

Memorandum of Understanding (MOU)

Yadvir Kaur, RDH
Program Specialist, Office of Dental Health, Alameda County
Yadvir.Kaur@acgov.org

Deanna Aronoff DDS, MSD
Clinical Dental Director, Office of Dental Health, Alameda County
deanna.aronoff@acgov.org



Alameda County Public Health Department
Celebrating Healthy People in Healthy Communities
Office of Dental Health

Objectives:

- Provide an overview of the MOU process
- Understand the importance of establishing an MOU
- Identify different components of an MOU & Statement of Work (SoW)
- Know the differences between Health Insurance Portability and Accountability Act (HIPAA) & Family Education Rights and Privacy Act (FERPA)



What is an MOU?

Memorandum of Understanding



- Agreement between two or more parties
- Not legally binding like a contract
- Outlines expectations of each party



Why do you need an MOU?

- Allows each party to state their objectives & expectations
- Reduces the risk of uncertainty by assigning specific roles & responsibilities to each party
- Provides a framework for the project
- Prevents potential future disputes from occurring



How do we develop an MOU?

- Planning Phase
 - Each party determines their needs
- Drafting Phase
 - Local Oral Health Program (LOHP) drafts an initial MOU
- Negotiating Phase
 - School district & LOHP discuss any potential conflicts
- Final Phase
 - Each party has a signed copy



Who formalizes the MOU?

- LOHP will contact their department attorney to review the MOU and make any necessary changes
- School district attorney will review the proposed MOU and counter with any additional changes
- Once both parties agree, final MOU is signed, and each party receives a signed copy



How long should an MOU be in place?

- Length of time agreed upon by all parties involved, initially one year
- After the first year, many sealant programs will renew their MOUs every three years.



What information might an MOU contain?

- Purpose of the agreement
- Parties involved; contact details of all relevant parties
- Timeline
- Statement of Work (SoW)
- Confidentiality Statement
- Insurances and Indemnifications
- Process & Timeline for Revisions, Additions & Termination
- Necessary signatures of each party



Statement of Work (SoW)

- **States Program Operations:**
 - Activities & Services
 - Roles & Responsibilities of each party
 - Distribution & Collection of forms
- **Deliverables:**
 - Type of data needed for reporting by all parties



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Statement of Work (SoW)

- **Facilities & Equipment**

- Adequate space for
 - assembled portable dental unit, patient & operator chairs,
 - tables for dental supplies, educational materials & incentives
- Adequate ventilation (6-12 room air exchanges/hour)
 - High-efficiency particulate air filter (HEPA)
- Hand-washing sink with soap & paper towels, foot-operated trash bin

*Follow Centers for Disease Control (CDC) guidelines for Dental settings during COVID-19 pandemic



Statement of Work (SoW)

- **Dental Screening with Dental Care Coordination**
 - Process for referring students to local dentists for immediate/emergency dental needs
- **Process for handling a Medical Emergency**
- **Transportation and Secure Handling of documents**
- **Quality Assurance**
 - Dental sealant retention evaluated at end of the school year



Things to consider...









- Privacy Regulations
- Insurances and Indemnifications
- Dental Care-Coordination Process
- Establish Relations with Dental Care Providers for Referrals
- Medi-Cal Billing
- Positive Consent vs. Opt-out Consent by parents or guardians



Privacy Regulations

- HIPAA
- Health Insurance Portability and Accountability Act
 - a national standard that protects patient's health information
 - Every healthcare provider, health plan, and business associates must comply
- FERPA
- Family Education Rights and Privacy Act
 - Federal act that prohibits educational institutions from disclosing “personally identifiable information in education records”



		Who must comply?	Protected information	Permitted disclosures ¹
FERPA	<p>The Family Educational Rights and Privacy Act (FERPA) is a federal law enacted in 1974 that protects the privacy of student education records.</p> <p>The Act serves two primary purposes:</p> <ol style="list-style-type: none"> 1. Gives parents or eligible students more control of their educational records 2. Prohibits educational institutions from disclosing "personally identifiable information in education records" without written consent 	 <ul style="list-style-type: none"> • Any public or private school: <ul style="list-style-type: none"> – Elementary – Secondary – Post-secondary • Any state or local education agency <p>Any of the above must receive funds under an applicable program of the US Department of Education</p>	 <p>Student Education Record: Records that contain information directly related to a student and which are maintained by an educational agency or institution or by a party acting for the agency or institution</p>	 <ul style="list-style-type: none"> • School officials • Schools to which a student is transferring • Specified officials for audit or evaluation purposes • Appropriate parties in connection with financial aid to a student • Organizations conducting certain studies for or on behalf of the school • Accrediting organizations • Appropriate officials in cases of health and safety emergencies • State and local authorities, within a juvenile justice system, pursuant to specific state law • To comply with a judicial order or lawfully issued subpoena
HIPAA	<p>The Health Insurance Portability and Accountability Act (HIPAA) is a national standard that protects sensitive patient health information from being disclosed without the patient's consent or knowledge. Via the Privacy Rule, the main goal is to</p> <ul style="list-style-type: none"> • Ensure that individuals' health information is properly protected while allowing the flow of health information needed to provide and promote high quality health care and to protect the public's health and well-being. 	 <ul style="list-style-type: none"> • Every healthcare provider who electronically transmits health information in connection with certain transactions • Health plans • Healthcare clearinghouses • Business associates that act on behalf of a covered entity, including claims processing, data analysis, utilization review, and billing 	 <p>Protected Health Information²: Individually identifiable health information that is transmitted or maintained in any form or medium (electronic, oral, or paper) by a covered entity or its business associates, excluding certain educational and employment records</p>	 <ul style="list-style-type: none"> • To the individual • Treatment, payment, and healthcare operations • Uses and disclosures with opportunity to agree or object by asking the individual or giving opportunity to agree or object • Incident to an otherwise permitted use and disclosure • Public interest and benefit activities (e.g., public health activities, victims of abuse or neglect, decedents, research, law enforcement purposes, serious threat to health and safety) • Limited dataset for the purposes of research, public health, or healthcare operations

1. Permitted disclosures mean the information can be, but is not required to be, shared without individual authorization.

2. Protected health information or individually identifiable health information includes demographic information collected from an individual and 1) is created or received by a healthcare provider, health plan, employer, or healthcare clearinghouse and 2) relates to the past, present, or future physical or mental health or condition of an individual; the provision of healthcare to an individual; or the past, present, or future payment for the provision of healthcare to an individual; and

(i) That identifies the individual, or
(ii) With respect to which there is a reasonable basis to believe the information can be used to identify the individual.

For more information, please visit the Department of Health and Human Services' [HIPAA website](#) and the Department of Education's [FERPA website](#).



Insurances and Indemnifications

- General Liability Insurance
- Medical Professional Services
- Excess Insurance
- Workers' Compensation & Employers' Liability



Thank you!



Office of Dental Health