

TEXAS CANCER COUNCIL
RULES

(Revised August 2007)

**TEXAS CANCER COUNCIL
RULES**

25 TAC §§701.1 - 701.21
POLICIES AND PROCEDURES

§ 701.2 Texas Cancer Plan

The document *Texas Cancer Plan, 4th Edition, (2005)* is adopted by reference. The document is available from the Texas Cancer Council, P.O. Box 12097, Austin, Texas 78711-2097. This document may be revised and updated after public review and comment as provided by the Administrative Procedure Act, Texas Government Code Annotated §§2001.001 et seq.

§ 701.8 Charges for Copies of Public Records

(a) The charge to any person requesting copies of any public record of the Council will be the charge established by the Texas Building and Procurement Commission at §§1TAC 111.61 - 111.70 (relating to Costs of Copies of Open Records).

(b) The Council may reduce or waive these charges at the discretion of the Executive Director if there is a public benefit.

§ 701.21 Historically Underutilized Businesses

The Council adopts by reference the rules promulgated by the Texas Building and Procurement Commission (TBPC) that are set forth at 1TAC Chapter 111, Subchapter B, relating to a Historically Underutilized Business program. A copy of the TBPC rules may be obtained by writing to the Executive Director, Texas Cancer Council, P. O. Box 12097, Austin, TX 78711-2097 or by accessing the Web site of the Secretary of State, at “www.sos.state.tx.us/tac/.”

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25 TAC §§702.1 - 702.4
**RELATIONSHIP BETWEEN COUNCIL AND PRIVATE
ORGANIZATIONS AND DONORS**

§ 702.1 Authority and Purpose

(a) These rules are adopted under the provisions of Texas Government Code Annotated, Chapter 2255.

(b) The council is authorized to accept funds from public and private sources under the provisions of 102.009 (b) (5), Health and Safety Code. The purpose of these rules is to govern all aspects of conduct between the organization or donors and the council and its employees.

§ 702.2 Donations

(a) Except as provided under Section 702.4 of this chapter, all funds received from donations to the council will be deposited to the state treasury and used for the purpose specified by the donor, or for general council programs when no purpose is specified.

(b) A member or an employee of the council shall not authorize a donor to use the property of the council, unless the property is used in accordance with a contract between the council and the donor, the contract is found by the council to serve a public purpose, the contract contains provisions to ensure the public purpose continues, and the council is reasonably compensated for the use of the property.

§ 702.3 Standards of Conduct

(a) Standards of conduct of members and employees of the council are governed by Texas Government Code Annotated, Chapter 570.

(b) No member or employee of the council should accept or solicit any gift, favor, or service that might reasonably tend to influence him or her in the discharge of official duties or that he or she knows or should know is being offered with the intent to influence him or her with the intent to influence his or her official contributions from individuals or organizations under contract with the council.

(c) No member or employee of the council should accept employment or engage in any business or professional activity which he or she might reasonably expect would require or induce him or her to disclose confidential information acquired by reason of his or her official position.

(d) No member or employee of the council should accept other employment or compensations which could reasonably be expected to impair his or her independence of judgment in the performance of his or her official duties.

(e) No member or employee of the council should make personal investments which could reasonably be expected to create a substantial conflict between his or her private interest and the public interest.

(f) No member or employee of the council should intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised his or her official powers or performed his or her official duties in favor of another.

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§ 702.4 Special Events

(a) The council may sponsor special events. The purpose of such events are as follows:

- (1) to recognize outstanding achievements by Texans in cancer control;
- (2) to increase private sector support of the Texas Cancer Plan and its implementation; or
- (3) to promote public awareness and understanding of the Texas Cancer Plan.

(b) The council may contract with a not-for-profit foundation to administer special events.

(c) Donations for a special event may be made payable to a not-for-profit foundation for the benefit of the council.

(1) Donations for a special event shall be used to pay the expenses of the event, including but not limited to publicity, invitations, food, room rental, and commemorative awards.

(2) Funds remaining after payment of event expenses and administration fees, if any, may be disbursed by the foundation as grants to not-for-profit organizations or governmental agencies to carry out the purposes of the Texas Cancer Plan. The council shall recommend to the foundation eligible recipients.

(d) The chairperson of the council shall appoint a committee composed of council members to oversee special events.

