

# **Fiscal Year 2008-09 Direct Contract Provider Contract Boilerplate**

## **Table of Contents**

### **Article I. General Provisions (pages 1 through 4)**

- A. Contract Term
- B. Unenforceable Provisions
- C. Contract Amendments
- D. Termination

### **Article II. Program Provisions (pages 5 through 15)**

- A. Confidentiality and Security of Information
- B. Nondiscrimination in Employment and Services
- C. Drug Free Workplace
- D. No Unlawful Use or Unlawful Use Messages Regarding Drugs
- E. Smoking Prohibition Requirements
- F. Health Insurance Portability and Accountability Act of 1996 (HIPAA)
- G. Noncompliance with Reporting Requirements
- H. Child Support Compliance Act
- I. Debarment and Suspension Certification
- J. Union Organizing
- K. Disputes
- L. Assignment
- M. Indemnification
- N. Independent Contractor
- O. Adherence to computer Software Copyright laws
- P. Timeliness
- Q. Domestic Partners Act
- R. Lobbying and Restrictions
- S. Counselor Certification
- T. Conflict of Interest
- U. Force Majeure
- V. Limited English Proficiency
- W. Federal Funding Accountability and Transparency Act of 2006
- X. Deficit Reduction Act

**Article III. Formation and Purpose (page 16)**

- A. Departmental Authority
- B. Single State Agency Authority
- C. Contract Objective

**Article IV. Definitions (pages 17 through 21)**

**Article V. Provision of Services (pages 22 through 26)**

- A. Covered Services
- B. Federal and State Mandates
- C. Drug and Treatment Access Report (DATAR)
- D. Contractor Participation, Certification, Recertification, and Transfer of Assets

**Article VI. Fiscal Provisions (pages 27 through 30)**

- A. Payments and Reimbursement
- B. Excess Reimbursement for Services
- C. Appropriation of Funds
- D. Availability of Funds
- E. Reduction in Funds
- F. Exemptions
- G. Applicable Provisions
- H. Allowable Costs
- I. Audits

**Article VII. Invoice/Claim and Payment Procedures (pages 31 through 33)**

- A. Payments
- B. DMC Claims and Reports
- C. Year-End Expenditure Settlement Reports

**Article VIII. Postservice Postpayment Utilization Review (page 34)**

**Article IX. Records Retention (pages 35 and 36)**

- A. Client Records Retention
- B. Accounting Records Retention
- C. Utilization Review Records Retention
- D. Records Review
- E. Departmental Responsibility to Retain Records

**List of Documents Incorporated by References (pages 37 through 39)**