023 \$1,000,000

**How is this eligible under American Rescue Plan Act (ARPA)?**

The program will address negative economic impacts caused by the public health emergency (low-income eligibility based on SLFRF final rule, pages 30-33), by enhancing affordable housing and increasing workforce employment skills, based on SLFRF final rule, pages 82-84.

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**Program:** Child Welfare Case Counts and Provider Rates

**Amount (by Fiscal Year):** FY 2023 \$10,000,000, FY 2024 \$15,000,000

**How is this eligible under American Rescue Plan Act (ARPA)?**

SLFRF final rule, pages 94-100, references the use of these funds for child welfare services. This includes responses to the negative economic impacts of the pandemic. It is theorized that the pandemic has been difficult on families across the U.S. Other states are also seeing an increase in child welfare cases. These funds will be used for providers who were impacted by COVID-19, as well as the state budget for child welfare, which was also impacted.

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**Program:** Childcare Capacity

**Amount (by Fiscal Year):** FY 2023 \$4,000,000

**How is this eligible under American Rescue Plan Act (ARPA)?**

SLFRF final rule, pages 96-97, references the use of these funds for expanded childcare services.

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**Program:** Food Assistance Grants to Nonprofit Organizations

**Amount (by Fiscal Year):** FY 2023 \$20,000,000

**How is this eligible under American Rescue Plan Act (ARPA)?**

As referenced in SLFRF final rule, page 81, these funds provide for assistance to households through food assistance (e.g., child nutrition programs, including school meals) and food banks; Assistance to Small Businesses; Assistance to Nonprofits; and Aid to Impacted Industries.

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**Program:** Health Aid – Assisted Living Facilities

**Amount (by Fiscal Year):** FY 2023 \$5,462,800

**How is this eligible under American Rescue Plan Act (ARPA)?**

SLFRF final rule, pages 12-13 explicitly state that, “Indeed, state, local, and Tribal governments face continued needs to respond at scale to the public health emergency. This includes continued public health efforts to slow the spread of the disease, to increase vaccination rates and provide vaccinations to new populations as they become eligible, to protect individuals living in congregate facilities, and to address the broader impacts of the pandemic on public health.”

As ALF’s are congregate care facilities, and as the statutory purpose of the appropriations are to ensure adequate staffing and supplies to care for individuals living in the ALF, the uses comply with the federal regulations.

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**Program:** Health Aid – Medicaid-Certified Nursing Facilities

**Amount (by Fiscal Year):** FY 2023 \$47,500,000 appropriated, earmarked \$20 million FY 2023, \$15 million FY 2024, \$12.5 million FY2025

**How is this eligible under American Rescue Plan Act (ARPA)?**

SLFRF final rule, pages 12-13 explicitly state that, “Indeed, state, local, and Tribal governments face continued needs to respond at scale to the public health emergency. This includes continued public health efforts to slow the spread of the disease, to increase vaccination rates and provide vaccinations to new populations as they become eligible, to protect individuals living in congregate facilities, and to address the broader impacts of the pandemic on public health.”

As Medicaid-certified NFs are congregate care facilities, and as the statutory purpose of the appropriations is to ensure adequate staffing to care for individuals living in the Medicaid-certified NFs, the uses comply with the federal regulations.

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**Program:** Pediatric Mental Health Services Technology

**Amount (by Fiscal Year):** FY 2023 \$1,800,000

**How is this eligible under American Rescue Plan Act (ARPA)?**

From H.R.1319-45

SEC. 2712. FUNDING FOR PEDIATRIC MENTAL HEALTH CARE ACCESS.

Treasury has addressed the eligibility standard for capital expenditures, or investments in property, facilities, or equipment, in one section of this Supplementary Information; see section Capital Expenditures in General Provisions: Other. *Examples of capital expenditures related to behavioral health that Treasury recognizes as eligible include behavioral health facilities and equipment (e.g.,*

*inpatient or outpatient mental health or substance use treatment facilities, crisis centers, diversion centers), as long as they adhere to the standards detailed in the Capital Expenditures section.*

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**Program:** Developmental Disabilities Provider Rates

**Amount (by Fiscal Year):** FY 2023 \$47,500,000 appropriated, earmarked \$20 million FY 2023, \$15 million FY 2024, \$12.5 million FY2025

**How is this eligible under American Rescue Plan Act (ARPA)?**

Per ARPA title II of S. Con. Res. 5. - The funding will be utilized for COVID related expenditures and to address workforce shortages. The money will go toward incentivizing employees for retention purposes. Please reference H. R. 1319—174 - “SEC. 3134. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS SUBJECT TO CLOSURE DUE TO COVID–19.”

Additionally, 31 CFR part 35, #4387 states: “*Retaining worker* -. Funds may be used to provide worker retention incentives, which are designed to persuade employees to remain with the employer as compared to other employment options.

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**Program:** Premium Pay

**Amount (by Fiscal Year):** FY 2022 \$12,757,934

**How is this eligible under American Rescue Plan Act (ARPA)?**

SLFRF final rule FAQs 2.15, page 11: "The Final Rule includes as an eligible use hiring up to a pre-pandemic baseline that is adjusted for historic underinvestment in the public sector, providing additional funds for employees who experienced pay cuts or were furloughed, avoiding layoffs, providing worker retention incentives, including reasonable increases in compensation, and paying for ancillary administrative costs related to hiring, support, and retention. "Public sector staff" would not include individuals participating in a job training or subsidized employment program administered by the recipient."

SLFRP final rule FAQs 5.1, pages 33 and 34: "Eligible workers are those in critical infrastructure sectors who regularly perform in person work, interact with others at work, or physically handle items handled by others."