(1) The chairperson shall appoint one or more members who shall have the authority to act on behalf of the council with respect to all decisions concerning special events.

(2) The special events committee shall approve all expenditures.

(e) The staff of the council shall serve as the liaison between the council and the foundation. The staff shall promote public and private sector awareness of the Texas Cancer Plan and the purpose of the council. The staff will carry out administrative duties related to special events as delegated by the council.

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25 TAC §§703.1 - 703.14
PROJECT CONTRACTS AND GRANTS

§ 703.1 Preamble

(a) As authorized by Health and Safety Code, Sections 102.009 and 102.010, the council may contract with public or private persons to implement the Texas Cancer Plan, if funds are available.

(b) These sections govern the submission and review of project proposals and the award, amendment, and termination of project contracts.

§ 703.2 Philosophy

(a) The intent of the council's project contracts is to further implementation of the Texas Cancer Plan and to advance cancer control activities in the State of Texas in cost-effective and innovative ways.

(b) The council strives to identify priority cancer control needs and to promote, facilitate, or support programs which address those needs.

(c) The council initiates, strengthens, and develops programs that have the potential of reducing the burden of cancer on Texans. Once a program supported by a project contract is proven to be effective, the council shall encourage the development and acquisition of long-term funding alternatives which will enable the program to be sustained without financial support from the council.

§ 703.3 Scope

(a) The council will identify priorities for funding programs based on the Texas Cancer Plan.

(b) Sources.

(1) Grants to State of Texas agencies.

(A) The council may solicit state agencies to submit project proposals consistent with the various agencies' areas of expertise.

(B) Unsolicited proposals may be submitted by agencies and will be considered upon the recommendation of the chairperson or the executive director.

(C) State agencies may respond to the request-for-proposal that will be published from time to time in the Texas Register.

(2) Grants to non-state or private organizations. The council may solicit public and private entities to submit proposals in response to a request for proposals that may be published from time to time in the Texas Register. The Council may also accept unsolicited proposals from non-state and private sector applicants.

(c) No contracts will be awarded to conduct cancer clinical research.

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§ 703.4 Application Requirements

(a) Proposal format. The council adopts by reference the document entitled "Project Proposal," that is periodically updated and published by council staff. Copies are available upon request from the Texas Cancer Council, P.O. Box 12097, Austin, Texas 78711.

(b) Format Content. The format consists of the forms and related material that the applicant shall complete and submit with each grant application

(1) The format included in the application package shall be used.

(2) A proposal which is submitted in a format that is substantially different from the council's format will not be considered.

(3) Substantially incomplete proposals will not be considered.

(4) Proposals received after the closing date will not be considered, unless exceptions have been approved by the Executive Director prior to the closing date.

(5) Projects seeking continuation funding may have separate application forms, instructions, and procedures, as determined by the council.

§ 703.5 Project Proposal Submission

(a) The original copy of the project proposal shall be submitted to the Texas Cancer Council, P.O. Box 12097, Austin, Texas 78711. The application should be sent as one package. The Council shall specify in the "Project Proposal" application package the number of copies that must be submitted.

(b) The proposal shall be typed and follow the format provided in the "Project Proposal" application package.

(c) Each proposal shall be assembled in proper order with all pages appropriately identified and numbered.

(d) Proposals are deemed received when logged by the council office. The council staff will review each proposal to determine that the proposal is complete.

(e) Proposals that are late, are grossly incomplete, or substantially inconsistent with the project components and requirements outlined in the council's published request-for-proposals will not be accepted and will be returned to the applicant with an explanation of deficiencies.

§ 703.6 Review Process

(a) Each proposal shall be reviewed by council staff for completeness, relevance to the published request-for-proposal adherence to council policies, technical merit, and budget appropriateness. Staff analyses of each eligible proposal received will be prepared and submitted to the council before the council makes a funding decision.

(b) All proposals that council staff determine meet the minimum requirements of subsection (a) of this section may be submitted to a committee of the Council or another advisory committee of the council for an additional technical review. Reports from the advisory committees will be submitted to the council before the council makes a funding decision.

(c) Council members may review a proposal in its entirety prior to making a funding decision.

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(d) The council shall review recommendations from advisory committees, and staff prior to selecting the proposals that may be approved for funding.

(e) During the review process, applicants shall direct all inquiries to council staff.

§ 703.7 Project Approval

(a) The council's staff shall notify each applicant of the funding decision on the applicant's project proposal.

