



**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: November 19, 2019 REVISED

| | | | | |
|---|-----|-------------------------------------|-----|-------------------------------------|
| 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: Donna Ortiz PHONE: 624-8000 | | | | |

SUBJECT: Approve an amendment to the Memorandum of Understanding, Agreement No. 27482, with the California Department of State Hospitals and the California Mental Health Services Authority and a Participation Agreement with the California Mental Health Services Authority

REQUEST(S):
That the Board of Supervisors:

1. Approve an amendment to the Memorandum of Understanding, Agreement No. 27482, with the California Department of State Hospitals and the California Mental Health Services Authority to extend the term of the Memorandum of Understanding for one (1) additional year, for the provision of state hospital bed purchase and usage, retroactive from July 1, 2019 through June 30, 2020. There is no cost associated with this Memorandum of Understanding. This amendment is retroactive due to delays in negotiation of terms. It was impracticable for the Board to take action prior to July 1, 2019 due to the time needed to process, prepare, and submit the agenda item;
2. Approve a Participation Agreement for the California Mental Health Services Authority State Hospitals Program to authorize California Mental Health Services Authority to contract for state hospital beds on behalf of the County for special populations requiring secure 24-hour treatment services retroactive from July 1, 2019 through June 30, 2020 for a one-time annual fee of \$4,206. This amendment is retroactive due to delays in negotiation of terms. It was impracticable for the Board to take action prior to July 1, 2019 due to the time needed to process, prepare, and submit the agenda item;

SUBJECT: Approve an Amendment to the Memorandum of Understanding, Agreement No. 27482, with the California Department of State Hospitals and the California Mental Health Services Authority

DATE: November 19, 2019

3. Find that the Board had authority to enter into the proposed Amended Memorandum of Understanding and Participation Agreement as of July 1, 2019 and that it was in the County's best interest to enter into the agreement on that date; and
4. Authorize the Chairman of the Board to sign four (4) copies of the amendment and four (4) copies of the Participation Agreement.

SUMMARY:

Tulare County Health and Human Services Agency (HHSA), Mental Health Branch, under California Welfare and Institutions Code 4100 et seq., determines the appropriateness, screens, and authorizes all referrals for treatment in State operated hospitals for Tulare County consumers who are in need of Acute 24-hour inpatient or continuous skilled nursing care on an extended basis. Under the Memorandum of Understanding (MOU) between the California Department of State Hospitals (DSH), the California Mental Health Services Authority (CalMHSA), and the County, DSH shall provide inpatient psychiatric health care and treatment, including outside medical health care and treatment, ancillary care and treatment, and/or support services, only to those consumers referred by the County for Lanterman-Petris-Short (LPS) hospital services.

Welfare and Institutions Code Section 4330 requires counties to reimburse DSH for the use of State Hospital beds and services provided pursuant to the LPS Act, for mandated services. This Amendment extends the term of the MOU for an additional year and provides that it remain in effect, including the bed rates specific to the levels of treatment established in the initial MOU. Anticipated costs for Fiscal Year 2019-2020 is based on prior year data, with the expectations that actual costs may vary based on the need and availability of beds.

Government Code section 6500 et seq. allows California public entities to form separate entities to exercise powers held by its members. California counties have, under the authority of the Government Code, formed the California Mental Health Services Authority (CalMHSA). CalMHSA is authorized by its Joint Exercise of Powers Act to jointly develop, and fund mental health services under, among other things, Division 5 of the California Welfare and Institutions Code, including the provision of necessary administrative services. The County has entered into a previous agreement, No. 25335, with CalMHSA pursuant to this authority on January 24, 2012, which remains in effect.

A Participation Agreement between CalMHSA and the County is included along with the Amendment to confirm Tulare County's desire to participate specifically in the State Hospitals Program and continue to authorize CalMHSA to negotiate the terms

SUBJECT: Approve an Amendment to the Memorandum of Understanding, Agreement No. 27482, with the California Department of State Hospitals and the California Mental Health Services Authority

DATE: November 19, 2019

and conditions of the MOU, which includes contracting State Hospital beds and evaluation of collaborative opportunities in the development of programs for consumers requiring secure 24-hour treatment services.

