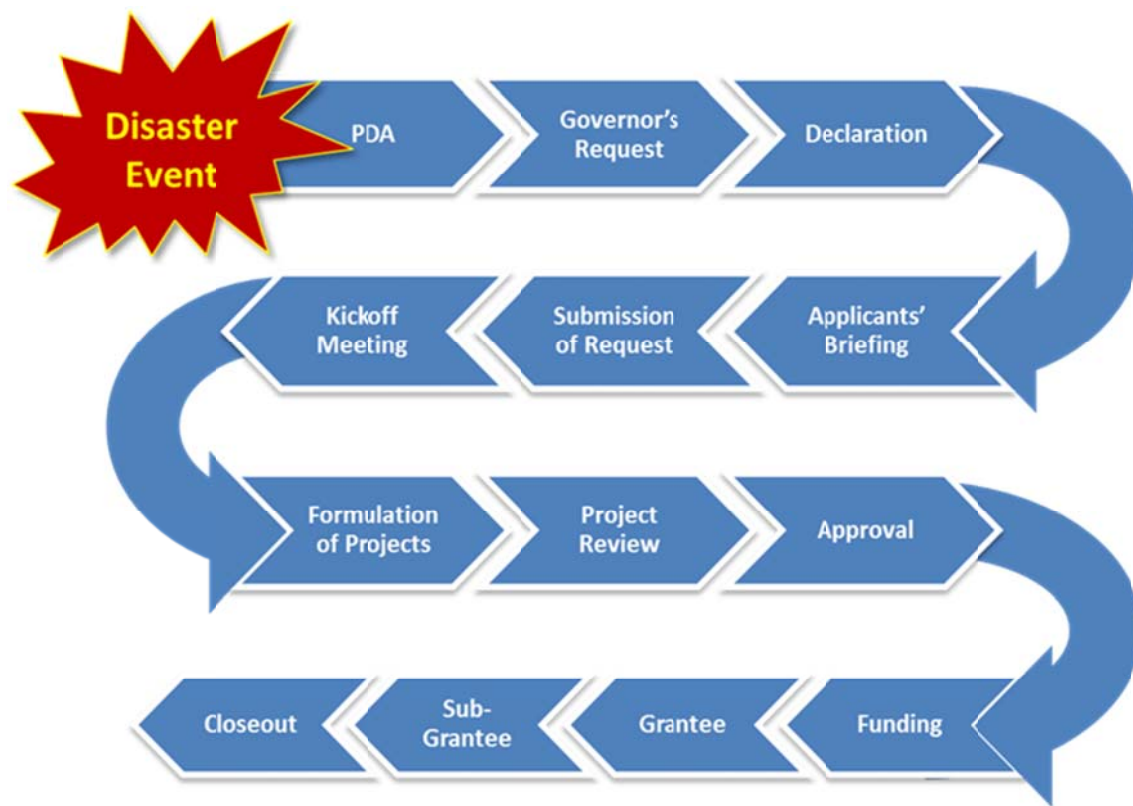


A Quick Guide: FEMA Reimbursement for Acute Care Hospitals



Prepared by:

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Background

In October 2012, Connecticut sustained damage from Hurricane Sandy; an unprecedented storm that produced high winds and record-breaking storm surges causing major flooding and damage throughout Connecticut. As a result, a federal disaster was declared allowing for reimbursement of disaster related expenditures through the FEMA Public Assistance Program. In addition, in 2011, Connecticut was directly impacted by two weather related disasters, Hurricane Irene and Storm Alfred, which led to a patient surge affecting acute care hospitals statewide. Within two weeks of these events, on November 17, 2011, the President issued a disaster declaration for the state. As a consequence of these events and consistent with the mission of Yale New Haven Health System Center for Emergency Preparedness and Disaster Response (YNHHS-CEPDR) to assist hospitals in all areas of emergency preparedness, YNHHS-CEPDR, with support of Health and Human Services Hospital Preparedness Program Funding from the Connecticut Department of Public Health (CT DPH), developed *A Quick Guide: FEMA Reimbursement for Acute Care Hospitals*, for hospitals seeking reimbursement from FEMA's Public Assistance (PA) Program.