(b) An applicant whose project proposal is accepted must execute a contract with the council.

(c) The contractor must agree to perform the services as presented in the project proposal. The executive director may negotiate and approve changes in the project proposal as authorized by the council.

(d) The contract shall contain appropriate provisions for program and fiscal monitoring and for collection and submission of evaluation data and related reports.

(e) The contractor must give assurances that the contractor will abide by the terms of the contract; the Uniform Grant Management Standards (UGMS) adopted by the Governor's Office of Budget and Planning, where applicable, as determined by council staff; and this subchapter.

(f) The contractor must give assurances that all personnel and equipment are certified, licensed, or permitted by the appropriate regulating agency, where applicable.

(g) A contractor who provides residential or direct client services must provide a copy of its confidentiality guidelines described in **§ 703.14** of this title (relating to Confidentiality of Records) and assurances that the guidelines have been implemented.

(h) Contractors who provide patient screening, diagnosis, or other support services are required to perform an eligibility assessment of each patient prior to providing direct services to assure that the patient has no third-party coverage for the services being provided. Any exceptions to this requirement must be approved by the council.

(i) Contracts awarded to state and local governmental agencies may be awarded under the provisions of the Interagency Cooperation Act, Texas Government Code, Annotated, Chapter 771 or the Interlocal Cooperation Act, Texas Government Code, Annotated, Chapter 791.

§ 703.8 Publicity and Publications

(a) A work that is created with funds from the council shall be considered a specially commissioned work and a "work made for hire" as that term is defined in the United States Copyright Law, 17 U.S.C. "101-810. As such, the council shall own the copyright for all materials, published and unpublished, that are created with council funds. The council shall be a co-owner of the copyright of a work that is created with more than one source of funding as provided by the United States Copyright Law.

(1) A contractor may request the council to license the copyright or to transfer the council's copyright ownership interest. A request shall be submitted to the executive director with a justification for the license or transfer.

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(2) The executive director shall review the request for a license or transfer of the copyright and make a recommendation to the council. The council's decision to approve or deny the request shall be final.

(b) A contractor who produces written or audio-visual materials using council funds shall give credit to the council in a manner specified by the council.

(c) The Board has delegated decision making authority concerning implementation of this section to the Executive Director.

§ 703.9 Audits

Audits of contractors are required in accordance with the requirements of the Uniform Grant Management Standards. The Council shall reimburse the contractor for the reasonable cost of the required audit.

§ 703.10 Funding Restrictions

Contractors will be subject to the following funding restrictions, unless statute or Council rules require otherwise:

(1) Projects are funded only on a reimbursement basis. No advance payments for services will be made.

(2) The council does not pay indirect costs of projects.

(3) Unallowable costs.

(A) The following is a list of the most common types but not a comprehensive list of costs which are unallowed:

(i) bad debts;

(ii) contingencies;

(iii) contributions and donations;

(iv) entertainment;

(v) honoraria;

(vi) indirect costs;

(vii) interest and other financial costs;

(viii) legislative expenses;

(ix) professional association fees;

(x) merit raises exceeding 3% of an individual's salary which

are awarded more frequently than once every 12 months.

(B) Items not listed in paragraph (3) of this section are not necessarily allowable.

(4) Project Income. Any revenues received from projects funded by the council must be reported quarterly on forms provided by the council.

(A) Project income shall be used for any purpose which furthers the objectives of the program, implementation of the *Texas Cancer Plan*, and scope of work of the council contract. Project income generally includes all fees, royalties, registrations, et cetera, that are generated by services, activities, or products provided through the funded project.

(B) Project income must be deducted from total project costs to determine the net costs on which the council's reimbursement will be based. Any remaining revenue may be retained by the contractor as long

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as it is used for activities which further implementation of the *Texas Cancer Plan*.

(C) If income is generated through the activities or materials developed with council funding, the council may require a Memorandum of Agreement with the contracting agency that specifies the conditions under which the income will be used.

(D) For this subsection, "project" refers to activities financed by the council through a contract and "program" refers to a cancer prevention or control effort of which the council-funded project is a component.

§ 703.11 Continuation Funding

(a) Programs may be eligible for continuation funding. The council will consider the program's accomplishments, progress toward stated goals and objectives, award of past project contracts, and development of alternative funding. The contractor shall submit a proposal for continuation funding not later than six weeks before the expiration of a contract. Proposals shall be submitted according to the application process described in this chapter.

