



TOOLKIT FOR MEMORANDUMS OF UNDERSTANDING

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ACKNOWLEDGMENTS

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DISCLAIMER

The information contained in this publication is for general guidance and should not be considered legal in nature or required language for the execution of Memorandums of Understanding (MOU). In all cases, readers should use their own discretion or seek advice from professional advisors familiar with their actual partnership venture before constructing an MOU.

BACKGROUND AND PURPOSE

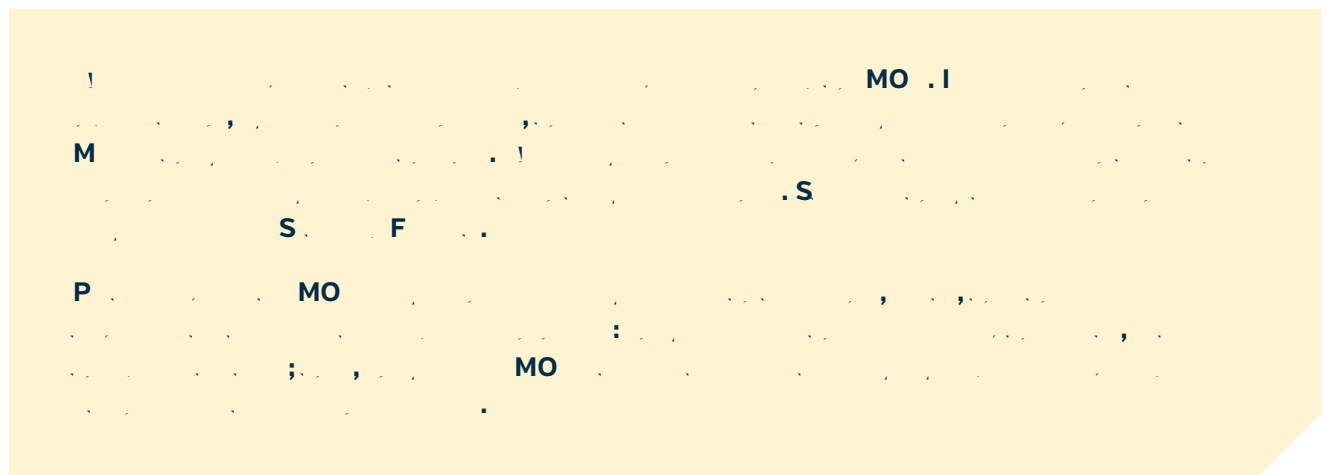
Coordination of services is critical for individuals with serious mental health, substance use and physical health conditions. To overcome obstacles to care, it is important for service providers to create clinically effective linkages among mental health, substance use, general health care, and other human service agencies. Cooperative, multidisciplinary actions are also needed to promote linkages between primary, rural and other recovery support services to yield long-term improvements in behavioral health outcomes.

Achievement of these action requires structures and processes that enable, support, and promote the coordination of care. This toolkit offers a structure for one type of partnership agreement – a **Memorandum of Understanding** – to foster strategic collaboration in health and human services. It provides general guidelines for developing partnership with a variety of agencies involved with or impacted by behavioral health issues, including health care, law enforcement, corrections, child welfare, schools, and others. To improve services and outcomes, it is important for these community organizations to collaborate, develop cross-system partnerships and/or integrate services where possible.

Memorandums of Understanding (MOUs) can assist in developing partnerships to enhance the quality and availability of behavioral health services in



a community. These efforts often focus on increasing accessibility, efficiency, transparency, and continuity of services to overcome barriers and eliminate disparities. An MOU can establish partnerships that help safeguard against acute crises by providing community education and early intervention and continuity of care.



A Memorandum of Understanding is a written agreement between two or more parties that defines how they will work towards a shared outcome or objective. It encompasses practical considerations such as the vision, purpose of the collaboration, staffing, procedures, terms, and confidentiality requirements. An MOU is often a “handshake” agreement but usually lacks the binding power of a contract. It usually does not create duties or legal responsibilities or obligations for any party.

An organization should determine at the outset whether it wants to enter into an enforceable agreement with another party or just a mutual set of understandings where neither party is legally responsible for complying with the terms. Organizations should use care in drafting an MOU if they do not want it to be legally binding. An MOU can turn into a contract by virtue of the words used regardless of what the document is called.² It is for this reason that this document has predicted that organizations should want to seek legal or other professional advice to exercise reasonable care in the MOU process and product.

