

# Memorandum of Understanding

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BETWEEN THE RYAN WHITE PART A RECIPIENT AND THE RYAN WHITE PLANNING COUNCIL NEW HAVEN/FAIRFIELD COUNTIES



June 12<sup>th</sup>, 2020

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**I. Terms Used in this Memorandum of Understanding (MOU)**

- **Ryan White Legislation:** The Ryan White legislation was enacted in 1990 to provide federal funding for HIV medical care and supportive services nationwide.
- **Health Resources and Services Administration (HRSA):** HRSA is the federal entity that grants Ryan White funding to areas most impacted by HIV.
- **Ryan White Part A (RWPA):** Part A funds are distributed to urban areas that have a large population of people living with HIV.
- **New Haven/Fairfield Counties Eligible Metropolitan Area (EMA):** The EMA is comprised of New Haven and Fairfield counties.
- **Chief Elected Officer:** The Mayor of the City of New Haven is the Chief Elected Officer for the Ryan White Part A (RWPA) grant.
- **Recipient:** The Chief Elected Officer has designated the City of New Haven Public Health Department as the Recipient of Ryan White Part A funds awarded to the EMA.
- **Project Director:** The Recipient’s staff member tasked with the oversight of the fiscal, administrative and quality management functions for the RWPA grant.
- **Planning Council:** The Ryan White Planning Council New Haven/Fairfield Counties has been appointed by the Mayor for the City of New Haven to establish the prioritization of Ryan White Part A funded services and resource allocations to provide these services.

**II. Purpose Statement**

This Memorandum of Understanding (MOU) between the Ryan White Part A Recipient (Recipient) and the Ryan White Planning Council New Haven/Fairfield Counties) is designed to:

- Create a shared understanding of the relationship between the Part A Recipient and the Council;
- Define the legislatively mandated, and locally defined roles and responsibilities of each entity;
- Establish agreed-upon expectations for how roles and responsibilities will be carried out; and
- Foster a mutually beneficial relationship between these important partners.

**III. Roles/Duties of the CEO, Recipient and Planning Council**

ROLE/DUTY	RESPONSIBILITY		
	CEO	Recipient	Planning Council
Establishment of Planning Council/ Planning Body	✓		
Appointment of Planning Council/ Planning Body Members	✓		
Needs Assessment		✓	✓
Integrated/Comprehensive Planning		✓	✓
Priority Setting			✓
Resource Allocations			✓
Directives			✓
Procurement of Services		✓	
Contract Monitoring		✓	
Coordination of Services		✓	✓
Evaluation of Services: Performance, Outcomes, and Cost-Effectiveness		✓	Optional
Development of Service Standards		✓	✓
Clinical Quality Management		✓	Contributes but not responsible
Assessment of the Efficiency of the Administrative Mechanism			✓
Planning Council Operations and Support		✓	✓

Source: Ryan White HIV/AIDS Program Part A Planning Council Primer, June 2018

#### ***IV. Roles/Duties of the New Haven/Fairfield Counties Ryan White Planning Council***

The Council is responsible for the following tasks, as specified in the federal Ryan White legislation:

- Setting priorities for HRSA-defined service categories, allocating funds to those service categories, and providing directives to the Recipient's office on how best to meet the Council's priorities
- Assessing the Recipient office's process for procuring services and timely disbursement of funds to the areas of greatest need within the EMA
- Evaluating the effectiveness of RWPA funded services in meeting the identified needs of people receiving services, and health outcomes established by the Council.
- The Council's membership process, as outlined in the Council's By-laws, are a joint function with the CEO's office. The Council accepts membership applications throughout the year and if the Council deems the applicant appropriate for membership given HRSA membership mandates, the nominee's name is submitted to the CEO for appointment. The Recipient nor the CEO may directly appoint members to the Council except in the case of an ex-officio member appointed by the CEO. Council members may not be appointed outside of the Council's membership/nominations process (as described in the Council's By-laws).

#### ***V. Roles and Responsibilities of the Recipient***

The Recipient is solely responsible for the following tasks, as specified in the federal Ryan White legislation:

- Managing the process for awarding contracts to specific sub recipients based on an open Request for Proposal system
- All procurement matters as it relates to RWPA funded services
- Distributing funds according to the priorities, allocations, and directives of the Council
- Monitoring contracts to ensure sub recipients are meeting their contractual responsibilities in compliance with established HRSA mandated monitoring guidelines. Additionally, during the grant year the Recipient may provide recommendations for the reallocation of funds between service categories, based on sub recipient performance and/or emerging need
- Providing technical assistance to sub recipients to improve contract compliance and service delivery
- Maintain and manage a clinical quality management program to ensure RWPA funded services are provided according to Service Standards established by the Council, and in accordance with Public Health Service and HRSA guidelines