Overview

A Quick Guide: FEMA Reimbursement for Acute Care Hospitals provides an overview of FEMA's reimbursement process and outlines the tasks and corresponding timelines that must be met by acute care hospitals to successfully apply to FEMA for reimbursement of disaster related expenses incurred as a result of the event. The guide provides information on FEMA's policies and the application process for reimbursement and provides a common understanding of the program policies as they relate to hospitals. This document is only intended as a guide and not an official source; the information contained herein should be verified with FEMA PA program representatives and state officials.

This product was developed in part through Health and Human Services Hospital Preparedness Program funding to the State of Connecticut grant number 2013-1001.

PREPAREDNESS

- ❑ Hospitals and other Private Non-Profits (PNP) can contract with an outside firm or individual to provide representation and advocacy on their behalf with FEMA. Contractors may be identified through pre-existing or informal networks. The cost of this type of representation may be reimbursable from FEMA. (see Quick Facts: Applicant’s Representative)

Prior to Event:

- ❑ Establish a written policy that outlines how the hospital will capture disaster related expenditures, including labor and materials, through cost centers or purchase orders
 - *Note:* In some cases, having a policy in place prior to a disaster may result in more comprehensive reimbursement
- ❑ Pre-disaster procedure should be created to track “normal” usage in your institution
 - *Note:* Policies and procedures should provide a means to justify disaster related costs above and beyond normal operating expenses
 - FEMA does not reimburse for normal operating expenses prior to or after a disaster
- ❑ Emergency protective measures and other preparation activities performed within a reasonable and justified time in advance of the event, may be eligible for reimbursement
- ❑ Offsite facilities, including physician offices:
 - Contents and operations may be eligible for reimbursement depending on the terms of the lease, insurance and ownership
- ❑ Set-up zero dollar cost centers (2 or more) to capture disaster related charges
 - Cost codes within the cost center should include labor, supplies, pharmaceuticals, equipments, etc.

RESPONSE AND RECOVERY

Critical Timeframes

Time Limits

- ❑ Submit *Request for Public Assistance (RPA)* within 30 days of date that area is designated a disaster area in a Presidential Disaster Declaration
- ❑ Kickoff Meeting will be scheduled within one week of FEMA’s receipt of the *Request for Public Assistance*
- ❑ Damaged facilities and emergency work must be identified and reported to FEMA within 60 days of the Kickoff Meeting

Completing Work:

Time starts from the Date of the Declaration. Time frames may be adjusted depending on the type and extent of the disaster. Extensions of times may be requested

Type of Work	Months after Designation
Debris Clearance	6
Emergency Protective Measures	6
Permanent Work	18

Prior to Disaster Declaration

- ❑ Ensure that financial and record keeping policies and processes are activated to capture of all disaster related expenditures.
 - Designate a dedicated person to coordinate the completion and filing of financial related costs. Maintain accurate disbursement and accounting records documented all work performed and costs incurred (See Quick Facts: Categories of Work)

Applicant's Briefing

- ❑ Occurs after disaster declaration
- ❑ Will be conducted by a representative from each State's Office of Emergency Management and/or Homeland Security for potential Public Assistance applicants
- ❑ Applicant attends to gather available assistance and eligibility requirements
- ❑ A Request for Public Assistance (*RPA*) will be filed (see FEMA PA Forms Library, <http://www.fema.gov/interactive-forms-library>).
 - Applicant's official notification to FEMA of intent to apply for Public Assistance
 - Typically filed at Applicant's briefing; if unable to do so the RPA must be *submitted within 30 days* of the *disaster designation* of the area for Public Assistance

Kickoff Meeting

- ❑ *Kickoff meeting* will be scheduled within one week of FEMA's receipt of the hospital's *RPA*
 - This is a substantive, project-oriented meeting with the applicant, the State and FEMA
 - Damages will be discussed, needs assessed and a plan of action developed
- ❑ Identify who will attend kickoff meeting. Ideally this would include personnel from the risk insurance department, emergency management coordinator, finance department, facilities department and others with knowledge of the disaster related expenditures
- ❑ Compile a list of all damages and bring to the meeting
- ❑ Bring insurance policies on damaged facilities
- ❑ After this meeting you will have to prepare detailed descriptions and summaries of the repair projects (See Quick Facts: Project Worksheet)
- ❑ Damaged facilities and emergency work must be identified and reported to FEMA *60 days after Kickoff meeting*. Use the Project Worksheet to document the location, damage description and dimensions, scope of work and cost estimate for each project. Be very specific and clear. This document is the basis for the grant.
- ❑ Documentation is critical to recovery of full reimbursement.
- ❑ It is the applicant's responsibility to identify any "special considerations". The Special Considerations Form will be reviewed at the Kickoff Meeting. (See Quick Facts: Special Considerations Worksheet)
- ❑ *Note:* At this meeting processes for ongoing communications and interactions between the State, FEMA and the applicant or the applicant's appointed representative will be discussed. Generally, the processes are incident specific, site specific and state specific. (see Quick Facts: Applicant's Representative)