TOOLKIT LAYOUT

This toolkit is structured to assist with the development of a Memorandum of Understanding. Each section contains one or more of the following elements:

1. A next paragraph of the evaluation of the section to an MOU.
2. Key questions to provoke thought about what to consider for the MOU.
3. A text template to illustrate how that section might appear in an MOU.
4. Sample text based on the toolkit partnership scenario.

It is important to note that the sections used for MOUs vary. Sections presented in this document can be used or excluded depending on the needs of the organization.

PURPOSE

A Memorandum of Understanding has a novel or unique purpose. This purpose is typically based on an agency's identified specific challenge, barrier, need, or opportunity that can better be addressed by working collaboratively with another entity. It includes mutually-agreed upon goals and the interests of the stakeholders.

An MOU serves as a blueprint,

QUESTIONS TO CONSIDER

- Which potential partner(s) would share the same core values regarding the work involved in the project?
- Which potential partner(s) would share a common goal for the project?
- How does the potential partner compare to the other partner or partners involved by offering different skills and resources for the project?
- Can the partnership improve services and overall outcomes?

HOW TO BUILD A PARTNERSHIP

Once the partners are identified, a collaboration agreement must be negotiated and a working relationship established. This might build upon an existing relationship or require developing a new

working relationship. For the purposes of the MOU, each partner involved in the collaboration should view the other as a partner in their own team for the duration of the project. The primary decision-maker or set of decision-makers for each partner should meet to determine the project's agreed-upon terms. Key stakeholders may also be invited to provide input into the project's development regarding purpose, focus, and terms.

QUESTIONS TO CONSIDER

- Is there a main contact person for each partner identified?
- Does each partner have at least one individual identified who is responsible for the oversight or

The MOU supports the success of the collaborative venture by outlining the individual responsibilities and shared ownership for project activities. Individually, each partner will contribute leadership and staff, provide appropriate business protection, and a way to respect and abide by the privacy and confidentiality provisions that their partner's environment requires.

The MOU can be used to define legal issues, if needed, and outline any special notes and provisions. The MOU will also help to curb misunderstandings and build a solid foundation that fosters communication, collegiality, and trust among the parties.

A core team that represents the partnership organization is needed to draft the MOU. The team, typically comprised of individuals who deliver the services, can speak to the unique perspective of their professions and raise opportunities and concerns for project deployment. Gather their feedback during the MOU drafting phase with help from buy-in from the program administrator, and these individuals can be ambassadors for the program within their own professions and departments.

Representation and involvement of administration and legal services, if available, is critical. It is likely that someone in a senior leadership position will be the MOU signatory for each agency. This level of representation helps with concerns and support as the partnership becomes operational.

INTENT, GOALS AND RESPONSIBILITIES

This section of the Toolkit outlines the basic components of an MOU. Many templates exist for developing and MOU and not all sections presented here may be necessary. Please research your agency's policies, protocols and relevant laws. More importantly, review all MOU documents with your risk manager, legal and any other departments as appropriate with your agency before signing to ensure compliance with relevant state and federal laws as well as organizational policies and procedures.

INTRODUCTION

The opening introductory statement describes the organizations or other entities that are participating in the agreement. It states the overall intent of the MOU. The more detailed rationale for the MOU is set forth in the next section Purpose.

BACKGROUND

The MOU needs to briefly identify the pressing issues that underlie the collaboration. Data for each need assess merits or gaps analysis can be used to frame the issues. Concurrently, a brief vision statement that reflects how the issues will be positively impacted by the venture is desired. The vision statement should also encompass the wants, needs and aspirations of those who are participating in the MOU.

QUESTIONS TO CONSIDER

- What are the issues being addressed?
- What is the overarching vision for the venture and the collaboration?
- How will this collaboration address the issues and improve outcomes?
- Is the value of the project conveyed?

TEXT TEMPLATE

[Provide information that frames the project and identifies the project's relevance to the industry or community. Identify the concerns that are important for this MOU and potential benefits of the collaboration. Summarize with a statement that presents a vision or how the issues will be positively impacted.]

