

DEPARTMENT OF PREVENTION, ASSISTANCE,
TRANSITION, AND HEALTH ACCESS
Commissioner's Office
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MEMORANDUM OF UNDERSTANDING

It is in the interest of both the Department of Social and Rehabilitation Services (SRS) and the Department of Prevention, Assistance, Transition, and Health Access (PATH) that PATH make data available to SRS which will support a variety of functions. These functions are:

- To determine eligibility for the Emergency Assistance Program as authorized under PATH's TANF/EA state plan and program rules,
- To determine whether children taken into SRS custody are currently in receipt of programs administered by PATH, such as Medicaid/Health Care coverage or Reach Up,
- To obtain information to complete Medicaid/Health Care applications for children in custody,
- To obtain information to complete Child Care Assistance applications, and,
- To obtain information to support eligibility determination for the IV-E program.

This authorization to access data will allow SRS to administer these functions with great efficiency, which will result in the provision of health care, child protective, child welfare, and family preservation services to eligible children and family members.

In turn, PATH will benefit from:

- Administration of the TANF/EA program in accordance with the state plan and program rules,
- The administrative savings and improved customer service related to accurate and timely receipt of Medicaid/Health Care applications for children in custody,
- The administrative savings that will result in the TANF and Food Stamp Programs when program participants are better able to participate in work due to more timely receipt of child care assistance, and,
- Notification that children who are receiving benefits through the Reach Up (TANF), Food Stamp, or other assistance program are no longer in the household, resulting in timely case changes and accurate administration of payments.

Additionally, it is in the best interests of SRS, PATH and the Office of Child Support (OCS) that PATH and OCS make available to SRS the information that is necessary for SRS to:

- Determine the child support status of a child entering custody, and,
- Research the whereabouts of non-custodial parents to determine if it is necessary to access the Federal Parent Locator service.

Authorization to access this data will allow SRS to perform functions essential to the establishment of child support orders.

PATH will benefit from allowing access to information related to the collection of child support because:

- It will result in the collection of income that will continue to be available to the child upon their return to the parent's household. For households on assistance through PATH this will decrease the benefit

payment required from state and federal tax dollars, such as Reach Up (TANF) and Food Stamps. It also supports PATH's goal of fostering self-sufficiency for Vermont families.

The OCS will benefit through the establishment of child support orders on children in custody, as required under Vermont statute, resulting in increased collections.

Health Information/Statutory/Regulatory Justification

This agreement does not permit SRS to have access to any appreciable amount of health information. On the contrary, the vast majority of the information that will be made available to SRS is demographic, financial, or other non-health related information (and the financial information is not related to payments for health care).

Moreover, the health information that could potentially be made available to SRS does not provide significant details regarding any health condition, but rather infers the existence of a health condition, without revealing any specific information regarding that condition. By way of example, as a result of this agreement, SRS might obtain access to information indicating that a person is disabled, but the information would not reveal the actual disability, or any details regarding the health condition that is the cause of the disability.

This agreement has been reviewed by PATH, OCS and SRS legal counsel, as well as by the Agency's HIPAA compliance official, and has been determined to be in compliance with state and federal law, including but not limited to 33 V.S.A. sec. 111, AHS Rule #96-23, the Vermont TANF State Plan and WAM 2830.

In addition, Medicaid Policy at M103.3 P.13, H(4)(b)(vii) states the Department (PATH) is required to develop an organizational program that will describe, among other things, "the department's strategy for integrating public health and Agency of Human Services goals with the health services offered to beneficiaries, including a description of the department's good faith efforts to initiate or maintain communication with other AHS departments to develop coordinated services for designated populations".

John Michael Hall, Commissioner of Prevention, Assistance, Transition and Health Access, Jeffrey Cohen, Director of OCS, and James Morse, Commissioner, SRS agree that:

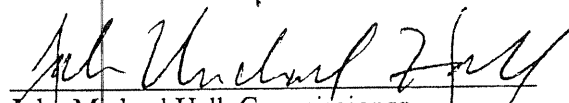
1. PATH and OCS will provide access to the information required to complete the SRS functions listed above. Use or disclosure of ACCESS information is otherwise prohibited unless covered under another agreement between PATH and SRS or otherwise authorized by law.
2. SRS agrees that only staff members who have been specifically authorized will access the data. Authorized staff must sign the AHS Rule #96-23 Agreement and must maintain the confidentiality of all information obtained from the PATH/OCS ACCESS System as required by statute and program rules, and must only use and disclose ACCESS information for the functions identified in this agreement. SRS will contact PATH to receive staff authorizations related to the completion of functions affiliated with PATH programs. SRS will contact OCS to receive staff authorizations related to the completion of child support functions. Accordingly, SRS is responsible for notifying PATH or OCS when an authorized staff member leaves or no longer requires access. In no case may a staff member use the account or login of another staff member.
3. SRS agrees to enforce the security of all ACCESS data at all times. Printed materials will be stored in a secure place and will be destroyed when they are no longer needed. Staff will log out of the system or will utilize a password protection tool that is activated after a period of inactivity

not to exceed 10 minutes. In no event shall staff leave workstations unattended if ACCESS screens are open.


4. SRS will assign a staff member to be responsible for enforcing appropriate use of the ACCESS system and all security measures. The name of this individual must be provided to the PATH IT Manager who must also be notified if the assigned, responsible individual changes.

5. PATH may terminate this agreement, immediately on notice to SRS, if PATH has reason to believe that SRS has failed to honor any obligation identified in this agreement, or is otherwise in violation of any provision of this agreement. On such termination, PATH will have the right to immediately terminate the ability of SRS employees to obtain information from the ACCESS system, for the functions identified in this agreement.
6. PATH and/or OCS will complete periodic reviews to ensure compliance with this agreement. SRS must cooperate when a review is scheduled. The review will entail providing information regarding SRS use and disclosure of data available through the ACCESS system.
7. Privacy and security standards must meet current state and federal requirements including, but not limited to, the requirement of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) regulations, to the extent that HIPAA regulations apply, by the compliance deadlines (PATH, SRS and OCS understand that the compliance date for the HIPAA Privacy Rule passed as of April 14, 2003; however, the compliance date for the HIPAA Security Rule is April 21, 2005).

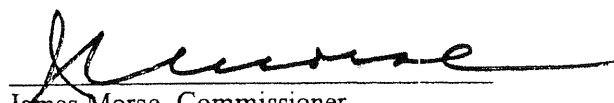
8. This agreement shall be effective upon signing and will continue for a period of five years from that date. It may be extended by mutual agreement of PATH, OCS and SRS.


John Michael Hall, Commissioner
Department of Prevention, Assistance,
Transition, and Health Access

12/12/03
Date


AAG, PATH

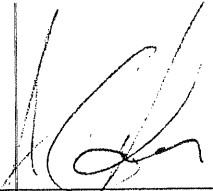
12/04/03
Date


James Morse, Commissioner
Vermont Department of Social and
Rehabilitation Services

12-8-03
Date


SRS Counsel

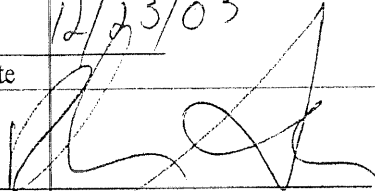
12/4/03
Date



Jeffrey Cohen, Director
Office of Child Support

12/23/03

Date



OCS Counsel

12/23/03

Date
