

**MEMORANDUM OF AGREEMENT**

**BRUNSWICK COUNTY  
FOR AND ON BEHALF OF ITS  
DEPARTMENT OF SOCIAL SERVICES**

**AND**

**TRILLIUM HEALTH RESOURCES  
LOCAL MANAGEMENT ENTITY- MANAGED CARE ORGANIZATION**

This Memorandum of Agreement is entered into and by **BRUNSWICK COUNTY** for and on behalf of its Department of Social Services, hereinafter called the Department, and the **TRILLIUM HEALTH RESOURCES** Local Management Entity-Managed Care Organization, hereinafter called the LME-MCO.

**MISSION:**

The Work First/Child Protective Services (WF, CPS, or WF/CPS) Substance Use Initiative provides early identification of a substance use disorder(s) or a mental illness that will affect the WF applicant/ recipients' ability to secure and maintain employment through screening (AUDIT, DAST-10 and Behavior Observation Checklist), assessment including the Substance Use Disorders Diagnoses Schedule (SUDDS) 5, referral and case coordination services to the eligible populations to be served. The WF/CPS Substance Use Initiative also facilitates substance use disorder services and mental health services to parents and caretakers of children, where there has been substantiated child abuse, neglect and/or dependency with an indication of substance use disorders, in order to better assure the safety, permanence and wellbeing of children. The services for WF/CPS Substance Use Initiative-involved families provided under this Agreement are assessment, referral and case coordination. Responsibilities also include collaboration to ensure that barriers to receiving treatment are addressed and that the requirements of G.S. 108A-25.2 and G.S. 108A-29.1 (Appendix A) are adhered to, case consultation, follow-up, training with local Department staff and other activities approved by the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services (MH/DD/SAS).

**ELIGIBLE POPULATIONS TO BE SERVED:**

The eligible populations to be served are as follows:

- a. Work First applicants and recipients
- b. Class H or I Controlled Substance Felons applying for Work First assistance and/or Food and Nutrition Services.
- c. Non-custodial parents and/or families with income at or below 200% of federal poverty guidelines (The eligibility status of this population is based on inclusion of this population in the county Work First Plan)
- d. Parent(s)/caretakers who have a substantiated or in need of services finding that involves substance use.

Child Protective Services encompasses the provision of specialized services for maltreated children or those who are at risk of harm. Services are aimed at strengthening family life by supporting and improving parental/caretaker responsibility that, in turn, assures for each child a safe, nurturing home. Services focus on prevention and rehabilitation and are directed toward identifying and changing the cause of the maltreating behavior. This is accomplished through parent/caretaker cooperation and consent or, in the event that conditions pose serious issues for the child's safety, through the agency petitioning for court intervention.

This Memorandum of Agreement with the Department of Social Services establishes procedures surrounding the services of a Work First/Child Protective Services Qualified Professional in Substance Abuse (WF/CPS QP in Substance Abuse). Its purposes is to facilitate appropriate substance use disorder services and mental health services to parents and caretakers of children in order to better assure the safety, permanence and well-being of children when the need for CPS services has been identified and substance abuse or mental illness has been a factor in the maltreatment.

Substance use and mental health issues are significant barriers to employment for a number of Work First applicants/recipients. To assist these families in becoming employed and maintaining employment, all Work First adult applicants/recipients will be screened for possible substance use, and they may be voluntarily screened for mental health. Non-custodial parents and families with incomes at or below 200% of poverty may also volunteer to be screened for mental health, or substance use, if your county has chosen to serve these populations.

If the verbal screening indicates the applicant/recipient is at risk for substance use, he/she will be referred to a Qualified Substance Abuse Professional (QP in Substance Abuse or QPSA) or other qualified staff. The QP in Substance Abuse will either provide information or conduct a substance use disorder assessment per G.S. 108A-29.1 (see Appendix A). If treatment is appropriate, the QP in Substance Abuse will facilitate the referral for the appropriate level treatment.

Applicants for Food and Nutrition Services with a history of a Class H or I Controlled Substance Felony, meeting criteria in G.S. 108A-25.2 (see Appendix A), will be referred to the QP in Substance Abuse for a substance use disorder assessment. If treatment is indicated as a result of the assessment, the QP in Substance Abuse will facilitate a referral to the appropriate treatment level for the applicant.