SAMPLE TEXT

Arytown recognizes that there has been a noticeable increase in emergency department visits for behavioral health concerns. Community data reveals the negative effect behavioral health issues are having on both Arytown residents and Arytown as a community. The increase in emergency department visits not only illustrates the distress behavioral health symptoms are causing residents, but also displays the cumulative burden these issues present to the community. Behavioral health issues impact individuals, families, and have associated societal costs. With the steady rise in suicide attempts and completions, the partners consider ensuring the safety

[The Agency] and [the Hospital] will facilitate the development of agreed local interagency operational protocols. Existing policies, procedures and protocols will be reviewed for quality, accessibility, and merit. Protected Health Information will be collected and maintained in

RESOURCES

Collaborative projects require the partners to share resources. These resources are diverse and may include expert knowledge, data, service delivery, office space, supplies, infrastructure, and personnel. Any specific rights or limitations of how these resources are shared along the partnership must be identified in the document. This may, for example, include information regarding privacy protection or intellectual property.

QUESTIONS TO CONSIDER

- What resources will be shared between partners?
- How will the data be collected, stored, and shared?
- Will there be a fee for shared resources?
- Are there any restrictions on shared resources, such as confidentiality concerns or conflicts of interest, which need to be addressed?
- Who will retain rights to the project data and reports once the collaboration is complete?

TEXT TEMPLATE

[Partnering agency] will allow [Requesting Agency] to _____. There will be _____ or these services. [Any additional terms or conditions.]

SAMPLE TEXT

[The Hospital] will allow [the Agency] to colocate an office within the Emergency Department for on-call triage staff. The staff will be allowed to work in partnership with Emergency Department staff to triage and seek behavioral health services, review files, and schedule continuity-based services, as appropriate. Any protocols of records that leave the premises of [the Agency] or the [the Hospital] must be redacted for confidentiality.

The partners involved in this agreement may not use any other partner's name, logo, or trademark without prior written approval from that partner.

ADDRESS CONCERNS

Potential concerns, barriers, and complications of the project objectives and overall agreement should be articulated and addressed as much as possible before these situations arise. These scenarios should be openly discussed between the partners prior to the execution of the MOU. The MOU cannot address every issue that may arise between the parties involved in the collaboration. It will need flexibility to be customized to the capabilities and resources for which it is established and should make allowances to consider any unique concerns, characteristics, and needs of the participating organizations that may need to be addressed. Often, a general statement about how the MOU will be amended when specific concerns arise is preferable to allow for flexibility and renegotiations as needed.

QUESTIONS TO CONSIDER

- What concerns could the project generate for stakeholders?
- What complications might be encountered when carrying out the terms of the agreement?
- How can the potential concerns, barriers, and complications best be addressed once they arise? (i.e., committee meetings, or pre-determined policies and procedures)

TEXT TEMPLATE

[The Requesting Agency] anticipates that working with [the Partner] [identify potential concern, barrier, or complication]. [Discuss how the potential concern, barrier, or complication will be addressed.]

SAMPLE TEXT

[The Hospital] anticipates that working with [the Agency] there might be common concerns about perceived conflicts of interest. To address these concerns, both the [the Hospital] and [the Agency] will provide disclosure statements identifying any conflict the partners may have in participating in this project or working with the other partner involved.

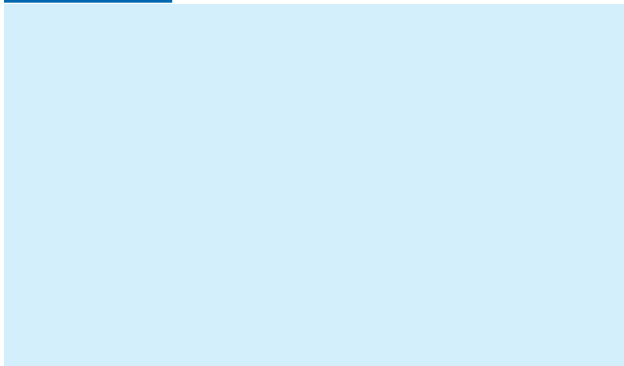
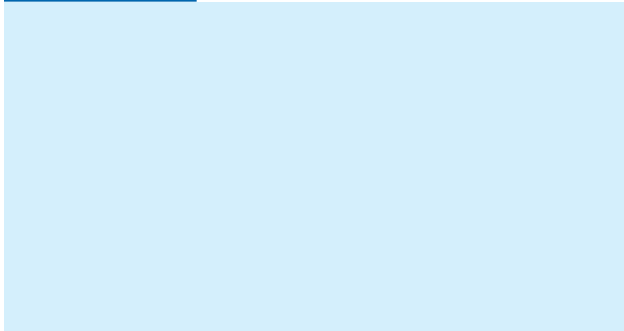
MONITORING ACTIVITIES