After Event

- ❑ Retain all documentation for up to 3 years from the date the state closes the sub-grantee grant

QUICK FACTS

Applicant's Representative

- Applicants may elect to contract with a firm or organization to provide oversight and advocacy on their behalf throughout the PA process
- The applicant is then represented by the firm or organization at most or all meetings with the State and FEMA
- *Note:* All requests for meetings made by the State and FEMA should be documented by the applicant to ensure that all costs incurred for the representation are captured accurately as they may be reimbursable.
- Generally, the costs for these services may be reimbursable as Direct Administrative Costs

Categories of Work

FEMA describes “Eligible work” as “emergency work” and “permanent work” based on the following categories (hospitals typically request reimbursement under the categories highlighted in yellow):

- **Emergency Work (6-month timeframe for completion)**
 - Category A: Debris Removal
 - **Category B: Emergency Protective Measures**
- **Permanent Work (18-month timeframe for completion)**
 - Category C: Roads and Bridges
 - Category D: Water Control Facilities
 - **Category E: Buildings and Equipment**
 - Category F: Utilities
 - Category G: Parks, Recreational, and Other Facilities

Category B Work Emergency Work

- Acute Care Hospitals (ACH) generally have emergency work under Category B
- Some examples of Category B work include:
 - temporary facility related costs to continue operations until permanent restoration work is completed
 - emergency evacuations
 - labor costs for emergency mass care or shelter operations, (See FEMA Policy 9525.4, Emergency Medical Care and Evacuations) <http://www.fema.gov/9500-series-policy-publications/95254-emergency-medical-care-medical-evacuations>
 - emergency protective measures
 - temporary generators
- ACH emergency work under Category B can be done by permanent employees (An employee who has been hired for a position without a pre-determined time limit)
- Permanent employees' regular time is not a covered expense if employees are performing their regularly assigned duties according to their traditional work schedule
 - *NOTE: Rule of Thumb:* Would the employee be doing this work if there wasn't a disaster?
 - Permanent Employees: For debris removal and emergency protective measures, only overtime labor is eligible, regardless of normal duties or assignments
 - (See FEMA Recovery Policy RP 9525.7 Labor Costs-emergency work): http://www.fema.gov/pdf/government/grant/pa/9525_7.pdf
- Overtime (OT) is eligible for permanent employees doing emergency work
- OT is eligible for reassigned employees doing emergency work
- OTs eligible for temporary employees and certain backfill employees doing emergency work
- Costs for contractors doing emergency work is eligible for reimbursement. Regular time salaries of the applicant's employees, supervising the contractors is not eligible for reimbursement

Category E Work Permanent Work

- Acute Care Hospitals (ACH) generally have Permanent Work in Category E
- Some examples of Category E work include:
 - Repairs to buildings, structural components, interior systems such as mechanical, electrical and plumbing systems, equipment and contents including furnishings
 - May reimburse for upgrades that are required by code; replacement of damaged building eligible if the repair costs are more than 50% of the replacement costs.

Eligibility Guidelines for Regular and Overtime Costs

REGULAR TIME	OVERTIME
Regular time labor costs are eligible for permanent restoration work (Cat E)	ACH's pre-disaster policy on OT or compensatory time determines if hospital is reimbursed for OT by salaried employees
Regular time labor costs not eligible for emergency work (Cat B)	Compensatory time for exempt employees is not eligible except where written policies allow for it and the policy cannot be contingent on Federal funding
Regular time labor costs eligible for permanent work for reassigned employees (Cat E)	OT labor costs are eligible for permanent restoration work (Cat E)
Regular time labor costs eligible for Backfill employee	OT labor costs are eligible for emergency work (Cat B)
Regular time labor costs are eligible for Temporary employees for both emergency and permanent work (Cat B and Cat E)	OT labor costs are eligible for emergency work for reassigned employees (Cat B)
Regular time labor costs are eligible for Supervisor's time	OT labor costs are eligible for permanent work for reassigned employees (Cat E)
	OT labor costs for backfill employees are eligible
	OT labor costs for temporary employees are eligible for both emergency and permanent work (Cat B and Cat E)
	OT labor costs for permanent employees for debris removal and emergency protective measures (Emergency work Cat A and B) are eligible
	OT labor costs for permanent work are eligible for all employees (Cat E)

Project Worksheet

A project worksheet (PW) is a form required by FEMA and is used to document the damage and develop the scope of work for repair of a damage site (see example below).

