

Memorandum of Understanding

(Approved by the Council on 12-08-22)

Parties to the Memorandum of Understanding:

1. Harris County Judge – The “Chief Elected Official” (CEO)
2. Houston Eligible Metropolitan Area (EMA) Ryan White CARE Act (as amended) Part A Planning Council – The “Planning Council” (RWPC)
3. Houston EMA Ryan White CARE Act Part A Planning Council Office of Support – The “Office of Support” (RWPC/OS)
4. Harris County Public Health , Ryan White Grant Administration – The **“Recipient”** (HCPH/RWGA)

PURPOSE

This Memorandum of Understanding is created to facilitate cooperative and collaborative working relationships between and among the Houston Ryan White Planning Council, the Council’s Office of Support and the Houston Administrative Agency. The Health Resources and Services Administration (HRSA), the federal agency that administers the Ryan White program, encourages stakeholders to draft a Memorandum of Understanding (MOU) to better define responsibilities. This document is not intended to restate all HRSA rules but to clarify entity roles and outline procedures that will foster productive interaction and efficient communication between and among the three stakeholders.

This MOU is a dynamic tool to help the aforementioned stakeholders avert misunderstanding. The underlying foundation of the memorandum is the principle of mutual respect. Mutual respect is created through open communication, active listening, seeking understanding, and acknowledging our mutual goals. This document is built upon the understanding that the three entities are equal stakeholders in the Ryan White process with the mutual goal of helping eligible individuals and families living with HIV/AIDS obtain the highest quality and most appropriate Ryan White Program services.

HRSA DEFINED ROLES AND DUTIES

The following is taken from the **2013** HRSA Part A manual and the Part A Planning Council Primer and describes the role and duties of the:

Chief Elected Official (CEO or G): Harris County Judge

The CEO is the person who officially receives the Ryan White Part A funds. In Houston the CEO is the County Judge, making the Judge ultimately responsible for administering all aspects of the Part A program funds (Part A includes Minority AIDS Initiative, or “MAI” funds). Duties include: ensuring that all legal requirements are met, appointing all members of the Planning Council and selecting the Harris County Public Health and Environmental Services Department to be the Administrative Agency for the Part A grant.

Planning Council: Houston Area HIV Services Ryan White Planning Council

The Houston Ryan White Planning Council is a group of volunteers appointed by the CEO whose purpose is to plan for and oversee the delivery of services to persons living with HIV in the Houston EMA. Duties include: setting up planning body operations; setting service priorities; allocating resources to those priorities; and assessing the administrative mechanism, which means reviewing how long the Recipient takes to pay providers, reviewing whether the funds are used to pay only for services that were identified as priorities by the planning council and whether all the funds are spent”. The Council also works in partnership with the Administrative Agency to assess need, develop a comprehensive plan, coordinate with other Ryan White programs and services, and reallocate funds. The Council reports to the CEO.

Planning Council Support: Office of Support

This entity provides administrative support to the Council. Duties include: coordinating and staffing all Council processes; interfacing with HRSA, the CEO's Office and other County Offices regarding Council business; and assisting Council members to stay in compliance with federal and county rules and regulations as well as Council bylaws, policies & procedures. The Manager of the Office of Support reports to the Planning Council and the CEO.

Administrative Agency (the CEO's Agent, also called the Recipient): Harris County PH/Ryan White Grant Administration

This entity carries out the day-to-day administrative activities required to implement and administer services in the Houston EMA according to the plan set forth by the Planning Council. Duties include: procuring services for PLWH consistent with Planning Council priorities and allocations, including all aspects of the RFP, review, award and contracting process with service providers; establishing intergovernmental agreements; ensuring services to women, infants, children and youth living with HIV ; ensuring that Ryan White Part A funds are used to fill gaps; ensuring delivery of quality services; preparing and submitting Part A applications; assuring all services are in compliance with the HRSA Ryan White National Part A and Universal Monitoring Standards; limiting Recipient administrative costs; limiting contractor administrative costs; monitoring contracts; implementing Quality Management activities, advising the Council on HRSA mandates; and working with the Council to assess need, develop a Comprehensive Plan, coordinate with other Ryan White programs and services, and reallocate funds. According to HRSA, an employee of the Recipient may serve as a co-chair to the Planning Council, provided the bylaws of the planning council permit or specify that arrangement. At the current time, Council bylaws do not permit such an arrangement. The Manager of RWGA reports to the Executive Director of the Harris County Public Health Services Department (HCPHS) or his/her designee.

