

HMIS Policies Committee: Compliance and Monitoring Policy

Background:

In December 2011, the U.S. Department of Housing and Urban Development released a proposed rule to establish regulations for HMIS, which is the currently prevailing set of regulations governing HMIS operations. (Federal Register, Vol. 76, No. 237, pages 76917 – 76927.) The HEARTH Act (2009) required HUD to ensure the operation of and consistent participation in HMIS. The HEARTH Act codified the Continuum of Care planning process and certain data collection requirements as well as operation of and participation in HMIS for certain funded programs and agencies.

The CoC is responsible for ensuring that the HMIS for the Continuum of Care (CoC) is operated in accordance with the provisions of the new regulations and other applicable laws. The HMIS Lead is responsible for developing written policies and procedures for all agencies using HMIS by executing a participation agreement and monitoring compliance. Governing policies and procedures must provide for the security, confidentiality, and privacy of data.

Established in July 2013, the HMIS Policies Committee is responsible for providing information and guidance to the Greater Richmond CoC and other CoCs and Local Planning Groups (LPGs) related to the implementation of HMIS. This committee will ensure that all HUD funded organizations are trained in and fully utilizing HMIS. This committee will provide input, oversight, and guidance on the development of HMIS policies and procedures and ensure that all CoCs and LPGs covered in this implementation of HMIS meet or exceed all federal and applicable regulations.

Objective:

This policy will define compliance, monitoring, and accountability for HMIS users in the CoCs covered by Homeward as the HMIS Lead.

Compliance:

HUD regulations lay out a number of requirements for CoCs, HMIS Leads, and agencies participating in HMIS. In addition to the technological requirements for HMIS participating agencies (laid out in the Policies and Procedures document), there are a number of requirements for HMIS participating agencies to ensure the security, privacy, and confidentiality of client data.

As laid out in the Policies and Procedures and other approved HMIS documents, the requirements for compliance with HMIS are as follows:

- Meeting or exceeding technical and system requirements
- Participation in training for users according to level of access
- Complying with the User Policy and Code of Ethics
- Execution of signed participation agreements
- Complying with the policies and procedures and data quality standards set forth in the Policies and Procedures document not otherwise specified.

Monitoring:

All users of HMIS agree to notify a System Administrator, the HMIS Lead, or LPG or CoC leadership of violations of the policies and procedures or User Policy and Code of Ethics. Additionally, HMIS Lead staff and/or System Administrators may identify lack of compliance during the provision of services and training related to HMIS. Finally, the HMIS Policies Committee may develop additional monitoring processes and request additional reports from the HMIS Lead concerning progress toward full compliance by all users or agencies.

Sanctions:

For violations of compliance that threaten the HMIS implementation as a whole (e.g. violations of client or system data, sharing of licenses, failure to signed written agreements as required in 24 CFR 580.9), usage of HMIS will be immediately revoked or require a plan to rectify the lack of compliance within 48 hours upon agreement with the HMIS Lead in consultation with the relevant CoC or LPG leadership. The HMIS Lead will then notify HUD, DHCD, and other relevant funders of the change in usage status.

For violations of compliance that do not pose an immediate threat to the privacy, security, or confidentiality of client or system data (e.g., not meeting the timeliness standard for data entry), the participating agency may seek a waiver of the standard from the HMIS Policies Committee in consultation with the HMIS Lead. If a waiver is not granted, the agency found to be out of compliance will receive a written warning from the HMIS Lead and asked to develop a plan to rectify the lack of compliance within 7 business days. If an agency continues to be out of compliance, the HMIS Policies Committee will review the matter and make a recommendation for a sanction.

Appeals:

Agencies participating in HMIS with concerns about the sanctions process including waivers may file an appeal with the relevant CoC board or LPG. The notice of appeal must include a written statement specifying in detail all grounds asserted for the appeal. The appeal must be submitted by an individual authorized to represent the agency and must include the specific sections of the compliance process on which the appeal is based. The CoC or LPG leadership will review the appeal in consultation with the HMIS Policies Committee and the HMIS Lead and notify the appealing agency of its decision.

All eligible appeals will be read, reviewed, and evaluated by the CoC or LPG leadership within 48 hours of the appeal. The CoC or LPG leadership will provide a determination of the appeal to the appealing applicant and the HMIS Policies Committee. The recommendation of the CoC or LPG leadership will be final. A written summary of the CoC or LPG leadership decisions will be provided to the appealing agency.