- See also FEMA Public Assistance Guide, 322, Chapter 3, pages 96-102 Project Worksheet <http://www.fema.gov/pdf/government/grant/pa/paguide07.pdf>
- Project Work Sheet Form (FF 90-91) <http://www.fema.gov/library/viewRecord.do?id=2620>
- Special Considerations Form (FF 90-120) and Hazard Mitigation Form (FF 90-61) <http://www.fema.gov/interactive-forms-library>

**U.S. DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
PROJECT WORKSHEET**

O.M.B. No. 1660-0017
Expires October 31, 2008

PAP
Public reporting burden for this form is estimated to average 1 hour per response, including the time for reviewing instructions, gathering existing data, reviewing collected data, reviewing and collecting the responses, and reviewing the instructions. Send comments regarding this burden estimate or any aspect of the collection of information, including suggestions for reducing the burden, to Washington, DC 20543-0142, Paperwork Project Director, U.S. Department of Homeland Security, Federal Emergency Management Agency, 475, Paperwork Project Director, U.S. Department of Homeland Security, Washington, DC 20543-0142. OMB No. 1660-0017. You are not required to respond to this collection of information if it does not display this OMB number. **NOTE: Do not send your completed questionnaire to this address.**

ICE
This form means the time, effort and financial resources you may need to provide information to respond to this collection of information. You may send comments regarding this burden estimate or any aspect of the collection of information, including suggestions for reducing the burden, to Washington, DC 20543-0142, Paperwork Project Director, U.S. Department of Homeland Security, Federal Emergency Management Agency, 475, Paperwork Project Director, U.S. Department of Homeland Security, Washington, DC 20543-0142. OMB No. 1660-0017. You are not required to respond to this collection of information if it does not display this OMB number.

PW Number (Applicant number prior to entry into FEMA svstem)

Applicant Federal ID Number

FEMA Declaration Number and State Abbreviation

Address of the damaged facility or location with latitude and longitude coordinates

Special Considerations will be attached on FEMA form 90-120; Hazard Mitigation Proposals are attached on FEMA form 90-61

Itemize estimated and actual costs that are both eligible and not eligible for reimbursement using FEMA cost codes if no estimates have been obtained

Description of the facility, function, type of construction, flood zone information, description of all damages (both eligible and ineligible)

Is the work defined in the SOW going to alter the facility from its pre-disaster condition (e.g. a 1 story building will be replaced with a 2 story building?)

DISASTER: FEMA-_____-DR-_____ PROJECT NO. PA ID NO. DATE CATEGORY
A. B. C. D. E. F

DAMAGED FACILITY: Name of facility that was damaged

APPLICANT: Hospital Name as noted by FEMA COUNTY

LOCATION: LATITUDE LONGITUDE

DAMAGE DESCRIPTION AND DIMENSIONS

SCOPE OF WORK
A detailed description of work performed or required to remove debris, protect lives and property or restore facilities to pre-disaster conditions. The SOW must match damages defined in the scope of work and provide specifics for any eligible or ineligible work that has been performed or is still needed..

Does the Scope of Work change the pre-disaster conditions at the site? Yes No
Special Considerations issues included? Yes No Hazard Mitigation proposal included? Yes No
Is there insurance coverage on this facility? Yes No

PROJECT COST					
ITEM	CODE	NARRATIVE	QUANTITY/UNIT	UNIT PRICE	COST
TOTAL COST					

PREPARED BY: TITLE SIGNATURE
APPLICANT REP.: TITLE SIGNATURE

FEMA Form 90-91, FEB 06 REPLACES ALL PREVIOUS EDITIONS.

Reasonable Cost

Reasonable cost is a cost that is both fair and equitable for the type of work being performed.

