

MEMORANDUM OF UNDERSTANDING

PURPOSE

This Memorandum of Understanding is for the sole purpose of defining the boundaries of information sharing between the members of the Multi-Systems Workgroup.

OBJECTIVE

In order to serve clients appropriately, develop new strategies based on data trends, enhance the flow of legitimate information sharing while abiding by laws, rules or regulations that define client confidentiality under the law for the group members.

TERM AND TERMINATION OF MOU

This MOU covers the period of January 2009 to October 31, 2012 and must be reviewed annually by the members. Members may withdraw their own membership at any time for any reason.

Membership

The following agencies are members of the established Multi-Systems Workgroup:

County of San Diego Health and Human Services Agency;

County of San Diego Probation Department;

Cajon Valley Union School District

Grossmont Union High School District

Lakeside Union School District

La Mesa/Spring Valley School District;

Lemon Grove School District;

Santee School District;

San Diego Youth and Community Services;

County of San Diego County Sheriff;

El Cajon Police Department;

La Mesa Police Department;

East County Outpatient Counseling (SDCC);

East County Justice

Harmonium

New members may be added at the discretion of the workgroup by majority vote.

WHEREAS, according to 34 CFR § 99.3 Education Records exclusions, “Generally, schools must have written permission from the parent or eligible student in order to release any information from a student’s education record. However FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31)...Appropriate officials in cases of health and safety emergencies; and State and local authorities, within a juvenile justice system, pursuant to specific state law.”; and

WHEREAS under CCR Title 9, Chapter 11, Sections 1810.246.1, for California Early Periodic Screening Diagnosis and Treatment, “A Significant Support Person” is defined as a person who, in the opinion of the child/youth, or the person providing services, who has or could have a significant role in the successful outcome of treatment, including but not limited to the parents or legal guardian or relatives of the child/ youth or a person living in the same household as the child/youth, a legal representative of a child/ youth who is not a minor, a person living in the same household as the child/youth, and relatives of the child/youth.”

WHEREAS, Welfare and Institutions Code § 18986.46 allows members of a multidisciplinary services team within an integrated children’s services program to share information and/or records relevant to the formation of an integrated services plan and to the delivery of services to children and their families so long as the minor or his/her representative, including the court which has jurisdiction over those children who are wards or dependents of the court, consent to such a sharing of information and/or records; and

WHEREAS, Welfare and Institutions Code § 18986.46 provides that the sharing of information between members of a multidisciplinary services team within an integrated children’s services program shall be governed by memoranda of understanding between the agencies represented on the multidisciplinary team; and

WHEREAS, records maintained by the Health and Human Services Agency relating to any and all public assistance programs are confidential as are all client information collected and maintained by the Department of Social Services;

WHEREAS, Welfare and Institutions Code § 827 makes confidential all information pertaining to minors who are alleged to be victims of abuse or neglect; and

WHEREAS, Welfare and Institutions Code § 830 allows members of a multidisciplinary personnel team engaged in the prevention, identification, treatment of child abuse to disclose and exchange information and writings to and with one another relating to any incidents of child abuse that may also be a part of a juvenile court record or otherwise designated as confidential under state law if the member of the Team having that information or writing reasonably believes it is generally relevant to the prevention, identification, or treatment of child abuse; and

WHEREAS, Welfare and Institutions Code § 830 and Welfare and Institutions Code § 10850.1 also provide that all discussions relative to the disclosure or exchange of any such information or writings during team meetings are confidential and, notwithstanding any other provision of law. Testimony concerning any such discussion is not admissible in any criminal, civil, or juvenile court proceeding; and

WHEREAS, Welfare and Institutions Code § 10850.1 provides that the activities of a multidisciplinary personnel team engaged in the prevention, identification, and treatment of child abuse are activities performed in the administration of public social services, and a member of a team may disclose and exchange any information or writing that is also kept or maintained in connection with any program of public social services or otherwise designated as confidential under state law which he or she reasonably believes is relevant to the prevention, identification, or treatment of child abuse or the abuse of elder or dependent persons to other members of the team; and

WHEREAS, Welfare and Institutions Code § 18951 defines "Multidisciplinary personnel" to mean any team of three or more persons who are trained in the prevention, identification and treatment of child abuse and neglect cases who are qualified to provide a broad range of services related to child abuse and that the team may include, but not be limited to:

1. Psychiatrists, psychologists or other trained counseling personnel.
2. Police Officer or other law enforcement agents.
3. Medical personnel with sufficient training to provide health services.
4. Social workers with experience or training in child abuse prevention.
5. Any public or private school teacher, administrative officer, supervisor or child welfare and attendance, or certified pupil personnel employee; and

WHEREAS, Welfare and Institutions Code § 18964 (a) provides a person who is trained and qualified to serve on a multidisciplinary personnel team pursuant to subdivision (d) of Section 18951, whether or not the person is serving on a team, may be deemed, by the team, to be a part of the team as necessary for the purpose of prevention, identification, management, or treatment of an abused child and his or her parents; that the designated team may deem a person to be a member of the team for a particular case, and that the team shall specify its reasons, in writing, or deeming that person to be a member of the team; and that the person, when deemed a member of the team, may receive and disclose information relevant to a particular case as though he or she were a member of the team; and

WHEREAS, regarding one to one communication between members of the workgroup it must be established prior to the sharing of information that the members have a mutual client for sharing of detailed client information;

WHEREAS according to the Office for Civil Rights regarding schools:

“At the elementary or secondary school level, students’ immunization and other health records that are maintained by a school district or individual school, including a school-operated health clinic, that receives funds under any program administered by the U.S. Department of Education are “education records” subject to *FERPA*, including health and medical records maintained by a school nurse who is employed by or under contract with a school or school district. Some schools may receive a grant from a foundation or government agency to hire a nurse. Notwithstanding the source of the funding, if the nurse is hired as a school official (or contractor), the records maintained by the nurse or clinic are “education records” subject to *FERPA*.” and

“An(other) exception permits the disclosure of education records, without consent, to appropriate parties in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals. See 34 *CFR* §§ 99.31(a)(10) and 99.36.” <http://www.hhs.gov/ocr/hipaa/HIPAAFERPAjointguide.pdf>

The membership of the Multi-Systems Workgroup agree that:

INFORMATION SHARING

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Each entity is individually responsible for abiding by the applicable laws and regulations pertaining to the data each has collected regarding their clients. Nothing in this MOU shall relieve an entity from abiding by relevant laws or regulation.

Group discussions for the purpose of improving coordinated services, outcome measurements, efficacy of services, intervention trends or strategies will be limited to the specific data elements as identified by each group in the attached appendix. Supervisors for each entity will provide the deidentified information so that the presenter in the workgroup will not know the identity of the individual who is subject of the discussion. Information will be limited to the fields identified by each entity in the attached charts.

In the event common interest arises in serving an unidentified client, additional information may be shared by supervisors but only additional information that is relevant to the requesting entity’s services. The additional information may only be shared between the group members that will be providing services and in closed session between the interested parties.

All information shared will be treated as confidential and not redisclosed by the recipient unless it is for the purpose of developing comprehensive services or by legal mandate.

PARTICIPATION

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To participate in the Multi-System Workgroup roster, please print off this page, have the requisite authority sign and date it, and mail it to:

Group Contact/Recording Secretary
Some address
Some city

Please print clearly the name of your agency or organization:

Please print clearly your name:

Please sign your name in ink: Date:

Telephone Number: E-mail:

Mailing Address:

This sheet will be retained in the secretary files of the MOU.