The responsibilities of the above two agencies in meeting the objectives are as follows:

**THE DEPARTMENT OF SOCIAL SERVICES AGREES TO:**

1. Refer Work First and Food and Nutrition Services applicants and recipients who have been convicted of a Class H or I felony in North Carolina to the designated QPSA for services.
2. Refer Work First applicants and recipients who have received a confirmatory positive substance use test to the QPSA for education regarding substance use disorder treatment, services and resources.
3. Refer applicants and recipients that meet or exceed the minimum acceptable score on the AUDIT or DAST-10 for further assessment and/or substance use testing.
4. Refer Work First applicants and recipients that request mental health services to the appropriate LME-MCO personnel and contracted QPSA Provider.
5. Secure a valid consent for release of confidential information to share the applicant's and recipients' specific information with appropriate LME-MCO personnel and contracted QPSA provider.
6. Consider including QPSA's in any Child and Family Teams or in multidisciplinary meetings that involve planning with mutual applicants and recipients.
7. Make referrals from Child Protective Services to QPSA to assess individuals with a substantiated CPS case or found in need of services where the case includes substance abuse if QPSA resources are available.
8. Involve DMH/DD/SAS in planning and policy discussions on issues that impact the population that the Department serves.
9. Share research of federal and state law and policy that will affect DMH/DD/SAS and Department collaboration in serving mutual populations.

**THE LME-MCO AGREES TO MAKE ARRANGEMENTS FOR:**

1. Complete substance use disorder assessments.
2. Educate applicants/recipients about substance use disorder treatments and resources.
3. Refer to substance use disorder or mental health treatment.
4. Provide in-service training on substance use disorders.
5. Provide consultation to Department staff.
6. Participate in Department case staffing and meetings.
7. Provide feedback of the applicants/recipients compliance and cooperation.
8. Share statistical reports with the Department regarding the substance use and mental health services, as deemed necessary to maintain open communication and good administrative practices, and that are mutually agreed upon by both parties as being necessary.

**THE LME-MCO FURTHER AGREES:**

1. The LME-MCO shall not discriminate against any employee or applicant for employment because of race, ethnicity, gender, gender identity, sexual orientation, age, religion, national origin, disability, color, ancestry, citizenship, genetic information, political affiliation or military/veteran status, or any other status protected by federal, state or local law or other unlawful form of discrimination. The LME-MCO shall take affirmative action to ensure that applicants are employed by it and that employees are treated fairly during employment in accordance with applicable law. In the event the LME-MCO is determined by the final order of an appropriate agency or court to be in violation of any non-discrimination provision of federal, state or local law or this provision, this Agreement may be cancelled, terminated or suspended in whole or in part by the Department, and the LME-MCO may be declared ineligible for further agreements with the Department.
2. Pursuant to N.C.G.S. § 143-133.3, the LME-MCO shall comply with the provisions of Article 2 of Chapter 64 of the North Carolina General Statutes. In doing so, the LME-MCO agrees that it shall verify the work authorization of its employees utilizing the federal E-Verify program and standards as promulgated and operated by the United States Department of Homeland Security and shall require its subcontractors to do the same.
3. The LME-MCO hereby certifies that it has not been designated by the North Carolina State Treasurer as a company engaged in the boycott of Israel pursuant to N.C.G.S. § 147-86.81.
4. The LME-MCO hereby certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this Agreement by any governmental department or agency. The LME-MCO must notify the Department within thirty (30) days if debarred by any governmental entity during this Agreement.

**THE DEPARTMENT OF SOCIAL SERVICES AND LME-MCO JOINTLY AGREE TO:**

1. Develop a plan for current Work First recipients/applicants, and Food and Nutrition Services recipients/applicants convicted of Class H or I Controlled Substance felony offenses to access substance use disorder, mental health and developmental disabilities services.
2. Utilize the screening tools identified, AUDIT/DAST-10, the SUDDS 5 (or other approved tool), The ASAM Criteria and DSM5 as part of the clinical assessment. (QP in Substance Abuse may use additional tools when necessary to ensure accurate referrals to appropriate level of care.)
3. Confer about treatment recommendations when the assessment results in an indication of substance use disorder or a mental health disorder.