Reasonable cost can be established by:

- Historic documentation for similar work
- Average costs for similar work in the area
- Published unit costs from national cost estimating databases
- FEMA cost codes, equipment rates, and engineering and design service curves
- Applicants should work with FEMA to establish reasonableness via proper bidding and historical costs after a disaster so that expectations are realized as early as possible

It is highly recommended that pre-positioned contracts be used wherever possible as prices and terms are identified in less exigent circumstances and are generally more reasonable. FEMA provides reimbursement for these types of contracts:

Contract Types

- **Lump sum**—for work within a prescribed boundary with a clearly defined scope and a total price
- **Unit price**—for work done on an item-by-item basis with prices broken out per unit
- **Cost plus fixed fee**—a lump sum or unit price contract with a fixed contractor fee added into the price
- **Time and material**—should be avoided, but may be allowed for emergency work when a clear scope of work cannot be developed; generally limited to 70 hours

FEMA does not review or approve contracts but does provide:

- Technical assistance to ensure eligibility compliance.
- Information on whether costs are reasonable

Insurance

After eligibility has been determined, FEMA's Insurance reviewer will ultimately determine additional deductions, using calculations to determine anticipated insurance proceeds either based on actual insurance claims, insurance documentation, etc. Hospital insurance risk managers should work with FEMA to outline insurance requirements. Many times a blanket policy for all facilities owned and operated by a hospital is procured and has a maximum value of coverage. In devastating disasters this maximum can oftentimes be exceeded and unless there is a schedule of coverage for each facility. FEMA may make its own determination on how insurance proceeds are applied, which can be a disadvantage to reimbursement. Also, FEMA approaches insurance coverage for flood and wind damages separately; specific insurance coverage for each type of damage often exist and flood damages may be covered more stringently.

Special Considerations

Special considerations are issues other than PA Program eligibility that could affect the scope of work and funding for a project. Special Considerations issues that must be addressed before Federal PA grant money can be obligated include:

- **Insurance.** Project grants must be reduced by insurance proceeds received or anticipated.
- **Hazard mitigation.** Damaged facilities may be eligible for additional assistance for hazard mitigation measures.
- **Historic preservation.** The Stafford Act requires compliance with Federal historic preservation laws.
- **Environmental protection.** The Stafford Act requires compliance with Federal environmental laws.

The Special Considerations Questions form reflects these areas of concern by identifying elements of the project that would trigger a special considerations review. (See also FEMA Public Assistance Guide, 322, Chapter 4, pages 115-136)

<http://www.fema.gov/pdf/government/grant/pa/paguide07.pdf>

Applicant's responsibility to identify Special Consideration and review them with FEMA at the Kickoff Meeting, Special Considerations Form (FF 90-120) (see example below):

<http://www.fema.gov/interactive-forms-library>

DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY SPECIAL CONSIDERATION QUESTIONS		O.M.B. NO. 1660-0017 Expires October 31, 2008
APPLICANT	Hospital Name as noted by FEMA	FEMA PW No.
PROJECT NAME	PROJECT NO.	LOCATION
		App. Ref Number
Form must be filledout - for each project.		
1. Does the damaged facility or item of work have insurance and/or is it an insurable risk? (e.g., buildings, equipment, vehicles, etc.) <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure Comments		
Remember: project grants will be reduced by insurance proceeds received or anticipated		
2. Is the damaged facility located within a floodplain or coastal high hazard area/or does it have an impact on a floodplain or wetland? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure Comments		
3. Is the damaged facility or item of work located within or adjacent to a Coastal Barrier Resource System Unit or an Otherwise Protected rea? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure Comments		
4. Will the proposed facility repairs/reconstruction change the pre-disaster condition? (e.g., footprint, material, location, capacity, use or function) <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure Comments		
5. Dose the applicant have a hazard mitigation proposal or would the applicant like technical assistance for a hazard mitigation proposal? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure Comments		
6. Is the damaged facility on the National Register of Historic Places or the state historic listing? Is it older than 50 years? Are there other, silliar buildings near the site? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure Comments		
7. Are there any pristine or undisturbed areas on, or near, the project site? Are there large tracts of forestland? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure Comments		
8. Are there any hazardous materials at or adjacnt to the damaged facility and/or item of work? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure Comments		
9. Are there any other environmental or controversial issues associated with the damaged facility and/or item of work? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure Comments		

Address of damaged facility or location



FEMA Form 90-120, FEB 96

PREVIOUS EDITION OBSOLETE

Alternate and Improved Projects

- Permanent work to facilities may be deemed as alternate or improved projects and are subjected to different funding rules.