Integrating quality assurance measures help keep a project on track and ensure credibility of the work.

These measures are used to protect the interests of partners and stakeholders throughout the duration of the project. Review protocols should be specific and include details such as what will be monitored, at what intervals, who will do the monitoring, and how the findings will be communicated.

QUESTIONS TO CONSIDER

- What quality assurance measures will be



RESOLUTION OF DISPUTES AND CONFLICTS OF INTERESTS

No matter how carefully you project and the corresponding MOU is drafted, there is always the possibility that one or more parties may be involved with a dispute or conflict of interest. These types of situations could have far-reaching effects and consequences to the project itself, inter-agency relationships, and perhaps even national service delivery. It is necessary, therefore, to include procedures and language that specifies how those situations will be handled and ultimately resolved. The size, intricacy, and sensitivity of the project may direct how detailed

[Redacted]

[Redacted]

APPENDICES

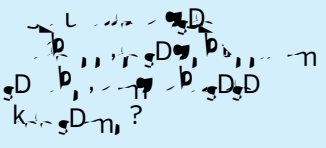
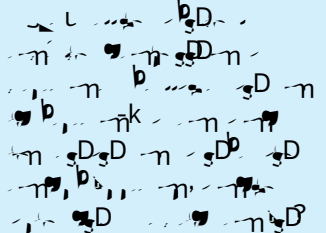
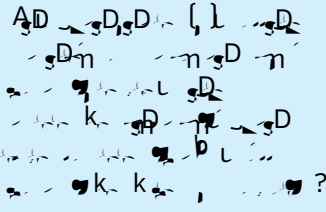
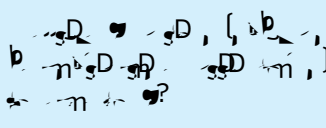
APPENDIX A: WORKSHEET FOR QUESTIONS TO CONSIDER

BUILD THE FOUNDATION

PURPOSE	
<p>1. What is the purpose of the document?</p> <p>2. What are the key points?</p> <p>3. What are the main issues?</p>	
<p>4. What are the main arguments?</p> <p>5. What are the main conclusions?</p> <p>6. What are the main recommendations?</p>	
<p>7. What are the main findings?</p> <p>8. What are the main implications?</p> <p>9. What are the main lessons learned?</p>	
<p>10. What are the main challenges?</p> <p>11. What are the main opportunities?</p> <p>12. What are the main risks?</p>	
<p>13. What are the main stakeholders?</p> <p>14. What are the main interests?</p> <p>15. What are the main responsibilities?</p>	

APPENDIX A: ORKSHEE !FOR Q ES IONS O CONSIDER

BUILD THE FOUNDATION

THINKING THROUGH THE PROCESS	
	
	
	
	

APPENDIX A: WORKSHEET FOR QUESTIONS TO CONSIDER

PARTNERSHIPS

HOW TO BUILD A PARTNERSHIP	
<p>1. Identify the key stakeholders and their interests.</p> <p>2. Establish clear roles and responsibilities.</p> <p>3. Develop a shared vision and mission statement.</p> <p>4. Create a communication plan.</p> <p>5. Build trust and rapport.</p> <p>6. Monitor and evaluate the partnership.</p>	
<p>1. Identify the key stakeholders and their interests.</p> <p>2. Establish clear roles and responsibilities.</p> <p>3. Develop a shared vision and mission statement.</p> <p>4. Create a communication plan.</p> <p>5. Build trust and rapport.</p> <p>6. Monitor and evaluate the partnership.</p>	