4. Provide ongoing collaboration and consultation regarding decision affecting substance use disorder treatment outcomes or mental health outcomes and/or child safety.
5. Arrange for appointments for the consumer and coordinate planning for child care and transportation.
6. Inform the recipient about the method of payment for substance abuse treatment or mental health treatment in the event the recipient must bear any of the cost.
7. Maintain regular contact on the recipient's engagement in treatment.
8. Utilize the standardized consent form to facilitate confidentiality as provided by the North Carolina Department of Health and Human Services Division of Social Services.
9. Arrange ongoing cross training for staff of both agencies.
10. Develop a reporting system of non-compliance by recipients.
11. QP in Substance Abuse will attend all appropriate collaborative meetings.
12. Support collection and provide data for outcomes and program evaluation.
13. Abide by confidentiality regulations as set forth by the North Carolina Department of Health and Human Services Division of Social Services or NC Division of MH/DD/SAS as well as Federal regulations, including, without limitation and as applicable, the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and the regulations promulgated thereunder. If in the performance of their respective duties hereunder the parties are deemed to be either a "Business Associate" or "Covered Entity" as defined by HIPAA, they agree to enter into and be bound by the terms of a Business Associate Agreement in a form acceptable to Department.
14. In addition to the foregoing, comply with all applicable federal, state and local laws and regulations.
15. This Agreement shall be governed by applicable federal law and by the laws of the State of North Carolina without regard for its choice of law provisions. All actions relating in any way to this Agreement shall be brought in the General Court of Justice of the State of North Carolina in Brunswick County or in the Federal District Court for the Eastern District of North Carolina, Wilmington division.
16. Should a dispute arise as to the terms of this Agreement, both parties agree that neither may initiate binding arbitration. The parties may agree to non-binding mediation of any dispute prior to the bringing of any suit or action.
17. The Department, to the extent applicable, does not waive its governmental immunity by entering into this Agreement and fully retains all immunities and defenses provided by law with regard to any action based on this Agreement.

#### **TERMS OF THIS AGREEMENT:**

The term of this Agreement shall commence on the **1<sup>ST</sup> day of July 2022**, and shall run through the **30<sup>th</sup> day of June 2023**, and shall continue thereafter until such time as a new written agreement is negotiated between the parties.

This Memorandum of Agreement may be amended only upon mutual written agreement of both parties, or terminated by either party upon thirty (30) days prior notice in writing to the other party.

This Agreement, together with any amendments or modifications, may be executed in one or more counterparts, each of which shall be deemed an original and all of which shall be considered one and the same agreement. This Agreement may also be executed electronically. By signing electronically, the parties indicate their intent to comply with the Electronic Commerce in Government Act (N.C.G.S § 66-58.1 et seq.) and the Uniform Electronic Transactions Act (N.C.G.S § 66-311 et seq.). Delivery of an executed counterpart of this Agreement by either electronic means or by facsimile shall be as effective as a manually executed counterpart.

**For Trillium Health Resources**

*Joy B Futrell*

Signed: 8/29/2022

Joy B Futrell, CEO

\_\_\_\_\_  
**Date**

**Brunswick County**

\_\_\_\_\_  
Randell Thompson, Chairman  
Board of Commissioners

\_\_\_\_\_  
**Date**

ATTEST:

\_\_\_\_\_  
Clerk to the Board  
APPROVED AS TO FORM

\_\_\_\_\_  
Robert V. Shaver, County Attorney /  
Bryan W. Batton, Asst. County  
Attorney  
Brunswick County, NC

## APPENDIX A

### § 108A-29.1. Drug screening and testing for Work First Program applicants and recipients.

- (a) The Department shall require a drug test to screen each applicant for or recipient of Work First Program assistance whom the Department reasonably suspects is engaged in the illegal use of controlled substances. The Department shall provide notice of drug testing to each applicant or recipient. The notice shall advise the applicant or recipient that drug screening, and testing if there is reasonable suspicion that an individual is engaged in the illegal use of controlled substances, will be conducted as a condition of receiving Work First Program assistance, and that the results of the drug tests will remain confidential and will not be released to law enforcement. Dependent children under the age of 18 are exempt from the requirements of this section. The Department shall require the following:
- (1) That for two-parent households, both parents comply with the requirements of this section.
  - (2) That any teen parent who is emancipated pursuant to Article 35 of Chapter 7B of the General Statutes complies with the requirements of this section.
  - (3) That each applicant or recipient be advised before drug testing that he or she may inform the agent administering the test of any prescription or over-the-counter medication he or she is taking.
  - (4) That each applicant or recipient being tested signs a written acknowledgement that he or she has received and understood the notice and advice provided under this subsection.
  - (5) That each applicant or recipient who fails a drug test understands that he or she has the right to take one or more additional tests at his or her own expense.
  - (6) That each applicant or recipient who fails a drug test be provided with information regarding substance abuse, substance abuse counseling, and substance abuse treatment options, including a list of substance abuse treatment programs that may be available to the individual.
- (b) An applicant or recipient who tests positive for controlled substances as a result of a drug test required under this section is ineligible to receive Work First Program assistance for one year from the date of the positive drug test except as provided in subsections (b1) and (b2) of this section. The individual may reapply after one year. However, if the individual has any subsequent positive drug tests, the individual shall be ineligible for benefits for three years from the date of the subsequent positive drug test unless the individual reapplies pursuant to subsection (b1) or (b2) of this section.
- (b1) An applicant or recipient deemed ineligible under subsection (b) of this section may reapply for Work First Program assistance after the expiration of 30 days from the date of the positive drug test if the individual can document either the successful completion of or the current satisfactory participation in a substance abuse treatment program offered by a provider under subsection (e) of this section and licensed by the Department. The applicant or recipient who reapplies for Work First Program assistance after successful completion of a substance abuse program shall pass a drug test. The cost of any drug testing and substance abuse program provided under this subsection shall be the responsibility of the individual being tested and receiving treatment. An applicant or recipient who reapplies for Work First Program assistance pursuant to this subsection may reapply one time only.
- (b2) An applicant or recipient deemed ineligible under subsection (b) of this section may reapply for Work First Program assistance after the expiration of 30 days from the date of the positive drug test if a qualified professional in substance abuse or a physician certified by the American Society of Addiction Medicine determines a substance abuse program is not



