

**Memorandum of Understanding (MOU)**

**between**

**Bexar County, Ryan White Part A Grantee  
and the  
San Antonio HIV Health Services Planning Council**

- I. Purpose:** This Memorandum of Understanding (MOU) is designed to:
- Create a shared understanding of the relationship between the Part A Grantee, Bexar County Department of Community Resources and the San Antonio HIV Health Services Planning Council;
  - Delineate the roles and responsibilities of the Grantee and the Planning Council and
  - Encourage a mutually beneficial relationship.

This MOU describes the legislated responsibilities and roles of each party, and the locally defined roles and expectations for how these roles and responsibilities will be executed. The MOU will ensure positive and appropriate communication, information sharing and cooperation that will secure effective and efficient delivery of medical and support services to persons affected and infected by the HIV/AIDS disease in the San Antonio Transitional Grant Area (TGA).

**II. Roles and Responsibilities**

**A. Roles and Responsibilities of the Planning Council**

The Planning Council is solely responsible for the following tasks as specified in the Ryan White HIV/AIDS Treatment Extension Act of 2009 as amended or reauthorized during the term of this agreement:

1. **Priority setting and resource allocation:** Set priorities among service categories, allocate funds to those service categories and provide directives to the Grantee on how best to meet these priorities. This includes reallocation of funds as required during the program year and allocation of carryover funds.
2. **Assessment of the administrative mechanism:** Assesses the Grantee's process for procuring services and disbursing funds to the areas of greatest need within the TGA.

**B. Roles and Responsibilities of the Grantee**

Under the supervision and direction of the Chief Elected Official, the Grantee manages and administers the Ryan White Program and is solely responsible for the

following tasks as specified in the Ryan White HIV/AIDS Treatment Extension Act of 2009 as amended or reauthorized during the term of this agreement. The Grantee:

1. Has the authority to hire, evaluate, discipline or terminate employees assigned to the Ryan White program consistent with Bexar County Civil Service Commission Rules and the policies set by the Bexar County Planning and Resource Management Office – HR. The Planning Council participates in the evaluation of the Planning Council staff via an established method agreed upon by the Planning Council and the Grantee.
2. Is responsible for all procurement matters associated with Ryan White funding received by Bexar County.
3. Distributes Part A and Part A MAI funding according to the directives, service category priorities and percentages set by the Planning Council.
4. Is responsible for the contracting responsibilities.
5. Is responsible for the monitoring of all contracts.
6. Is responsible for the provision of Technical Assistance to Service Providers.
7. Has primary responsibility for establishing a clinical Quality Management (QM) program in accordance with the Standards of Care developed by the Planning Council, Health Resources and Services Administration's HIV/AIDS Bureau (HRSA/HAB) Performance Measures, and the Texas Department of State Health Services' (DSHS) Performance Operating Procedures and Standards.
8. Ensures that Grantee staff complies with the conflict of interest policy.
9. Establishes procedures related to its functions.
10. Develops a budget for grantee administrative funds and QM funds.
11. Makes recommendations to the Planning Council to facilitate decision making on carryover funds.
12. Assists the Planning Council in preparing the estimated costs of bringing more people into care.
13. Ensures providers sign agreements on points of entry.
14. Ensures that providers implement policies, procedures and referrals so that clients have access to other non-Ryan White resources so that Ryan White funds are used as intended as funding of last resort.



15. Assists the Planning Council to identify other funding streams.

**C. Shared Roles and Responsibilities of the Grantee and the Planning Council**

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

1. **Needs Assessment:** Determine the size and demographics of the population of individuals with HIV/AIDS in the TGA and their service needs. The Planning Council has the primary responsibility for the needs assessment, with the Grantee assisting with the process and providing the Planning Council with information such as service utilization data and expenditures by service category.
2. **Comprehensive Planning:** Develop a Comprehensive Plan for the organization and delivery of health and support services within the TGA. The Planning Council takes the lead in developing the Comprehensive Plan with the Grantee providing information, input and other assistance, as requested. The Grantee has the opportunity to review and suggest changes to the draft Comprehensive Plan. The Plan is developed every three years, or as specified by the funding agency, HRSA/HAB.
3. **Evaluation:** On a consistent basis, assess the effectiveness of the services offered in meeting the identified needs of people living with HIV/AIDS (PLWHA) via aggregate data provided by the Grantee or special studies. The Grantee takes the lead on evaluations based on HRSA-specified performance measures. The Planning Council maintains the option of evaluating service effectiveness and making appropriate recommendations.
4. **Standards of Care:** Develop and maintain standards of care and outcome measures. The Planning Council takes the lead in this effort, with extensive Grantee support and involvement, as requested.