#### ***VI. Shared Responsibilities between the Recipient and Council***

The Recipient and the Council share the following responsibilities, with one entity having the lead role for each, as stated below:

- **Service Standards:** Establishing Service Standards for RWPA services is led by the Council. The Recipient collaborates with the Council to ensure that desired health outcomes are realistic, and measures and indicators are appropriate. The Recipient is responsible for ensuring the Service Standards are consistent with state and federal requirements
- **Needs Assessment:** The Council has primary responsibility for assessing the health care and supportive service needs of People Living with HIV, to inform their decision-making. The Recipient is responsible for providing the Council with service utilization data and expenditure reports in support of the Needs Assessment

- **Comprehensive Planning:** Every five years, the Council and Recipient are required to collaborate to establish a comprehensive plan to provide high quality HIV medical care and supportive services in the EMA. Development of the plan is informed by People Living with HIV and community stakeholders. The plan may be developed independently, or in collaboration with the Connecticut Department of Public Health. The Council leads the development of the plan, with the Recipient providing data, additional input, and review. The Council and the Recipient collaborate on the implementation, evaluation and reporting requirements of the plan.

## **VII. *Shared Responsibilities with Other Entities of City of New Haven***

In addition to legislatively mandated roles, the Recipient and Council share the following responsibilities related to Part A planning and management:

- **Fiscal management of funds allocated for Council activities:** The Recipient provides fiscal management of funds allocated to support Council activities. The Recipient is responsible for ensuring that all Council related expenditures meet Ryan White guidelines. The Council provides the Recipient with a proposed scope of work for Council activities for the upcoming grant year.
- **Contracting for Council Consultants or Services:** The Recipient manages procurement of contracted services for Council operations. All procurement must meet City of New Haven and Ryan White legislative requirements.
- **Staff Assigned to Support Council Activities:** All staff that are assigned to support Council activities are hired and supervised by the Recipient's office. Where questions or concerns arise regarding the roles, responsibilities, and/or actions of support staff, the Council Co-Chairs and the Recipient's office will work together to evaluate and resolve the issue. Should the Council Chair Co-Chairs and Recipient's office desire, the HRSA Project Officer assigned to the EMA may also be consulted. The Recipient's office will inform the Council's Executive Committee of any Council staffing changes with as much notice as possible.
- **Ryan White Part A Grant Application Process:** The Recipient's office has the responsibility for preparation and submission of the EMA's annual RWPA grant application. The RWPA grant application requires a letter signed by the Council Co-Chairs confirming whether the Recipient's office has expended funds as directed by the Council. The annual assurances letter is to be drafted by Planning Council Support staff, signed by the Council Co-Chairs, and submitted to the Recipient's office for inclusion in the EMA's annual RWPA grant application
- **Procurement/Contracting:** The Recipient establishes contracts for Part A services using City of New Haven's established procurement process. The Recipient may allow up to two members of the Council to review, in draft, the portions of the Request for Proposal that address Service Standards and Council directives. The selected Council members must have no actual or perceived conflict of interest related to the services being contracted. Members must also agree to adhere to all City of New Haven procurement requirements for contract review panels. The Recipient's office has sole discretion on the composition of RFP review panels.

## **VIII. *Guidelines for Effective Communications and Information Sharing***

The Recipient and Council mutually agree to maintain regular, open communications and sharing of data, according to the follow guidelines:

- When making requests for information or materials, the requesting entity will strive to provide enough notice and response time to minimize burden on the other. Both entities commit to responding rapidly to any requests that involve meeting HRSA's Conditions of Award, satisfying other HRSA requirements or requests, and addressing other matters that may affect the funding or reputation of the RWPA program.