Alternate Projects

- These projects typically occur when a damaged facility is no longer needed or the services/functions of the facility are changed as a result of the repair/replacement. They may include:
 - Repair or expansion of other facilities
 - Construction of new facilities
 - Demolition of the original structure
 - Purchases of capital equipment
- Alternate projects do not necessarily have to be disaster related and can be incorporated into new or prior capital expansions plans provided they can be attributed to a public benefit. These types of projects must be approved by FEMA.
- Requests for alternate project must be made within 12 months of the kickoff meeting and approved by FEMA prior to project commencement.
- Alternate projects for private non-profit (PNP) entities are eligible for 75% of the approved Federal share of the estimated eligible costs associated with repairing the damaged facility to its pre-disaster design or the Federal share of the actual costs for completing the alternate project, whichever is less.

Improved Projects

- These projects typically occur when the applicant uses the opportunity to repair the damaged facility to make additional improvements while still restoring the facility to its pre-disaster function and capacity. They may include:
 - Projects with changes to the pre-disaster configuration of the facility such as location, footprint or size.
 - Projects where the applicant opts to use a code or standard that does not meet FEMA requirements for repairs to the facility.
- Construction work cannot begin on improved projects without prior approval from FEMA and the State.
- Reimbursement for improved projects is limited to the federal share of the estimated costs of the original or improved project, whichever is less.
- Funds to construct the improved project may be combined with a grant from another Federal agency or with another approved project.

Hazard Mitigation

- To allow applicants to take action to reduce or eliminate long-term risk to people and property from natural hazards and their effects, FEMA provides two types of Hazard Mitigation Funding; Section 404 and Section 406.
- Section 404 funding is provided to states on a percentage basis for the overall disaster and is disbursed according to state policy.
- Section 406 is provided to mitigate damages for specific damaged facilities.
- While not universal, generally Section 406 funds are utilized to apply mitigation to damaged elements of facilities and Section 404 funds are utilized for undamaged parts. Sections 404 and 406 funding may not be duplicative; however Section 404 funding may be additive and accomplished on Section 406 facilities. The appropriate split between these two funding sources on a project is a decision that is made by FEMA.
- ACHs and other PNPs will be notified when Hazard Mitigation Grant Program application and funding becomes available.
- For more information see: <http://www.fema.gov/application-development-process/hazard-mitigation-grant-programs-frequently-ask-questions#3>

Section 404 Hazard Mitigation

- 404 Hazard Mitigation funding is provided through the Hazard Mitigation Grant Program (HMGP) and is available following disasters but not under the jurisdiction of the PA Program.
- The State manages the program and is responsible for soliciting applications from eligible applicants (e.g. ACHs).
- Projects seeking 404 funding must be submitted to the State in accordance with the State's hazard mitigation plan. These funds can be applied statewide or in specific counties.

Section 406 Hazard Mitigation

- 406 Hazard Mitigation funding is provided through the PA program and only applies to the damaged elements of the facility and not undamaged parts or an entire system or campus.
- Only measures of permanent work (e.g., Cat E) can be provided with 406 Hazard Mitigation funding.
- 406 Hazard Mitigation funding is considered part of the total eligible cost for repair, restoration or reconstruction of a facility. However, these funds are not available for alternate projects or improved projects where a new replacement facility is involved.
- Upgrades that are required to meet applicable codes and standards are not considered mitigation measures and are part of the eligible restoration work under the PA Program. Mitigation efforts must be cost-effective; FEMA uses several methods to determine this:
 - Mitigation measures amount to up to 15% of the total eligible costs for repair work on the project.
 - Certain measures may be cost-effective as long as the mitigation does not exceed 100% of the total eligible cost of eligible repair work to the facility.