The Board approved the original MOU on January 5, 2016, and an Amendment to the MOU, Agreement 27482-A, on March 20, 2018. The original MOU contained the following deviations from standard County boilerplate: 1) County must sign first; 2) the MOU includes mutual indemnification, including attorneys' fees; 3) there is no dispute resolution clause; and 4) there is no early termination clause. This Amendment does not affect those deviations, but it also requires the County to sign first.

The following term deviates substantively from standard County boilerplate: (1) automatic renewals each year, but the County can terminate the Agreement without cause upon 30 days' advance written notice; (2) the Agreement is subject to any changes in California law that may impact it, including, but not limited to, the Budget Act; and (3) the County must sign first.

FISCAL IMPACT/FINANCING:

The budgeted costs of \$1,300,000 associated with this contract were included in the proposed HHSA 3311 budget, line 7052 medical providers, for Fiscal Year 2019-2020 budget. This amount is subject to actual utilization. As the contracted Mental Health Plan for the County, Tulare County Mental Health receives partial funding through 1991 Realignment Funds. State Hospital services were included in the 1991 mental health realigned programs. The costs are deducted by the State Controller directly from the County's monthly 1991 Realignment allocation based on utilization and established bed rates. Actual costs for Fiscal Year 2017-2018 and Fiscal Year 2018-2019 totaled \$1,167,490 and \$1,293,252, respectively. A one-time annual fee of \$4,206 is also paid to CalMHSA through realignment funds for the negotiation of bed rates on behalf of the County. This is the historical rate and has not increased from prior fiscal years. There is no net cost to the County General Fund.

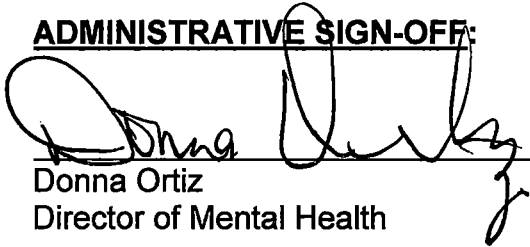
LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the Quality of Life initiative that encourages innovative provision of quality supportive services for at-risk adults, youth, and children in state and federally mandated programs. This agreement increases the ability to fulfill that obligation by providing additional beds for County consumers that need this level of care.

SUBJECT: Approve an Amendment to the Memorandum of Understanding, Agreement No. 27482, with the California Department of State Hospitals and the California Mental Health Services Authority

DATE: November 19, 2019

ADMINISTRATIVE SIGN-OFF:



Donna Ortiz
Director of Mental Health

cc: County Administrative Office

Attachment(s) Amendment to the Memorandum of Understanding Participation Agreement

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

IN THE MATTER OF APPROVE AN) Resolution No. _____
AMENDMENT TO THE MEMORANDUM OF) Agreement No. _____
UNDERSTANDING, AGREEMENT NO.)
27482, WITH THE CALIFORNIA)
DEPARTMENT OF STATE HOSPITALS
AND THE CALIFORNIA MENTAL HEALTH
SERVICES AUTHORITY AND A
PARTICIPATION AGREEMENT WITH THE
CALIFORNIA MENTAL HEALTH
SERVICES AUTHORITY

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 the Memorandum of Understanding, Agreement No. 27482, with the California Department of State Hospitals and the California Mental Health Services Authority to extend the term of the Memorandum of Understanding for one (1) additional year, for the provision of state hospital bed purchase and usage, retroactive from July 1, 2019 through June 30, 2020. There is no cost associated with this Memorandum of Understanding. This amendment is retroactive due to delays in negotiation of terms. It was impracticable for the Board to take action prior to July 1, 2019 due to the time needed to process, prepare, and submit the agenda item;;

2. Approved a Participation Agreement for the California Mental Health Services Authority State Hospitals Program to authorize California Mental Health Services Authority to contract for state hospital beds on behalf of the County for special populations requiring secure 24-hour treatment services retroactive from July 1, 2019 through June 30, 2020 for a one-time annual fee of \$4,206. This amendment is retroactive due to delays in negotiation of terms. It was impracticable for the Board to take action prior to July 1, 2019 due to the time needed to process, prepare, and submit the agenda item;
3. Found that the Board had authority to enter into the proposed Amended Memorandum of Understanding and Participation Agreement as of July 1, 2019 and that it was in the County's best interest to enter into the agreement on that date; and
4. Authorized the Chairman of the Board to sign four (4) copies of the amendment and four (4) copies of the Participation Agreement.