- Requests for information will be met as soon as possible. If requests take longer to meet, an agreed upon time frame for meeting the request will be established. All requests for information will be submitted via email or other written means to document requests, turnaround time and result(s) of request(s).
- Information received by either entity but important to both (such as Conditions of Award, new or revised federal regulations or expectations, etc.) – will be shared as soon as possible.
- Information and data sharing requests from the Recipient’s office to the Council will be made by the Project Director, who will then communicate the information to the Council Co-Chairs via Planning Council Support staff.
- Requests for information and data related to the tasks of Council committees or work groups may be made by the committee Co-Chairs of these bodies to the Recipient’s office via Planning Council Support staff. The Council Co-Chairs should be informed of all such requests. Any requests that are not task-specific to the committee/work group should be forwarded to the Council Co-Chairs, who will make the formal request to the Recipient’s office via Planning Council Support staff.
- Communications and data sharing requests not detailed above will be directed through the Recipient’s office and Council Co-Chairs, via Planning Council Support staff.
- Recipient staff and Council members will avoid inappropriate communication requests or channels. This means not asking for information from individuals other than those designated above, not bypassing established communication channels, and maintaining the confidentiality of information that should not be shared outside the activities of the Council.
- Either entity can evaluate an information/data request to determine: 1) if they are the appropriate source to provide the information; and 2) whether the information is readily available and can be provided within their resources. If either entity believes it cannot or should not complete the request, the Recipient’s office, Council Co-Chairs and Planning Council Support Staff will develop a resolution.
- The Council is not to have access to information about the performance or expenditures of individual sub recipients--it will only receive such information detailed by service category. In cases where there is only one service provider for a service category, the Council will have access to this information but without identifying information.
- Communications and problem solving must ensure the separation of roles between the Council and the Recipient. When policies or procedures appear problematic, all entities will work together to clarify and, if appropriate, refine them – while adhering to Ryan White legislative requirements, federal Ryan White expectations, and state and local statutes and policies.
- Council members will not use, in meetings or decision making, any information about individual sub recipients, even if it is available to members as individuals through the Public Records law. Council members will refrain from requesting information through the Connecticut Open Meetings Law in their capacity as Council members.
- The Council will not become involved in consumer complaints. Individuals or groups who desire the Council to resolve specific complaints about Part A funded sub recipients or services will be referred to the Recipient’s office.

***IX. Information/Document Sharing and Reports/Deliverables***

It is the intent of this MOU to encourage regular sharing of information and materials throughout the year. This section specifies a set of materials to be provided and information to be shared through Council meetings. Parties to the MOU may request and receive additional materials or information, except for those that should not be shared for reasons of sensitivity or confidentiality.

***X. Information Sharing: Council to the Recipient***

The Council will provide the Recipient with the following information:

- A dated list of Council members and their terms of office, with primary agency affiliations as appropriate, to be provided annually and updated as needed throughout the year, in accordance with current Notice of Grant Award (NGA) Conditions of Award.
- Notification of the Council's monthly meetings, retreats, orientation and training sessions, and other Council events, at the same time such notification goes to Council members.
- The meeting notice, agenda, and information package for each full Council, committee, and work group meeting, to be provided at the same time they are provided to Council members.
- Documentation of decisions related to service priorities and resource allocations, and the process used to establish them, and directives to the Recipient to guide service delivery and/or resource use. Documentation will be provided within 10 business days of any decisions related to service priorities, allocations, and directives.
- Copies of all planning documents created by the Council, such as needs assessment reports. Documents will be provided within 10 business days after they have been approved by the Council.
- Any Council-related information needed by the Recipient to complete the annual Ryan White Part A grant application, and any other state/federal requirements.

***XI. Information Sharing: Recipient to the Council***

The Recipient will provide the Council with the following information:

- A copy of the annual grant award notice including Conditions of Award, a copy of any approved carryover request, and a copy of other official communications from HRSA/HAB that directly involve the Council as soon as they are received.
- A written, to-date service utilization and expenditure report by service category, presented four times throughout the RWPA grant year to the Membership/Finance committee.
- To inform the Council's priority setting and resource allocation process, the Recipient will provide, at a minimum, detailed reports of the previous year's expenditures and service utilization, including client numbers and demographics, as well as projections of the same data for the current grant year.
- The Final Financial Report (FFR) submitted to HRSA at the end of each grant year. Documentation will be provided within 10 business days of the report's submission to HRSA.
- Information and recommendations designed to assist the Council in carrying out its responsibility to set priorities among service categories, allocate funds to those service categories, and provide directives to the Recipient on how best to meet the Council's priorities. The content and format for this information will be mutually agreed by parties listed in the MOU.
- Whenever the Council or its Committee requests special or additional information from the Recipient, the request will always be listed in the summary minutes of the meeting

for which the request was made. In addition, Planning Council Support staff will provide a list of requests in a follow-up e-mail within two business days, with a copy to the Committee Co-Chairs and Council Co-Chairs.

**XII. Information That Will Not Be Shared Between Entities**

To maintain the confidentiality of sensitive information, the following information will not be shared between entities:

- The Recipient will not share information about individual applicants for sub recipient contracts, or about the performance of individual sub recipients.
- Information about the individual salaries of Recipient office staff. The Council will not have access to the Recipient's detailed operational budget. Only an abbreviated budget *may* be shared.

**XIII. Assessment of the Administrative Mechanism**

HRSA expects that RWPA funds will be utilized effectively and efficiently to provide high-quality services that meet the needs of people living with HIV in the EMA. Each year, the Council is legislatively mandated to assess the efficiency of the Recipient to rapidly allocate funds to areas of greatest need within the EMA. The assessment is conducted by the Council's Quality Improvement Committee and the Council's Executive Committee reviews the results.