Section 406 Hazard Mitigation (*continued*)

- If mitigation measures exceed eligible costs of repair work, the state or applicant must demonstrate cost effectiveness by providing a Benefit Cost Analysis (BCA), which may be formulated using FEMA's BCA software. The BCA is based on a comparison of the total project cost to the total cost of the following benefits:
 - Damages to the facility and its damaged contents
 - Temporary facilities required due to the damage
 - Loss of function
 - Loss of life and injury
 - Damages avoided in the future due to mitigation measures

Appeals Process

Overview of Appeals

- An eligible applicant (e.g., ACH) may appeal any PA eligibility determination or funding implications based on decisions made by FEMA.
- The applicant has a right to two appeals which are filed by the applicant via the state's PA officer
- The right to appeal will be made clear at a meeting in which the project worksheet (PW) is presented and reviewed between the applicant, state and FEMA when the applicant is asked to sign the completed PW.
- The state will outline the level of support they will provide to the applicant throughout the appeal, this usually takes two forms:
 - The state supports the applicant's right to appeal without supporting the details of the appeal
 - The state supports the applicant's position and appeal and recommends FEMA grant the appeal
- Successful appeals typically depend upon the ability of the applicant to adequately demonstrate that FEMA's determination(s) is inconsistent with FEMA's position in similar circumstances or that the determination conflicts with published policy, guidance or requirements. Policy, guidance and requirements are referenced in the following order of precedence:
 - The Robert T. Stafford Act
 - Title 44 of the Code of Federal Regulations (44 CFR)
 - Disaster-Specific Guidance
 - FEMA Policies (9500 Series)
 - Other FEMA Publications (e.g., FEMA 322, 321, etc.)
- It is not uncommon for a PNP to be denied funding based on a PW that cited, in general terms, FEMA Policy Guidebooks (e.g., FEMA 322, 321, etc.). Determinations of ineligibility based on these documents should be closely examined as they are intended as field guides and can be open to interpretation.
- *NOTE:* When filing an appeal the applicant will inherently subject the entire PW to scrutiny. This has the potential to result in further eligibility determinations which can place other (previously eligible) portions of funding in jeopardy.

Reasons for Appeal:

- Costs deemed eligible are less than applicant believes necessary to complete the work
- A facility, item or project is deemed ineligible for disaster assistance
- Extension of time is not granted
- A portion of the costs claimed for the work is ineligible
- The applicant disagrees with the details provided in the Scope of Work.
- The applicant incurs significant net cost overruns

Deadlines:

- Appeals must be filed within 60 days of the applicant's receipt of notice of the action that is being appealed.
- The FEMA Regional Administrator (first appeals) or the FEMA Assistant Administrator for the Disaster Assistance Directorate (second appeals) will notify the grantee in writing of the disposition of the appeal or the need for additional information. Should additional information be required, a date by which the information needs to be received will be provided. Within 90 days of the receipt of this information (or lack thereof) the state will be notified in writing of the disposition of the appeal. If the appeal is granted, the FEMA Regional Administrator will take appropriate implementing action.
 - FEMA will typically adhere to the timeframe for appeals that do not raise sensitive issues or are not overly complex. However, it is not uncommon for FEMA to request additional information for more complex or sensitive appeals, which can extend the process for long periods of time.
- Should the first appeal not be granted, the applicant has a right to submit a second appeal within 60 days of the receipt of notice of the disposition of the first appeal. The process for the second appeal remains the same; however the level at which the appeal is reviewed is higher in FEMA's chain of command.

Resources

Federal Laws:

- Title 44 of the Code of Federal Regulations (CFR) Part 206 and subparts C and G-L and Part 13 subparts A-D *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*
- Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), Public Law 93-288, as amended, 42 U.S.C. Section 5121-5207

FEMA Public Assistance Guides

- FEMA Public Assistance Policy 9500, et. seq
- FEMA Public Assistance Policy 9570.4 SOP *Kickoff Meeting*, September 1999
- FEMA Public Assistance Policy Digest (FEMA 321)
- FEMA Public Assistance Guide (FEMA 322)
- FEMA Applicant's Handbook (FEMA 323)

Website:

FEMA Public Assistance Digest is available for online reading or download at:

<http://www.fema.gov/pdf/government/grant/pa/pdigest08.pdf>.

Acronyms

ACH	Acute Care Hospital
BCA	Benefit Cost Analysis
CEF	Cost Estimate Format - for Public Assistance large projects
CMF	Case Management File
HMGP	Hazard Mitigation Grant Program
INF	Immediate Needs Funding
PA	Public Assistance
PAC	Public Assistance Coordinator
PDA	Preliminary Damage Assessment
PNP	Private Non-profit (Emergency medical care facilities that provide direct patient care, including hospitals, clinics, outpatient services, etc.)
PW	Project Worksheet
RA	Regional Administrator (FEMA)
RPA	Request for Public Assistance