

AMENDMENT
TO
AGREEMENT No. 28234 & MOU No. 28234-A BETWEEN
HEALTH NET COMMUNITY SOLUTION, INC.
And
COUNTY OF TULARE HEALTH & HUMAN SERVICES AGENCY
(Mental Health Plan)

This Amendment (“Amendment”) to Agreement No. 28234 and MOU No. 28234-A (defined below), is entered into as of this 1st day of July, 2019, (“Effective Date”) by and between Health Net Community Solutions, Inc., (hereinafter referred to as “Health Net”) and the County of Tulare Health & Human Services Agency (hereinafter referred to as the “COUNTY”) with reference to the following facts (defined terms used herein shall have the same meaning as in the Agreement and the DHCS Contract, unless otherwise specifically defined herein):

WHEREAS, HEALTH NET and COUNTY are parties to the Agreement dated August 1, 2017, (the “**AGREEMENT**”);

WHEREAS, HEALTH NET and COUNTY are parties to the MOU, Agreement No. 28234-A, dated January 1, 2019, as amended (the “**MOU**”);

WHEREAS, the obligations of Health Net under Agreement No. 28234 and MOU No. 28234-A are the obligations of Health Net’s affiliate, Health Net Community Solutions, Inc. (“Health Net Community Solutions”). Health Net Community Solutions has entered into contracts with the Department of Health Care Services (“DHCS”) as a Medi-Cal managed care plan and provides Covered Services to Health Net Community Solutions’ Medi-Cal members pursuant to the terms of such contract (“DHCS Contract”);

WHEREAS, as background, the Medicaid Health Home State Plan Option is authorized under the Patient Protection and Affordable Care Act (Pub. L. 111-148), enacted on March 23, 2010, as revised by the HealthCare and Education Reconciliation Act of 2010 (Pub. L. 111-152), enacted on March 30, 2010, together known as the Affordable Care Act (“ACA”). Section 2703 of the ACA allows states to create Medicaid health homes to coordinate the full range of physical health care services, behavioral health services, and community-based long term services and supports (“LTSS”) needed by members with chronic conditions;

WHEREAS, In California, Welfare and Institutions Code (WIC) Sections 14127 through 14128 authorize the Department of Health Care Services (“DHCS”), subject to federal approval, to create the Health Homes Program (“HHP”) for Medi-Cal members with chronic conditions who meet the eligibility criteria specified by DHCS;

WHEREAS, The HHP is a comprehensive, longitudinal benefit that is available to eligible Medi-Cal managed-care plan members to support identified medical, behavioral health, substance use, and housing support services until such time as care plan goals are accomplished or are no longer relevant. Care coordination services provided through the HHP are based on comprehensive, multi-disciplinary evaluations of members that inform the development of an individualized Health Action Plan ("HAP") for each member, which is shared with the care team in a collaborative effort to manage each member's care appropriately and efficiently;

WHEREAS, DHCS has created the HHP for Medi-Cal members with chronic conditions who meet the eligibility criteria specified by DHCS, and Health Net is implementing the HHP;

WHEREAS, as a requirement of the HHP, Health Net must ensure that all contracted HHP providers, including Community Based Care Management Entities, as well as any delegated entities and all subcontracts comply with applicable state and federal laws and regulations including but not limited to: HIPAA / 45 C.F.R. Parts 160 and 164 , HITECH Act (42. U.S.C. Section 17921 et. seq., LPS / W & I Code Sections 5328-5328.15, 45 C.F.R. Part 2, CMIA (Ca Civil Code 56 through 56.37), additionally; DHCS guidance, including without limitation All Plan Letters and Policy Letters issued by the DHCS governing the HHP;

WHEREAS, effective upon the HHP implementation date, Health Net will be responsible for providing the following six core HHP services to its eligible Medi-Cal Members: comprehensive care management, care coordination, health promotion, comprehensive transitional care, individual and family support, and referral to community and social support services; and

WHEREAS, the parties hereto agree to amend Agreement No. 28234 and MOU No. 28234-A on the terms and conditions contained herein to provide for the HHP by HEALTH NET on the terms and conditions contained herein. All other terms and conditions of Agreement No. 28234 and MOU No. 28234-A remain in effect as long as they are consistent with this Amendment.

NOW, THEREFORE in consideration of foregoing, the County and Health Net, for good and valuable consideration the receipt of which is hereby acknowledged agree as follows:

1. Recitals. The Recitals set forth above in this Amendment are incorporated herein by this reference and made a part of Agreement No. 28234 and MOU No. 28234-A.
2. Exhibit "A" attached hereto and incorporated herein, by this reference, is added to Agreement No. 28234 and MOU No. 28234-A, effective as of the Effective Date.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the date set forth beneath their respective signatures to be effective as of the Effective Date.

Health Net of California, Inc.,:

Signature: Abbie Totten

Print Name: Abbie Totten

Title: Medi-Cal Program Officer

Date: 7/11/19

County of Tulare:

Signature Date

Title

Signature Date

Title

APPROVED AS TO FORM:
COUNTY COUNSEL
BY E. J. [Signature] 7/14/19
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EXHIBIT "A"

HOME HEALTH PROGRAM SERVICES

Health Net agrees to provide HHP services for its Medi-Cal Members eligible for the HHP and who are currently receiving specialty mental health care through the County. Health Net and County will mutually develop written policies and procedures for coordinating care for eligible Medi-Cal Members enrolled in the HHP who are also receiving Medi-Cal specialty mental health services through the County. All such policies and procedures shall be consistent with applicable laws and DHCS guidance for the HHP.

1. Capitalized terms used in this Amendment and not otherwise defined herein shall have the same meaning as in Agreement No. 28234 and MOU No. 28234-A. All other terms and conditions of Agreement No. 28234 and MOU No. 28234-A remain in effect as long as they are consistent with this Amendment.
2. This Amendment may be executed in counterparts, all of which taken together constitute a single agreement between the parties. Agreement No. 28234 and MOU No. 28234-A, as amended hereby, constitutes the entire understanding and agreement of the parties with respect to the subject matter hereto and supersedes any prior agreement, writings, or understandings, whether oral or written.