LOCALLY DEFINED RESPONSIBILITIES

HRSA clearly assigns responsibility for certain work products to specific entities. For example: the Planning Council is the only entity allowed to set service priorities and determine annual allocations. Similarly, the Administrative Agency is the only entity allowed to monitor contracts and collect agency-specific information. In areas where there is shared responsibility, it is agreed that, in the Houston EMA, the entity named below will have primary responsibility for initiating and completing the following:

Planning Council:

- Through the Needs Assessment process, determine the size and demographics of the population of individuals with HIV disease (Section VI, page 2).
- Determine the needs of such population.
- Adapt the HRSA defined service definitions to meet the local needs.
- Indicate to the Recipient, through the service definitions and standards of care, how the services are to be purchased.
- Determine the annual Part A service priorities.
- Determine the annual Part A allocations.
- Collaborate with the Administrative Agency in determining the Part A Standards of Care.
- Collaborate with the Administrative Agency in determining the Part A Performance Measures.
- Reallocate unspent or carryover funds in a timely manner (see below under Administrative Agency for an explanation of the 10% rule).

- Through Council membership and joint activities, such as the Needs Assessment process, coordinate with other Ryan White programs and services.
- According to HRSA mandates, produce the Comprehensive Needs Assessment that is currently required at least every three (3) years.
- According to HRSA mandates, produce and update the Integrated HIV Prevention and Care Services Plan that is currently required at least every five (5) years.
- Produce the Blue Book so long as it is a Council-approved priority. Work with the Harris County Purchasing Department to procure a printer for the final product.
- Procure vendors for specific work products where the contract is under \$25,000 and no formal RFP process is needed. Provide system-wide guidance regarding the Continuum of Care, client eligibility and preferred treatment strategies, at a minimum meeting HHS treatment guidelines, in order that HCPHS/RWGA can implement the Centralized Patient Care Data Management System (CPCDMS) in a manner supportive of the Council's annual implementation plan and approved Integrated Plan. Examples of such guidance include the Council's approved stance on de-identified client-level data collection (i.e., no names or other identifying information stored in the CPCDMS) and applicable goals and objectives listed in the Integrated Plan.

RWPC Office of Support Staff:

- Provide guidance to the Council on HRSA and County policy that relates to Council processes and work products.
- Provide guidance and leadership to the Council in order to ensure the Council accomplishes all required and necessary goals and objectives.
- At the beginning of each grant year (i.e., January and February) meet with all stakeholders in the Ryan White Part A process to provide guidance and leadership in the Council's development and implementation of a timeline for all required Council work products that is consistent with published deadlines. Inform and advise the Council on multi-year and/or recurring processes such as needs assessment and integrated planning in order that the Council is appropriately informed of its deadlines and expected work products.
- Coordinate and staff all Council processes except the workgroups for Standards of Care and Performance Measures.
- If an outside vendor is utilized, supervise the vendor contract for the Comprehensive Needs Assessment.
- If an outside vendor is utilized, supervise the vendor contract for the Integrated Plan.
- Work with the Council to develop the Blue Book. The Office of Support will work with the Purchasing Department to secure and supervise the printer and other vendors needed to produce the document.
- Provide RWPC-related information required for the submission of the annual HRSA grant application in a timely manner in order that HCPH/RWGA can prepare the grant application and non-competing renewable funding request for review and submission by the CEO.

Administrative Agency:

- Provide the Council with accurate, timely, aggregate service category and other information needed for the different Council processes such as the *How to Best Meet the Need*, priority setting, annual allocations and other processes.
- Collaborate with the Planning Council in determining the Part A Standards of Care.
- Collaborate with the Planning Council in determining the Part A Performance Measures.
- Coordinate and staff the Part A Standard of Care and Outcome Measures workgroups in order to ensure

appropriate interface with the Quality Management Program and because Standards of Care must also reflect the HRSA Ryan White Part A National Programmatic, Fiscal and Universal Monitoring Standards, the current Part A grant guidance, conditions of award and more.