**D. Administrative Responsibilities**

In addition to these legislative roles, the Grantee and Planning Council share the following responsibilities related to planning and management of Ryan White programs:

1. **Fiscal management of Planning Council budget:** The Grantee provides fiscal management of the Planning Council Budget. The Planning Council works with the Grantee to develop, and when necessary, to modify the annual Planning Council support budget, subject to the 10% cap on administrative costs for the Part A funding. The Executive Committee of the Planning Council shares the responsibility for monitoring Planning Council expenditures based



on reports provided by Planning Council support staff. The Grantee is responsible for ensuring that all expenditures meet Ryan White guidelines as well as the TGA's financial management regulations.

2. **Contracting for Planning Council consultants or services:** Bexar County Department of Community Resources provides contracting services when the Planning Council needs to hire consultants or other contractors. The Planning Council makes the decisions about the hiring of consultants or other contractors that are paid through Planning Council funds, in compliance with the TGA's procurement requirements and the Ryan White guidelines. The process, including oversight, is managed by the Planning Council support staff.
3. **Grantee and Planning Council support staff:** The Executive Director of the Department of Community Resources has the authority to hire, discipline and terminate any employee of the Department. Both Grantee and Planning Council support staff are Bexar County employees. They are directly supervised by separate individuals to maintain the independence of the two entities with their complementary but different legislative responsibilities. Grantee staff members are supervised by the Community Health Manager and the HIV Coordinator. The Planning Council support staff are supervised by the Executive Director of the Department of Community Resources. When Planning Council support staff are hired, at least one Planning Council representative participates in the interviews and is consulted throughout the hiring process. The interviews will be coordinated with and conducted by the Executive Director and a designated representative(s) of the Planning Council. The Executive Committee of the Planning Council participates and provides input on the performance evaluations of the Planning Council support staff. Performance evaluations of the Planning Council support staff are governed by the Bexar County's Human Resources guidelines and procedures. The Planning Council will be responsible for gathering input from other Planning Council members needed to complete participation in the performance evaluation of staff. Should questions or concerns arise regarding the roles and responsibilities of the Planning Council support staff, the Executive Director of the Department of Community Resources will make the final determination or decision.
4. **Annual application process:** The Grantee has primary responsibility for the preparation and submission of the Part A application with input from Planning Council representatives. Planning Council support staff, with input from the Planning Council, provides information for the application sections related to Planning Council membership and responsibilities, e.g. priority setting and resource allocations, and assists with preparation and review of the application. To the maximum extent possible given time constraints and submission deadlines, the Planning Council's Executive Committee shall have the opportunity to review the application before submission and make



recommendations for its improvement. The Planning Council approves action by having the Co-Chairs sign a letter accompanying the application that indicates whether or not the Grantee has expended funds in accordance with Planning Council priorities, allocations, and directives.

5. **Provider RFP:** Procurement is the Grantee's sole responsibility; however, contracting is required to ensure that the Planning Council's directives regarding service priority and allocations are addressed. The Planning Council develops Standards of Care that become a part of the Service Provider requirements. Procurement for Ryan White services will be conducted in accordance with the purchasing policies of Bexar County.

### ***III. Communications***

#### **A. Principles for Effective Communications**

The Grantee and the Planning Council recognize the importance of regular and open communications and of sharing information on a timely basis. There should be agreement and clarity regarding what will be communicated, when and to whom. When problems or issues arise, there should be a joint commitment to resolving the problems or issues through established procedures. Each party will take responsibility for establishing and maintaining open communications. The Grantee and the Planning Council commit themselves to the following principles:

1. **Grantee and Planning Council will designate a liaison who will be responsible for sharing and receiving information for all communication requests and for disseminating information within his/her entity.** For information beyond normal reports and information, it is the responsibility of the Planning Council Liaison and the HIV Coordinator to determine whether the Grantee is the appropriate source for this information and whether the information is available and can be provided within the Grantee's resources. When appropriate, the Grantee's designated staff member for each Planning Council Committee will be consulted when reports or information pertinent to their assigned committees are requested.
2. **Grantee and Planning Council and the assigned staff will avoid inappropriate communication requests or channels.** For Planning Council members, the designated liaison will be the Planning Council Liaison. For the Grantee, the designated liaison will be the HIV Coordinator. Information from individuals other than the designated liaisons will not be permitted and each party will strive to maintain confidentiality of information that should not be shared outside the Ryan White program. Failure to comply with this process will lead to delays and inefficiencies, in particular with any prospects of coordinating planning activities.



