



**Health & Human Services
Agency
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
EDDIE VALERO
District Four
DENNIS TOWNSEND
District Five

AGENDA DATE: January 8, 2019

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Timothy D. Durick, Psy.D. PHONE: 624-8000

SUBJECT: Approve an amendment to Agreement No. 28437 with Netsmart Technologies, Inc.

REQUEST(S):

That the Board of Supervisors:

1. Approve an amendment to Agreement No. 28437 with Netsmart Technologies, Inc. to include Exhibit C and increase the amount of user licenses for an additional \$1,510,382, the total agreement amount will not exceed \$4,334,023, retroactive from September 1, 2017 through August 31, 2022. This amendment is retroactive due to an inadvertent omission of Exhibit C in the original agreement, making it impracticable for the Board to take action prior to September 1, 2017;
2. Authorize the Health and Human Services Agency Director or Designee to sign Exhibit C and any future documents pertaining to the Escrow Program; and
3. Authorize the Chairman of the Board to sign two (2) copies of the amendment.

SUMMARY:

Netsmart Technologies, Inc. Avatar Software program allows the Tulare County Health and Human Services Agency (HHSA), Mental Health Branch to provide critical services to their consumers. Tulare County Mental Health Branch entered into Master Agreement No. 28437 with Netsmart to provide a full array of Electronic Health Record (EHR) system services. The agreement contains a base number of user licenses for both County and contract providers that opt in to utilize Avatar for their EHR System. Contracted providers reimburse the County based on actual utilization.

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Tulare County HHSA's Mental Health Branch is requesting to amend the Master Agreement as specified below:

- 1) The agreement is being amended to include Exhibit C "Beneficiary Enrollment Form". The Master Agreement included a provision to opt in to their Source Code Escrow Program, offered through Iron Mountain Incorporated, which holds a working copy of Netsmart's Avatar Software. While Tulare County included the expense of opting in to the program through the original agreement, the Enrollment Form was omitted. The Mental Health Branch is requested approval to participate as the Beneficiary to the account should Netsmart dissolve prior to the contract termination date.
- 2) The original agreement specified a number of user licenses the County would be able to purchase per fiscal year. Due to the implementation of the EHR system within the Alcohol and Other Drug Program and the expanding requirements of the Mental Health Plan (MHP), the County is in need of additional user licenses for both county and contracted providers. Approval is requested to purchase an additional seventy-five (75) Avatar licenses and the associated maintenance costs, along with ten (10) Prescriber and five (5) non-prescriber licenses. The cost for Fiscal Year 2018/2019 is \$118,963 dollars, and is delineated in Exhibit A.
- 3) Approval is also requested to increase the Master Agreement maximum by an additional three hundred-thousand-dollars (\$300,000) as a contingency per fiscal year beginning in Fiscal Year 2018/2019. This will allow the Mental Health Branch to add approximately two hundred (200) licenses and associated maintenance costs as needed if the County or contract provider network expands in any given fiscal year, and to expand the scope of services provided to include the M*Modal Speech Recognition and CC Inbox options, detailed in Exhibit B.

All other licensing and terms of the Master Agreement shall still apply.

FISCAL IMPACT/FINANCING:

There is not cost associated with including Exhibit C. The annual subscription fee to participate in the escrow account was included in the Master Agreement budget. Participating as a beneficiary to the account does not augment the actual expense.

The agreement September 1, 2017 through August 31, 2022 is a 5-year agreement with the maximum amount amended by \$1,510,382 to a total of \$4,334,023.

- Fiscal Year 2017/2018 was not amended at \$549,721;
- Fiscal Year 2018/2019 was increased by \$418,962, to total \$973,085. This includes the purchase of an additional seventy-five (75) Avatar licenses and the associated maintenance costs, along with ten (10) Prescriber and five (5) non-prescriber licenses, and a \$300,000 contingency;
- Fiscal Year 2019/2020 was increased by \$361,321, to total \$924,765 for increased maintenance costs and a \$300,000 contingency;
- Fiscal Year 2020/2021 was increased by \$363,774, to total \$936,910 for

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- increased maintenance costs and a \$300,000 contingency; and
- Fiscal Year 2021/2022 was increased by \$366,325, to total \$949,542 for increased maintenance costs and a \$300,000 contingency;

The County has already budgeted contingency realignment and Mental Health Services Act funds for additional unanticipated EHR costs incurred in Fiscal Year 2018/2019. Funds to cover the increased contract maximum will also be budgeted in Fiscal Years 2019/2020 through 2021/2022.

The increase in user licenses utilized by contracted providers will be reimbursed at one hundred percent (100%) of the cost. There is no additional net cost to the County General Fund.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the Organizational Performance initiative to provide the public with accessible, high-quality information services that are timely and responsive. This amendment will increase our ability to provide information that is timely and responsive.

ADMINISTRATIVE SIGN-OFF:



Timothy D. Durick, Psy.D.
Director of Mental Health

cc: County Administrative Office

Attachment(s) Amendment

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF APPROVE AN) Resolution No. _____
AMENDMENT TO AGREEMENT NO. 28437) Agreement No. _____
WITH NETSMART TECHNOLOGIES, INC.

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

1. Approved an amendment to Agreement No. 28437 with Netsmart Technologies, Inc. to include Exhibit C and increase the amount of user licenses for an additional \$1,510,382, the total agreement amount will not exceed \$4,334,023, retroactive from September 1, 2017 through August 31, 2022. This amendment is retroactive due to an inadvertent omission of Exhibit C in the original agreement, making it impracticable for the Board to take action prior to September 1, 2017;
2. Authorized the Health and Human Services Agency Director or Designee to sign Exhibit C and any future documents pertaining to the Escrow Program; and
3. Authorized the Chairman of the Board to sign two (2) copies of the amendment.