(b) The council will award continuation contracts after a review in accordance with the provisions of this chapter.

§ 703.12 Amendment of Contract

(a) A contractor may transfer up to 10% of total project funds among budgeted line items, pending written approval of the executive director. Budget transfers must be within the scope of the contract and the total project budget, be beneficial to the achievement of project objectives, and be a more effective use of state dollars.

(b) The executive director is authorized to amend a project contract's work-plan, including performance measures staffing pattern, or budget as long as the changes are within the total budget and general scope of work of the contract.

(c) A contractor seeking to increase the contract budget or scope of work may file a request with the council. A request shall be submitted to the executive director with a justification for the change. The executive director shall review the request and make a recommendation to the council. The council's decision to approve or deny the request is final.

§ 703.13 Termination of Contract

(a) The council may terminate the contract prior to the expiration of the contract term upon finding that the contractor has not substantially performed under the contract. The council shall notify the contractor in writing of its intent to terminate at least 30 days before the intended termination date. The written notice shall state the reasons for the termination and the procedure for requesting a reconsideration.

(b) The contractor shall have the opportunity to request that the contract management committee reconsider the proposed termination. The contractor must file a written request for a reconsideration with the Executive Director, Texas Cancer Council, P.O. Box 12097, Austin, Texas 78711-2097, no later than 30 days after the

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contractor receives notice of the council's intent to terminate. If a contractor does not request a reconsideration in writing within the 30-day period, the contractor will be deemed to have waived the review and the contract will be terminated.

(c) Between the time of the proposed termination and the final decision of the contract review committee, the council may withhold further funding. In the event the contract management committee's decision is favorable to the contractor, the funds shall be promptly distributed to the contractor.

(d) The decision of the contract management committee shall be final and shall not require council approval.

(e) The contract shall be subject to automatic termination if the council's funds are reduced or upon mutual agreement of the contractor and the council.

§ 703.14 Confidentiality of Records

(a) A contractor who provides direct services must have a system to protect client and patient records from inappropriate disclosure. Disclosure of confidential information must be in accordance with applicable law.

(b) As required by '5.04, Human Immunodeficiency Virus Services Act, Article 4419b-4, Texas Civil Statutes, a contractor who receives funds for residential or direct client services or programs shall develop and implement guidelines regarding confidentiality of medical information regarding Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV) infection.

(1) The guidelines shall apply to all employees of the contractor and clients, patients, and residents served by the contractor.

(2) The guidelines shall be consistent with guidelines published by the Texas Department of Health and with state and federal regulations.

(3) A contractor that does not adopt confidentiality guidelines as required by this section is not eligible to receive state funds until the guidelines are adopted and implemented.

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25 TAC §704.1 - §704.13
TEXANS CONQUER CANCER PROGRAM

§704.1 Texans Conquer Cancer Advisory Committee

(a) Advisory Committee

(1) The advisory committee shall be appointed under and governed by this section.

(2) The name of the advisory committee is Texans Conquer Cancer Advisory Committee (TCCAC).

(3) The council is authorized by Health and Safety Code, §102.018 to appoint a seven-member advisory committee.

(b) Purpose The purpose of the TCCAC is to assist and advise the council regarding the Texans Conquer Cancer program.

(c) Tasks. The TCCAC shall:

(1) assist the council in establishing guidelines for spending money credited to the Texas Conquer Cancer Account (TCCA); and

(2) review and make recommendations to the council on applications submitted to the council for grants funded with money credited to the TCCA.

(d) Terms of TCCAC members

(1) The terms of office for each member shall be four years, with the terms of three or four members expiring on January 31st of each odd-numbered year. The term of office of Group A, made up of three of the original members expired on January 31, 2007. The term of office of the Group B, consisting of the remaining four original members, will expire on January 31, 2009. Thereafter, the terms of the Group members and the terms of Group B members will expire on alternate odd-numbered years, beginning with Group A in 2011, resulting in a four-year term for each group.

(2) Members serve without compensation and are not entitled to reimbursement for expenses.

(3) If a vacancy occurs, the council shall appoint a person to serve the unexpired portion of that term.

(4) The TCCAC shall select from among its members a presiding officer every odd-numbered year at the first committee meeting held during that calendar year.