3. **Grantee and Planning Council will develop a procedure for promptly communicating the receipt of complaints** about either entity with appropriate protection of confidentiality.
4. **The Planning Council will not become involved in consumer complaints about services.** If the Planning Council or its support staff receives consumer or provider concerns or complaints about a specific provider, it will refer the individual expressing the concern to the individual provider for resolution through the provider's own complaint/grievance process. If the Planning Council or its support staff receives broader complaints or concerns about services or category funding, it will refer the complaints to the Planning Council's Executive Committee for discussion of appropriate action to be taken.
5. **When policies or procedures appear problematic**, the parties will collaborate on the needed clarification while adhering to legislative guidelines, HRSA/HAB expectations, state and local statutes and policies.
6. **Communication and problem solving will protect the separate roles of the Planning Council and Grantee.** For example, the Planning Council will not have access to information about the performance or expenditures of individual providers. The Planning Council will only receive information by service category. In the instance where there is only one service provider for a service category, the Planning Council will have access to this information but not any other identifying information.

**B. Principles for Implementing Effective Communications**

To facilitate communications and implement these principles, each party agrees to the following:

1. **The Grantee and Planning Council**, through their signatories to this agreement will participate in a face-to-face planning meeting between the Planning Council's Executive Committee and the Grantee before the program year begins and will continue to meet at regularly scheduled times as may be agreed to throughout the term of this agreement. The first meeting will be held prior to the beginning of the Part A program year in March. This meeting will be used to lay out specific mutual expectations for the year, ensure a mutual understanding of the Part A program status and direction, set a calendar for the year including dates when materials and information will be shared and address any issues or problems. This meeting will also be used to identify reports or information needed by the Planning Council to carry out its legislative mandate. Subsequent meetings will serve to monitor progress, refine the calendar as needed, to further define information that may be needed by the Planning Council or to address subsequent issues.



2. **When making requests for information or materials, the Grantee and the Planning Council will provide as much time for response as possible. When sharing information, the Grantee and the Planning Council will do so as quickly as possible.** Normally, information received by one entity but important to both, such as Conditions of Award, Program Guidance, new or revised HRSA/HAB regulations or expectations and the part A Program Guidance, will be shared within three (3) business days to the Planning Council Executive Committee for their distribution to the balance of the Planning Council. Response within five (5) working days will be made for requests for other information not already agreed to and included in this MOU. If more time is needed to respond to the request, the responding party must notify the other party within three (3) business days so that an alternate time for response can be discussed and agreed to. The Grantee and the Planning Council commit to responding rapidly to any requests that involve meeting a Condition of Award satisfying other HRSA/HAB requirements or requests, and addressing other matters that may affect the funding or reputation of the TGA.
3. **If requested information is not received** in a timely manner, the HIV Coordinator and the Planning Council Co-Chairs will be responsible for resolving the situation.

### **C. Information That Will Not Be Disclosed**

In order to maintain the confidentiality of sensitive information, the following information will not be shared:

1. The Planning Council will not share information on the HIV status of members of the Planning Council who are not publicly disclosed as persons living with HIV/AIDs, except for individuals who choose to disclose their status. The HIV status of Planning Council members will not be shared with the Grantee or with other Planning Council members except those involved in the Open Nominations Process.
2. The Grantee will not share information about individual applicants for service provider contracts or about the performance of individual contractors. Information will be shared by service category only. If there is only one provider in a service category, the information will be shared without any identifying information about the service provider.
3. Information about the individual salaries of the Grantee and Planning Council support staff will not be shared beyond the Co-Chairs of the Planning Council. Except for the Co-Chairs, the Planning Council will not receive staff salary information other than what is submitted in the aggregate on the Part A application.

4. The Planning Council will have access to the Grantee's budget only as submitted in the Part A application

#### ***IV. Information/Document Sharing and Reports/Deliverables***

##### ***A. Overview***

It is the intent of the parties to this MOU to encourage regular sharing of information and materials throughout the year that will further the legislative purpose of the Ryan White program. This section specifies a set of materials to be provided and information to be shared. 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 or by limitations outlined in this agreement.

##### ***B. Information to be provided by the Planning Council to the Grantee***

The Planning Council will provide the Ryan White HIV Coordinator with the following information and materials:

1. An updated, current list of Planning Council members, their terms of office, and membership categories each member represents. The list is to be provided at any time the Planning Council membership is changed.
2. Notification of Planning Council monthly meetings, retreats, orientation, training sessions and other Planning Council events at the same time notification is given to Planning Council members.
3. The meeting notice, agenda, minutes, and informational packets for each Planning Council committee and full Council meeting at the same time they are provided to the Planning Council members.
4. The list of service priorities and resource allocations, the process used to determine the service priorities and resource allocations and directives to the Grantee on how best to meet the priorities. This information will be provided within three (3) business days following approval by the Planning Council or more quickly if a time sensitive response is required.
5. Electronic and paper copies of final planning documents prepared by or for the Planning Council, including but not limited to the Comprehensive Plan or Needs Assessment Report. These documents must be sent to the Grantee within three (3) business days of their acceptance by the Planning Council.



6. Information or documents needed by the Grantee to complete sections of the Part A application are to be provided on a mutually agreed upon schedule.