APPENDIX A: ORKSHEET FOR QUESTIONS TO CONSIDER

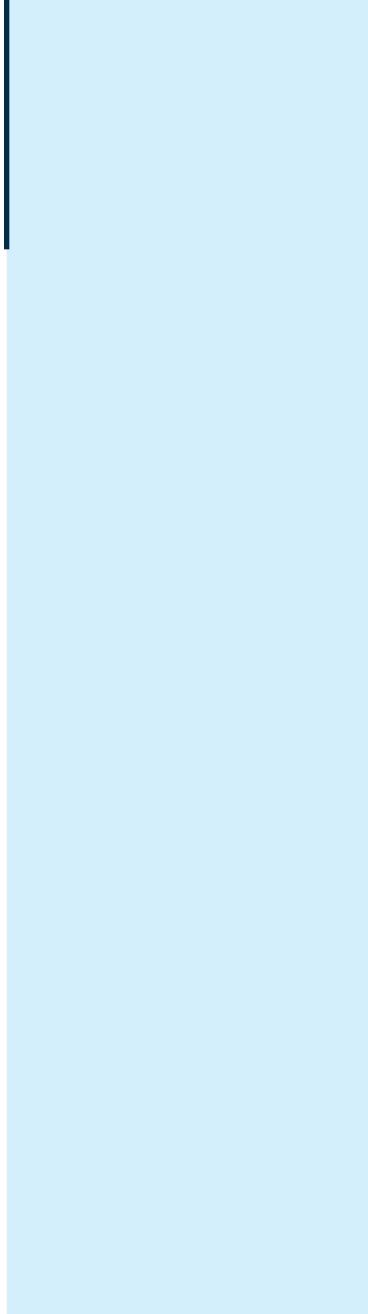
INTENT, GOALS AND RESPONSIBILITIES

PURPOSE	
<p>What is the purpose of the project?</p>	
<p>What are the goals of the project?</p>	
<p>What are the responsibilities of the project?</p>	
BACKGROUND	
<p>What is the background of the project?</p>	
<p>What are the key issues of the project?</p>	
<p>What are the key stakeholders of the project?</p>	
<p>What are the key risks of the project?</p>	

INTENT, GOALS AND RESPONSIBILITIES

TERMINOLOGY	
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INTENT, GOALS AND RESPONSIBILITIES



TERMS OF AGREEMENT

APPENDIX A: WORKSHEET FOR QUESTIONS TO CONSIDER

TERMS OF AGREEMENT

AUTHORITY	
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<p>... </p>	
<p>A. The D.D.</p>	
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<p>... ...</p>	

TERMS OF AGREEMENT

RESOURCES	
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<p>Handwritten notes in the second row of the table.</p>	
<p>Handwritten notes in the third row of the table.</p>	
<p>Handwritten notes in the fourth row of the table.</p>	
<p>Handwritten notes in the fifth row of the table.</p>	

APPENDIX A: WORKSHEET FOR QUESTIONS TO CONSIDER

TERMS OF AGREEMENT

ADDRESS CONCERNS	
<p>What are the key concerns of the community?</p>	
<p>What are the key concerns of the community?</p>	
<p>What are the key concerns of the community?</p>	
MONITORING ACTIVITIES	
<p>What are the key monitoring activities?</p>	
<p>What are the key monitoring activities?</p>	

APPENDIX A: ORKSHEET FOR QUESTIONS TO CONSIDER

RESOLUTION OF DISPUTES AND CONFLICTS OF INTEREST

<p>1. How do you resolve disputes and conflicts of interest?</p>	
<p>2. How do you resolve disputes and conflicts of interest?</p>	
<p>3. How do you resolve disputes and conflicts of interest?</p>	

ATTACHMENTS

<p>4. How do you resolve disputes and conflicts of interest?</p>	
<p>5. How do you resolve disputes and conflicts of interest?</p>	

APPENDIX A: WORKSHEET FOR QUESTIONS TO CONSIDER

FINAL AUTHORIZATION

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APPENDIX B: CHECKLIST

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APPENDIX B: CHECKLIST

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APPENDIX B: CHECKLIST

<input type="checkbox"/>	1. The memorandum is written in a clear, concise, and professional manner.		
	a. The memorandum is written in a clear, concise, and professional manner.	b. The memorandum is written in a clear, concise, and professional manner.	c. The memorandum is written in a clear, concise, and professional manner.