- Reallocate funds per Council-approved decisions. Inform the Council no later than the next scheduled Planning Council Steering Committee meeting of any allocation changes made under the Houston RWPC-approved “10% rule”. The 10% rule allows the administrative agency to shift funds between Service Categories without prior Council approval so long as the funds shifted are no more than 10% of the current approved Council allocation for either service category affected by the change.
- Prepare the Houston EMA HRSA grant application and non-competing renewal funding request for review and submission to HRSA by the CEO.
- Implement and maintain the de-identified client-level data system used in the Houston EMA. The data system used by HCPH/RWGA is the Centralized Patient Care Data Management System (CPCDMS). The CPCDMS is the property of HCPH/RWGA and is used to securely collect and store HRSA- and RWPC- required data on client utilization, client demographics, medical and co-morbidity information, health outcomes and to enable the Recipient to implement the HRSA-mandated Quality Management program.
- Inform the Council in an ongoing and timely manner of issues surrounding automated client-level data collection, changing data requirements from HRSA and other stakeholders, future technology changes and potential future issues of concern to Houston EMA stakeholders (e.g. interface with the State’s Take Charge Texas data system for RW Part B data collection by TDSHS).

PROCEDURES

Meetings: Please refer to Council bylaws, policies and procedures for details regarding protocol for Council members. This section is devoted to outlining staff functions in relationship to Council protocol. Regarding the Administrative Agent and Office of Support:

- Staff representation from the Office of Support will be provided at all regular Council meetings including standing committees, ad-hoc and workgroup meetings. Staff representation from RWGA will be provided as appropriate.
- In an effort to help chairs and other attendees delineate between members of the voting body, staff and the general public, neither staff nor members of the general public will sit at the table with Council or committee members while business is being conducted. Because of the more informal nature of the Affected Community Committee and most workgroups, the chair of the committee or workgroup may choose to make an exception to this rule by allowing the general public to sit at the table and participate in discussion throughout the meeting. Only members of the committee may vote at a committee meeting. See the Council policy regarding voting at workgroup meetings.
- Staff will provide data and give periodic reports to the Planning Council during time allotted on the meeting agenda.
- Additional insights and suggestions from staff will be given to the Planning Council during meetings in the following manner:
 - Staff and Planning Council members will request permission from the Chairperson before providing input or requesting information from other members of the group.

Requesting Information: Council committees and workgroups will follow Council-approved policy and procedures to request information from the Office of Support or RWGA. This may be done via a standardized form or, in more informal situations, by request of the Council Chair or Vice Chair, Committee Chair or Co-Chair, or workgroup Chair as applicable. Individual Council members should make requests for information

through the Committee or workgroup chair as described above.

Distributing Information to the Council, its Committees and Work Groups: Information will be delivered to the Manager of the Office of Support for distribution to the Council, its Committees and workgroups. The Manager will determine the appropriate process to be used to disseminate the information. When providing information, please keep the following in mind:

- 1) Requests requiring Council or committee approval must be submitted in writing eight days before the date of the meeting.
- 2) If the information does not require approval, submission of the information eight days before the date of the meeting is preferred.
- 3) Once a workgroup or committee has created a recommendation in response to the request, the chair of the Committee, workgroup or designee will be responsible for moving the request forward and speaking on behalf of the request.

Verifying Information. Any member of this MOU can question accuracy and request sources to support or verify reports and other information. When accuracy is questioned within the context of a Council or Committee meeting, the chair can ask the entity that submitted the document or report to verify the information at the next meeting. It is incumbent on the one who submitted the document or report to verify the source and attest to its accuracy. While the information is being verified, it is important that decision-making continue and that the information be treated as valid to the extent possible.

However, it is the responsibility of HCPH/RWGA and RWPC Office of Support staff to provide guidance to the Council regarding HRSA policy, County rules and procedures and other relevant information necessary for the Council to perform its responsibilities in an appropriate and timely manner. Therefore, information provided to the Council or its committees by staff is expected to be accurate and relevant to the issue or question being discussed and Stakeholders should respect such information. When necessary, more detail regarding the accuracy or applicability of such information may be requested, however such requests must not infringe upon established roles and responsibilities under the Ryan White Program (e.g., Council members may not, in their role as Council members, request agency or contract-specific information). Office of Support and HCPH/RWGA staff are responsible for ensuring the overall Ryan White Part A grant process complies with all applicable HRSA guidelines and other Federal, State and local laws, rules and guidelines.