**C. Information to be Provided by the Grantee to the Planning Council**

The Ryan White HIV Coordinator will provide the Planning Council Liaison the following reports and information. Additional information or reports needed by the Planning Council will be discussed at the initial meeting between the Planning Council's Executive Committee and the Grantee, or at any other meeting scheduled by the Grantee and the Planning Council for this purpose as described in this MOU. When the Planning Council or a Committee requests special or additional information from the Grantee, the request must be detailed in writing to the Planning Council Liaison, who will submit the request to the HIV Coordinator. The HIV Coordinator will provide a written list of any requests within two (2) business days, or sooner when time sensitive, to the Planning Council Co-Chairs and the requesting Committee Chair.

1. A copy of the Part A and Part A MAI Notice of Grant Award including Conditions of Award; a copy of any approved carryover request and copies of other official communications from HRSA/HAB that directly involve the Planning Council. These documents will be forwarded by the Grantee to the Planning Council Liaison within three (3) business days following their receipt from the funding agency.
2. A written or electronic copy of the monthly expenditure report by service category must be provided at least five (5) business days prior to the meeting of the Planning Council and/or the appropriate committee. The Grantee will provide oral presentations to the SPSA Committee and the Planning Council regarding observations, trends, unexpected changes in expenditure levels or projected changes in expenditure levels or any other information the Grantee believes will assist the SPSA Committee and Planning Council in making changes to the service categories or percentage allocations necessary to ensure continuity and consistency of Ryan White services.
3. Utilization data by service category including client numbers and demographic. This information is to be provided at least semi-annually.
4. A monthly report regarding over/under expenditures, any unobligated balances by service category and suggested re-allocations must be provided to the SPSA Committee and the Planning Council at least five (5) business days prior to the SPSA Committee meeting.
5. Information and recommendations requested by the Planning Council necessary to dispatch its responsibility in priority setting and percentage



allocations to the service categories. The content and format for this information will be mutually agreed upon each year at the initial meeting between the Planning Council's Executive Committee and the Grantee and will typically include epidemiologic data, cost and utilization data, and an estimate of unmet need for primary health care among people who know their status but are not in care. The Grantee will make data presentations to the Planning Council at mutually agreed upon dates and times.

6. Information requested by the Planning Council to meet its responsibility for assessing the efficiency of the administrative mechanism. The content and format for this information will be mutually agreed upon each year at the initial meeting between the Planning Council's Executive Committee and the Grantee. Information on procurement, the grants award process, statistics regarding the procurement, including the number of applications received, number of awards made, number of applications from minority providers, number of new providers funded and the number of minority providers funded, and reimbursement procedures and timelines will be provided by the Grantee.
7. Carryover information as it becomes available, including the estimated carryover submitted to HRSA/HAB, the Financial Status Report (FSR) indicating the actual amount of carryover, the carryover plan submitted to HRSA/HAB and the approved carryover plan. These documents will be submitted within five (5) business days following their submission to HRSA/HAB or received from HRSA/HAB.
8. The FSR, the Final Implementation Plan and Final Allocations Report submitted to HRSA/HAB. The number of individuals served and the cost per client for each service category will also be submitted by the Grantee to the Planning Council. This information will be provided to the Planning Council within five (5) business days after the Grantee submits or receives reports to or from HRSA/HAB so that the Planning Council can use this information to set priorities and resource allocation percentages.

## ***V. Dispute Resolution***

If conflicts or disputes arise with regard to the roles and responsibilities specified in this MOU, the parties will use the following procedures to resolve them:

1. A face to face meeting between designated representatives to attempt to resolve the situation. This initial meeting should take place within five (5) business days after the issue or dispute arises.
2. If the situation cannot be resolved by the parties, a meeting of the representatives and their supervisors will be held within ten (10) working days following the initial meeting.



3. If the situation still cannot be resolved, the representatives of the parties and their two supervisors will meet with the Chief Elected Official or his representative. The decision of the CEO will be final.

#### **VI. Responsible Parties – Notice**

The following are the designated representatives for the parties to this agreement and verify that they have the authority to enter into this agreement. They have been designated as the point of contact for all issues related to this Memorandum of Understanding.


Aurora M. Sanchez  
Executive Director  
Bexar Co. Dept. of Community Resources  
233 N. Pecos Suite 590  
San Antonio, TX 78207


Rolando Recio, Johnny Jackson  
Planning Council Co-Chairs  
527 N. Leona  
San Antonio, TX 78207


**This Memorandum of Understanding will become effective upon the signature of the authorized representatives. When the MOU is revised, the amended version will be presented to the Planning Council for approval and signature by required parties. The revised version will become effective once signed.**

**By our signatures below, we indicate our agreement with the terms contained in this document.**


  
Aurora M. Sanchez

  
Date

  
Rolando Recio

  
Date

  
Johnny Jackson

  
Date