APPENDIX B: CHECKLIST

<input type="checkbox"/>	<p>1. The MOU is a written document that is signed by the representatives of the parties to the agreement.</p>		
	<p>2. The MOU is a voluntary agreement.</p>	<p>3. The MOU is a legally binding agreement.</p>	<p>4. The MOU is a confidential document.</p>

<input type="checkbox"/>	<p>5. The MOU is a document that is signed by the representatives of the parties to the agreement.</p>	
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[The Agency] provides analytical services to the community. In order to enhance services and best use available resources, [The Agency] is partnering with the [the Hospital] in order to reduce the number of overall hospital visits and admissions for certain health and substance use conditions. It is believed that by better aligning efforts of the two entities and individuals with behavioral health conditions will have improved outcomes by tying linkage to effective community-based care.

This Memorandum of Understanding (MOU) sets forth the understanding between [The Agency] and the [the Hospital] with the intention to clarify their roles and responsibilities of the parties to this MOU to strengthen collaboration and increase timely access to community-based behavioral health care.

PROPOSE

This MOU clarifies the priorities and responsibilities of the organizations that are parties in the MOU. The ultimate purpose of the MOU is to improve the parties' combined effectiveness in creating systems that increase the use of community-based behavioral health services. Specific goals are

1. to develop policies and procedures to strategically align [the Agency] and the [the Hospital] for the delivery of behavioral health services and,
2. to collaboratively triage patients and streamline services to improve quality of care, patient satisfaction and service outcomes.

As a result, this project is expected to improve the overall strength and stability of behavioral health services available in the community. The roles and responsibilities of each of the partner organizations related to this MOU are described herein.

BACKGROUND

Alytown recognizes that there has been an increase in emergency department visits for behavioral health conditions. Community data reveals the negative effect behavioral health issues are having on both Alytown residents and Alytown as a community. The increase in emergency department visits not only illustrates the distress behavioral health symptoms are causing residents, but also displays the cumulative burden these issues present to the community. (the p

SCOPE OF WORK

OBJECTIVE: REDUCING EMERGENCY DEPARTMENT BEHAVIORAL HEALTH VISITS

The Reducing Emergency Department Behavioral Health Visits project requires collaboration and coordination to ensure persons with a known or suspected mental health and/or substance use disorder, or who exhibit behaviors of community concern are identified, assessed, receive care, and when appropriate are referred to [the Agency] or other appropriate facility and/or consistent with the persons' clinical needs. [The Hospital] and [the Agency] will work together in coordinated processes that address the safety of the individual and the community.

[The Agency] and [the Hospital] will facilitate the development of agreed local interagency protocols. Existing policies, procedures and protocols will be reviewed for quality, accessibility, and effectiveness. Protected Health Information will be collected and maintained in compliance with the confidentiality regulations outlined in the federal Health Insurance Portability and Accountability Act, Part 2 and other applicable state and federal laws. Additional policies, procedures and protocols will be developed and enacted to help assure the success of the project and

ensure the following duties are associated with Reducing Emergency Department Behavioral Health Visits.

[THE AGENCY] SPECIFICATIONS AND OBLIGATIONS

Quality Assurance - The following duties are associated with Reducing Emergency Department Behavioral Health Visits.

RESOLUTION OF DISPUTES AND CONFLICTS OF INTERESTS

Procedurally, in the event of a dispute or conflict of interest arising out of or relating in any way to this MOU, the complaining party shall notify the other

ENDNOTES

- ¹ Institute of Medicine (US) Committee on Ensuring the Quality of Health Care Adaptation to Mental Health and Addictive Disorders (2006). *Improving the Quality of Health Care for Mental and Substance-Use Conditions: Quality Chasm Series*. Washington (DC): National Academies Press (US). Available from <https://www.ncbi.nlm.nih.gov/books/NBK1816/>
- ² NEO Law Group (2015). *Nonprofit collaborations: The structural options*. Retrieved from <https://nonprofitlaw.org/wp-content/uploads/2015/04/Nonprofit-Collaborations-Structural-Options/>.
- ³ Colorado Nonprofit Association (2013). *Collaboration Toolkit: Creating an MOU*. Retrieved from <https://www.coloradonpa.org/wp-content/uploads/2016/04/MOU-toolkit-MAIN.pdf>