appropriate for the individual and that individual has passed a subsequent drug test. The cost of any drug testing provided under this subsection shall be the responsibility of the individual being tested. An applicant or recipient who reapplies for Work First Program assistance pursuant to this subsection may reapply one time only.

- (c) The children of any applicant or current recipient shall remain eligible for benefits, and these benefits shall be paid to a protective payee pursuant to G.S. 108A-38.
- (d) The Social Services Commission shall adopt rules pertaining to the testing of applicants and recipients under this section. The Social Services Commission shall adopt rules pertaining to the successful completion of, or the satisfactory participation in, a substance abuse treatment program under subsection (b1) of this section, including rules regarding timely reporting of completion of or participation in the substance abuse treatment programs.
- (e) Area mental health authorities organized pursuant to Article 4 of Chapter 122C of the General Statutes shall be responsible for administering the provisions of this section.
- (f) Repealed by Session Laws 2013-417, s. 4, as amended by Session Laws 2014-115, s. 66 (c), effective March 1, 2015.
- (g) For the purposes of this section, reasonable suspicion that an applicant for, or recipient of, Work First Program assistance is engaged in the illegal use of controlled substances may be established only by utilizing the following methods:
  - (1) A criminal record check conducted under G.S. 114-19.34 that discloses a conviction, arrest, or outstanding warrant relating to illegal controlled substances within the three years prior to the date the criminal record check is conducted.
  - (2) A determination by a qualified professional in substance abuse or a physician certified by the American Society of Addiction Medicine that an individual is addicted to illegal controlled substances.
  - (3) A screening tool relating to the abuse of illegal controlled substances that yields a result indicating that the applicant or recipient may be engaged in the illegal use of controlled substances.
  - (4) Other screening methods, as determined by the Social Services Commission under subsection (d) of this section.
- (h) Child only cases shall be exempt from the requirements of this section. (1997-443, s. 12.8; 2009-489, s. 13; 2013-417, s. 4; 2014-115, s. 66(c).)

**G.S. 108A-25.2 Exemption from limitations for individuals convicted of certain drug-related felonies.**

Individuals convicted of Class H or I controlled substance felony offenses in this State shall be eligible to participate in the Work First Program and food stamp program:

- (1) Six months after release from custody if no additional controlled substance felony offense is committed during that period and successful completion of or continuous active participation in a required substance abuse treatment program determined appropriate by the area mental health authority; or
- (2) If not committed to custody, six months after the date of conviction if no additional controlled substance felony offense is committed during that period and successful completion of or continuous active participation in a required substance abuse treatment program determined appropriate by the area mental health authority.

A county department of social services shall require individuals who are eligible for Work First Program assistance and food stamp benefits pursuant to this section to undergo substance abuse treatment as a condition for receiving Work First Program or food stamp benefits, if funds and programs are available and to the extent by federal law.



**For Trillium Health Resources**

*Joy B Futrell*

Signed: 8/29/2022

Joy B Futrell, CEO

\_\_\_\_\_  
**Date**

**Brunswick County**

\_\_\_\_\_  
Randell Thompson, Chairman  
Board of Commissioners

\_\_\_\_\_  
**Date**

ATTEST:

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Clerk to the Board  
APPROVED AS TO FORM

\_\_\_\_\_  
Robert V. Shaver, County Attorney /  
Bryan W. Batton, Asst. County  
Attorney  
Brunswick County, NC

## Record of Signing

For  
Name  
Title

Joy B Futrell

**Signed on 2022-08-29 15:12:45 GMT**

Secured by Concord™  
DocumentID: OTY5YjQ1NDgtYj  
SigningID: ODImNmU0YTEtZD  
Signing date: 8/29/2022  
IP Address: 206.74.95.82  
Email: lisa.fuller@trilliumnc.org



Signed with [www.concordnow.com](http://www.concordnow.com)