

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is between Pine Tree Legal Assistance, Inc. (PTLA) and the Department of Veterans Affairs Maine Healthcare System (VA MEHCS) and establishes a Medical-Legal Partnership at VA MEHCS.

This MOU reflects the parties understanding that PTLA is permitted to enter VA MEHCS premises and that no legal rights, benefits, or obligations inure to either party as a result of this MOU. The parties understand that once all parties have signed this MOU, PTLA may begin to enter the premises for the purpose of holding regular office hours, meeting and conducting intakes with veterans/clients, and providing trainings and consultations with VA MEHCS staff. Under this MOU, PTLA will provide free legal services for low-income and at-risk veterans receiving healthcare at a VA MEHCS location through a legal clinic located on the campus of Togus Medical Center. This MOU sets forth the roles and responsibilities of the parties as follows:

- I. **Purpose and Scope.**
  - a. Few resources are available to provide free legal services for low-income and at-risk veterans, although legal services are often essential for removing barriers to obtaining or retaining permanent housing, receiving needed healthcare, increasing income and income stability, and opening doors to employment. Research data has established that remedying unmet legal needs can improve health outcomes, especially for low-income and homeless individuals. PTLA's creation of a Medical-Legal Partnership at VA MEHCS will provide free legal services to low-income and at-risk veterans receiving healthcare at a VA MEHCS location. Medical-Legal Partnerships integrate legal care into the healthcare system to improve health, create a more effective health care team, provide healthier solutions to the entire community, and increase health care cost savings.
  - b. PTLA is a statewide provider of free legal assistance to low-income Maine residents. It has been in operation since 1967 and provides high quality legal assistance in a wide range of legal matters. In 2014, more than ten percent of its client households included a veteran. Its staff work closely with many agencies and organizations that provide services to Maine veterans and its staff includes many attorneys with VA accreditation. Pine Tree is committed to ensuring the success of the Medical-Legal Partnership at VA MEHCS.
- II. **Responsibilities of PTLA.** PTLA shall undertake the following:
  - a. **Initial Needs Assessment.**
    - i. PTLA will conduct an initial needs assessment within VA MEHCS to identify met and unmet legal needs of veterans receiving healthcare at VA MEHCS.
    - ii. PTLA may conduct follow-up needs assessments on a yearly basis to ensure that appropriate legal needs are targeted.
  - b. **Legal Clinic.**
    - i. PTLA will provide a legal clinic in a private setting at least once a week, on dates mutually agreed upon by PTLA and VA MEHCS staff. Legal clinic dates may fluctuate based on the availability and capacity of

PTLA staff. The determination of the attorney and resource capabilities of PTLA shall be made solely by PTLA.

- ii. PTLA will sign an agreement with each client they undertake to assist, describing the scope of the attorney-client relationship. This client retainer shall state that the legal advice, representation, and referrals provided by PTLA are not provided by VA MEHCS, that no PTLA staff or volunteer is an employee of VA MEHCS, that VA MEHCS is not liable or responsible for the legal services provided by PTLA staff or volunteers, and that the client is not being represented by VA MEHCS.
- c. **Legal Assistance Limited to Certain Issues.** PTLA staff and volunteers shall provide legal assistance primarily in legal issue areas that have been identified in the initial needs assessment as unmet legal needs adversely affecting the health and stability of veterans. PTLA shall retain the right to determine case acceptance priorities, based on capacity, conflicts of interest, and Legal Services Corporation regulations.
- d. **Training Healthcare Staff Members.** PTLA will provide initial training to healthcare staff members on PTLA's services, the legal clinic, the role of healthcare staff members and the medical-legal partnership model. Subsequent trainings on substantive areas of law to ensure unmet legal needs are appropriately identified will be held monthly or as needed and as mutually agreed.
- e. **Development of Tools for Healthcare Staff Members.** PTLA will develop specific tools to enable healthcare staff members to recognize issues appropriate for legal assistance including, but not limited to, a legal needs screener form.
- f. **Establishment of Advisory Group.** PTLA will establish a medical-legal partnership advisory group that will include VA healthcare staff, VA non-healthcare staff, community organizations, and PTLA staff. This group will meet once monthly or as otherwise needed and agreed to mutually by all parties. The group will discuss and advise on medical-legal partnership best practices for VA MEHCS.
- g. **Malpractice Insurance.**
  - i. PTLA shall provide malpractice insurance for its staff and pro bono attorneys.
  - ii. PTLA will indemnify VA MEHCS against any claims brought against VA MEHCS arising from complaints of professional misconduct or malpractice regarding services provided by PTLA.
  - iii. PTLA will not indemnify VA MEHCS for any other legal claims.
- h. **Laptop with Technical Support.** PTLA shall supply its own laptop with remote access capability to PTLA's computer system along with relevant technical support for PTLA staff.
- i. **Compliance with disclaimer provision in VHA DIRECTIVE 2011-034.** PTLA will post a disclaimer in its designated office space that reads "DISCLAIMER: VA assumes no responsibility for the professional ability or integrity of Pine Tree Legal Assistance. This referral does not constitute an endorsement or recommendation by VA."

**III. Responsibilities of VA MEHCS.** VA MEHCS shall undertake the following:

- a. **Private Office Space.**
  - i. VA MEHCS shall provide office space, subject to a Revocable License for Non-Federal Use of Real Property, at its facility in which PTLA staff can meet with clients in a private setting, including an electrical outlet, desk, and several chairs. VA MEHCS will provide PTLA staff and volunteers reasonable access to copy machines, printers, and scanners, fax and telephone lines when used in connection with client business.
- b. **Inform PTLA of VA MEHCS's HIPAA Compliance Measures.** VA MEHCS staff will work with PTLA to ensure that HIPAA compliance measures are enforced and that PTLA staff are not considered "business associates" under HIPAA. PTLA will cooperate with VA procedures for ensuring compliance with protection of information and records about a veteran under the Privacy Act, HIPAA, and other applicable laws.
- c. **Assist PTLA with Initial Needs Assessment.** VA MEHCS shall assist PTLA with the initial needs assessment by, providing relevant publicly accessible demographics regarding the patient population of the VA MEHCS by permitting VA MEHCS to complete PTLA administered surveys; by allowing PTLA to administer surveys to consenting VA MEHCS patients.
- d. **Assist PTLA with Screening for Legal Needs.** VA MEHCS shall assist PTLA with screening veterans for legal needs using the legal needs screener form developed by PTLA. VA MEHCS staff shall provide patients with legal needs with information about legal services agencies, including, but not limited to, the medical-legal partnership.

**IV. Attorney-Client Privilege Between PTLA and Patients.**

Communication between PTLA staff and any patients referred by clinic or other PTLA clients are privileged and confidential, and the attorney-client privilege applies. PTLA retains the right to exclusive possession of the legal files of all patients referred by the clinic.

**V. No Attorney-Client Privilege Between PTLA and VA MEHCS.**

This agreement does not create an attorney-client relationship between PTLA and VA MEHCS.

**VI. Compensation.**

PTLA offers its services to homeless and low-income veterans without charge. At no point will PTLA request remuneration from VA MEHCS, its staff, or patients referred to PTLA by clinic. VA MEHCS is providing use of its facilities for PTLA's legal clinic without charge.

**VII. Term & Termination.**

The parties of this MOU do not currently propose an end date for the legal clinics. This MOU is non-binding and may be terminated by either party upon written notice. Any such termination will not terminate any ongoing representation of clients by PTLA.