As part of this assessment, the Council may choose to evaluate:

- How efficiently Part A sub recipients are selected and contracted
- How rapidly sub recipients are paid after drawdowns have been submitted and approved
- How sub recipients' performance is monitored, and how administrative and/or performance issues are addressed; and
- Whether contracted services were consistent with the Council's priorities, allocations, and directives; and
- Whether contracted services achieved desired health outcomes

It is important to note that this assessment is not an evaluation of the Recipient's office staff, or sub recipients. Rather, it is an evaluation of the processes used to administer RWPA funds. The Assessment of the Administrative Mechanism has the potential to create an adversarial relationship between the Council and the Recipient. Clear delineation of responsibilities and effective communication between all parties is necessary to minimize any potential conflicts.

**XIV. Assessment of the Administrative Mechanism--Planning Council Responsibilities**

- Overseeing the planning and evaluation process
- Engaging input from the Council and community stakeholders
- Ensuring a fair and transparent assessment is completed
- Ensuring that Ryan White legislative mandates are fulfilled
- Keeping the Council and the Recipient informed of the status of the assessment

**XV. Assessment of the Administrative Mechanism--Recipient Responsibilities**

- Assigning a liaison to collaborate with the Council for the duration of the assessment process, including participating in all meetings related to the project
- Facilitating information sharing with the Council, and Planning Council Support Staff, which is tasked with the completion of the assessment



- Facilitating communication and information gathering between Planning Council Support Staff and sub recipients, as needed
- Maintaining communication with the Council during the completion of the assessment
- Providing a written response to the final assessment and, if necessary, a corrective action plan to address any issues identified in the assessment

**XVI. *Assessment of the Administrative Mechanism--Shared Responsibilities***

- Develop a written process that documents the agreed upon objectives of the assessment, a work plan, and timeline of activities
- Maintain ongoing communication
- Evaluate the process at the completion of the project

**XVII. *Assessment of the Administrative Mechanism--Timeline of Activities***

**May:** Development and approval of a work plan and timeline

**June:** Assessment begins

**July:** Assessment is completed. The initial report is presented to the Council's Executive Committee and the Recipient's office. The Recipient's response and action plan (if necessary) are drafted.

**August:** The Recipient's response and action plan are submitted to Executive Committee. Once approved, the final report is submitted to the full Council for approval.

**September:** An evaluation of the process is completed by the Executive Committee and the Recipient. A summary of the report is included in the EMA's annual RWPA grant application.

**XVIII. *Settling Disputes or Conflicts***

If conflicts or disputes arise concerning the roles and responsibilities of this MOU, the entities will use the following procedures to resolve them:

- A face-to-face meeting between the parties will take place to attempt to resolve the situation, within five business days after one of the parties identifies there is an issue.
- If the situation cannot be resolved by these parties, a meeting of representatives of both parties, will take place within ten business days after the initial meeting to discuss the issue and reach resolution, if possible.
- If the situation still cannot be resolved, a representative of both parties will request a meeting with the City of New Haven Mayor in their capacity as Chief Elected Official and the EMA's federal project officer. The decision(s) from this meeting will be final.

**XIX. *MOU Effective Date and Duration***

***Effective Date***

The MOU will become effective once all the authorized individuals sign it.

***Duration***

The MOU will remain in effect for one RWPA grant year or until there is a change of any individual who has signed the document. The current RWPA grant year begins on March 1 and ends on February 28/29. A content review by all entities will occur at least one month before the RWPA grant year begins. Changes become effective when all parties sign the document.

**Responsible Parties and Contact Information**

**For the Recipient:**

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**For the Ryan White Planning Council New Haven/Fairfield Counties:**

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**Christopher A. Cole, Planning Council Co-Chair**  
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**Principal Contact for all parties described in the MOU:**

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**XX. Memorandum of Understanding (MOU) Signatures**

DocuSigned by:  
*Justin Elicker*  
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8/26/2020 | 9:00 AM EDT

*Mayor, City of New Haven as Chief Elected Official*

*Date*

*Honorable Justin Elicker*

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*Maritza Bond, Health Director*  
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*Director, City of New Haven Health Department*

*Date*

*Maritza Bond*

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*Thomas E. Butcher, Project Director*  
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*Project Director, Ryan White Part A Program*

*Date*

*Thomas E. Butcher*

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*Roberta A. Stewart*  
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*Co-Chair, Ryan White Planning Council New Haven/Fairfield Counties*

*Date*

*Roberta A. Stewart*

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*Co-Chair, Ryan White Planning Council New Haven/Fairfield Counties*

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*Planning Council Support Staff Ryan White Planning Council New Haven/Fairfield Counties*

*Date*

*Jeff S. Daniel*

**Approved Form & Correctness**

DocuSigned by:  
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