(e) Meetings

(1) The TCCAC shall meet at least 30 days prior to a council board meeting or when directed by the council or Executive Director to conduct TCCAC business.

(2) Members shall attend meetings as scheduled. A TCCAC member who is unable to attend a meeting shall inform the presiding officer prior to the date of the meeting. Meetings may be held via teleconference.

(3) Meeting arrangements shall be made by the presiding officer in

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consultation with council staff.

(4) The TCCAC is not a governmental body as defined in the Open Meetings Act, therefore meetings need not comply with the requirements of the Open Meetings Act.

(5) Four members of the TCCAC shall constitute a quorum.

(6) The TCCAC shall report to council staff and a committee of the council regarding its reviews of applications submitted. The report should include a description of the review process and recommendations for awards. The recommendation shall be determined by a simple majority vote of the TCCAC.

§704.3 Texans Conquer Cancer Account

(a) The TCCA is an account in the Dedicated General Revenue Fund as authorized by the Health and Safety Code §102.017.

(b) Money, gifts, grants and donations may be deposited in the TCCA from any source for the benefit of the TCCA.

(c) The council may spend these funds only (1) to make grants to non-profit organizations that provide support services for cancer patients and their families, and (2) to defray the cost of administering the TCCA.

§704.5 Guidelines for Expenditures

(a) The council, with advice from the TCCAC, shall establish guidelines for awarding the funds in the TCCA. The guidelines shall be referred to as the "Guidelines for Awarding Support Services Funds".

(b) The council adopts by reference a guide entitled, the "Guidelines for Awarding Support Services Funds". This guide is to assist applicants by clarifying guidelines and procedures related to the Texans Conquer Cancer awards. The document is published by and available from the Texas Cancer Council, P.O. Box 12097, Austin, TX 78711 and on the agency website at www.tcc.state.tx.us.

§704.7 Guidelines for Awarding Support Services Funds

(a) This section governs the submission and review of grant applications, and the award, amendment, and termination of grants.

(b) The intent of these grants is to provide support services to cancer patients and their families.

(c) Funds from the TCCA will be used to award grants to non-profit organizations that provide a range of support services needed by cancer patients and their families.

(d) When the amount of funds in the TCCA becomes substantial, a notification of

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available funds will be published in the *Texas Register*, and the council will issue a Request For Applications (RFA).

(1) Funds may be used to provide the following allowable services, which include but are not limited to:

- (A) Transportation
- (B) Childcare
- (C) Medical equipment
- (D) Consumable supplies for cancer care
- (E) Lodging for patients and/or family during active treatment
- (F) Medications and equipment required for symptom control
- (G) Rent assistance during active treatment
- (H) Food assistance during active treatment

(2) Because other resources may cover these costs, funds shall not be used to provide the following unallowable services, which include but are not limited to:

- (A) Expenses associated with cancer treatment such as:
 - (i) Hospitalization
 - (ii) Surgery
 - (iii) Outpatient care, including laboratory tests and physician visits
 - (iv) Chemotherapy
 - (v) Radiation
 - (vi) Health insurance deductibles

(B) Operating expenses for the grantee such as utilities, salaries, office equipment, entertainment

(3) Items not listed in paragraphs (1) and (2) of this subsection are not necessarily allowable.

e) Scope

The council will award grants taking into consideration recommendations from the TCCAC.

(f) Application Requirements

(1) The council adopts by reference an application form entitled "Texans Conquer Cancer Patient Support Services Application (2008)". This form is available from the council office.

(2) Applicants must follow the format of the "Patient Support Services Application (2008)" form.

(3) Applications that are incomplete, are not in the proper format, or are marked as received by the council after the posted deadline shall be automatically disqualified and shall not be forwarded to the TCCAC for review or recommendation for award.

(g) Application Submission

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(1) The grant application must be submitted to the council staff in accordance with instructions contained in the applicable RFA.

(2) Upon receipt, staff will review the proposals for completeness.

(3) All questions regarding submission and review process may be directed to council staff. The council staff shall not answer questions or provide advice to applicants regarding the merits of any application during the application process.