Proof Reading the Ryan White Part A Grant Application: The Administrative Agency will provide the Office of Support with a draft copy of the application for review by the Council. Notwithstanding HRSA giving Recipients less than the customary 60 days to prepare and submit the annual Part A grant application, the Council will nominally have one week (7 calendar days) to review the application and suggest corrections, edits or improvements. The Office of Support will be responsible for collecting and collating the comments and sending these to the Administrative Agency in a timely manner.

Contracting with outside vendors: Any contracting process that requires issuing an RFP or Interlocal Agreement shall be the responsibility of the Administrative Agency.

Reviewing and Updating the MOU: Annually in October of each year the Operations Committee of the Ryan White Planning Council will contact the principal Stakeholders (i.e., RWPC, RWPC Office of Support, CEO and Administrative Agency) in this MOU to see if any of the Stakeholders wish to review and/or revise the document. This annual process will provide an opportunity for Stakeholders to ensure the MOU will continue to be responsive to the needs and responsibilities of all concerned.

THE DO'S AND DON'TS OF COUNCIL PARTICIPATION: As members of a planning body, there are a number of areas where HRSA and/or county legislation mandates Council participation. The following is not a complete list, but strives to address areas where there are more likely to be questions.

DO's	DON'T's
✓ Do use Robert's Rules of Order in Meetings	✓ Don't ignore the Chairperson and interrupt others who have been called upon to speak.
✓ When giving reports, do present key information your committee used to make a decision.	✓ Don't offer your personal opinion.
✓ Do ask for questions and think beyond your own situation.	✓ Don't force your point of view on others.
✓ Do make a motion for action.	✓ Don't repeat what everyone else has just stated.
✓ Do attend meetings in order to listen and learn.	✓ Don't feel intimidated and stop participating.
✓ Do share your concerns and ask questions.	✓ Don't vote for something you don't understand.
✓ Do come to meetings prepared.	✓ Don't ignore your meeting packets.
✓ Do work with other committee members to determine the information needs of the committee and have the committee chair ask the staff to prepare the information.	✓ As a Council member, don't ask the staff to prepare reports for your agency or personal use.
✓ Do assess how well services that are funded by the Recipient address the planning council's priorities, allocations and instructions for addressing these priorities.	✓ Don't evaluate how well services are being delivered and the cost effectiveness of such services which are to be undertaken separately under the leadership of the Recipient.
✓ Do assess the administrative mechanism in the following ways: 1.) evaluate how well the Recipient manages to get funds to providers by reviewing how quickly contracts with service providers are signed and how long the Recipient takes to pay providers. 2.) Review whether the funds are used to pay only for services that were identified as priorities by the planning council and whether all the funds were spent. 3.) Evaluate how well services funded by Ryan White Part A are meeting community needs.	✓ Don't evaluate the Recipient or individual service providers, which is a Recipient responsibility.
✓ Do review and discuss aggregate data about service categories.	✓ Don't get directly involved in the administration of the grant or be involved in the selection of particular entities as recipients of Part A funds.

Signed By:

County Judge Lina Hidalgo

Date

Crystal Renee Starr, Chair
Houston Ryan White Planning Council

Date

Heather Keizman, Interim Manager
HCPH/Ryan White Grant Administration

Date

Victoria "Tori" Williams, Director, Office of Support,
Houston Ryan White Planning Council

Date

**Ryan White Planning Council Committee
INFORMATION REQUEST FORM**

Signature of Committee Chair: _____ Date: _____

Name of Committee Chair: _____ Telephone: _____

Email Address: _____ Due date: _____ (Min. of 30 Days From Date of Request)

Question you want answered. (ex. How many youth are in primary care?)

In what form/s would you like the information (please check all that apply):

- Word Table Word Chart Word Text PowerPoint presentation
 Excel Table Excel Chart SPSS Table SPSS Chart
 Other: (Please describe):

In order that we might present the information in the most useful format for you, please indicate how you plan to use the data

Thank you. Email this form to: Victoria.williams@cjo.hctx.net.

Date request filled: _____

Received by _____

Date Received: _____