(4) The Texans Conquer Cancer Advisory Committee will review applications for merit and will make funding recommendations to the TCC for final funding approval. Funding availability will be announced in the *Texas Register* and on the TCC website at www.tcc.state.tx.us at least 45 days prior to the deadline for receipt of applications. The grant application amount will be identified in the funding announcement. The application must be submitted in writing (Texas Cancer Council, P.O. Box 12097, Austin, Texas 78711) or through e-mail to applications@tcc.state.tx.us using the application form referenced in subsection (f) (1) of this section. Council decisions will be made during Council meetings, and the awardees will be contacted approximately 15 days after the meeting and will be sent a contract that must be signed as a condition to receiving the grant funds.

(h) Review Process

(1) Applications will be collected by the council staff and forwarded to the TCCAC. Council staff will be available to the TCCAC to answer questions concerning applicable statutes, council rules, requirements, and procedures.

(2) The TCCAC will review and evaluate each eligible application using appropriate selection criteria established in the RFA.

(3) All applications that the TCCAC reviews will be submitted to a committee of the council for additional technical review.

(4) The TCCAC shall make recommendations to the council committee regarding the applications.

(5) A report from the council committee will be submitted to the full council before a final funding decision is made. The report shall include the TCCAC recommendation, the committee recommendation, and the basis for the committee's recommendation. The council will review recommendations from TCCAC at the next scheduled meeting of the council.

(6) Council members may review an application in its entirety prior to making a funding decision.

(7) Council approval is based on the requirements identified in the RFA.

(8) The council will set funding caps for all awards.

(i) Approval

(1) The council staff will notify applicants of the final decision.

(2) If an applicant's application is approved by the council, grant money will not be disbursed until the grantee signs a contract with the council.

(3) All council funding decisions are final and are not subject to reconsideration, appeal, or administrative or judicial review.

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(j) Reporting

Grantees must submit reports to the council as described in the Guidelines for Awarding Support Services Funds.

(k) Expense Reimbursement.

(1) Funding for this program will be on a reimbursement basis only. Once organizations are selected to receive funding under this program they will be provided a Financial Status Report Form 269A, which will be used to request reimbursement and report financial actions. Claims for reimbursement of actual expenses of services delivered can be submitted once a month or quarterly.

(2) TCC grantees are required to collect performance data and report performance accomplished with funding from this program. A report indicating the number of people directly served by the grant and a report indicating the provided services must be submitted with the Reimbursement Request.

§704.9 Termination of Contract with Grantee

(a) The council may terminate the contract of any grantee prior to the expiration of the contract term upon finding that the grantee has defaulted or has not substantially performed under the contract. The council shall notify the grantee in writing of its intent to terminate at least 30 days before the intended termination date. The written notice shall state the reasons for the termination and the procedure for requesting reconsideration.

(b) The grantee shall have the opportunity to request that the council's contract management committee reconsider the proposed termination. The grantee must file a written request for reconsideration with the Executive Director, Texas Cancer Council, P.O. Box 12097, Austin, Texas 78711-2097, prior to the termination date; otherwise, the grantee will be deemed to have waived the review and the contract will be terminated.

(c) During the time between the notice of the proposed termination and the final decision of the council contract management committee, the council may withhold further funding. In the event the contract management committee's decision is favorable to the grantee, the funds shall be promptly distributed to the grantee.

(d) The council hereby delegates to the contract management committee full authority to terminate grant contracts awarded under this chapter for reasons the committee deems appropriate. Any such decision of the council contract management committee shall be final and shall not be subject to reconsideration, appeal, or administrative or judicial review.

(e) The contract shall be subject to automatic termination if the council's funds are reduced or upon mutual agreement of the grantee and the council.

§704.11 Confidentiality of Records

(a) A grantee who provides direct services must have a system to protect client and patient records from inappropriate disclosure. Disclosure of confidential information must be in accordance with applicable law.

(b) As required by §5.04 of the Human Immunodeficiency Virus Services Act,

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Article 4419b-4, Texas Revised Civil Statutes, a grantee who receives funds for residential or direct client services or programs shall develop and implement guidelines regarding confidentiality of medical information regarding Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV) infection.

(1) The guidelines shall apply to all employees of the grantee and clients, patients, and residents served by the grantee.

(2) The guidelines shall be consistent with guidelines published by the Texas Department of State Health Services and with state and federal regulations.

(3) A grantee that does not adopt confidentiality guidelines as required by this section is not eligible to receive state funds until the guidelines are adopted and implemented.

§704.13 Grantee Performance

The grantee shall perform in accordance with the terms of the contract signed with the council.