



**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: December 17, 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 agreement with the California Department of Health Care Services

REQUEST(S):
That the Board of Supervisors:

1. Approve an agreement with the California State Department of Health Care Services (State Agreement No. 18-95286) for the annual performance agreement for the provision of the Mental Health Services Act, Lanterman-Petris-Short Act, Projects for Assistance in Transition of Homelessness, Community Mental Health Services Block Grant, and community mental health services pursuant to the Bronzan-McCorquodale Act, retroactive from July 1, 2018 through June 30, 2021. There is no cost associated with this agreement. This agreement is retroactive due to timing in obtaining the documents from the Department of Health Care Services. It was impracticable for the Board to take action prior to July 1, 2018 due to the time needed to process, prepare, and submit the agenda item;
2. Find that the Board had authority to enter into the proposed agreement as of July 1, 2018 and that it was in the County's best interest to enter into the agreement on that date; and
3. Authorize the Chairman of the Board to sign three (3) copies each of the agreement and Contractor Certification Clause.

SUMMARY:
The California Department of Health Care Services (DHCS) administers the Mental Health Services Act, Lanterman-Petris-Short (LPS) Act, Projects for Assistance in Transition from Homelessness, Community Mental Health Services Block Grant,

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and Crisis Counseling Assistance and Training Program and oversees county provision of community mental health services pursuant to the Bronzan-McCorquodale Act. The Tulare County Health and Human Services Agency, Mental Health Branch has met the conditions and requirements for these programs and community mental health services.

This agreement, which is the County's annual performance contract, as required by Welfare and Institutions Code sections 5650, subd. (a), 5651, 5897, and California Code of Regulations, Title 9, section 3310, sets forth conditions and requirements that the County must meet. By entering into this agreement, the County agrees to comply with all of the conditions and requirements described in the agreement and DHCS shall monitor the County's performance to ensure compliance with applicable Federal and State law and applicable regulations.

The following terms deviate substantively from the standard County boilerplate: 1) The State may terminate immediately if the County breaches the HIPAA Business Associate agreement and is unable to cure; 2) The State may terminate immediately if the County is found guilty of a criminal violation of HIPAA; 3) The County must assist in defense of litigation or administrative proceedings at no cost for any claims of HIPAA violations; 4) The county must indemnify the State; 5) The County will sign the agreement first; and 6) The State may terminate with 30 days' written notice if the County fails to promptly enter into negotiations to amend Exhibit E, Privacy and Information Security Provisions, when requested by the State.

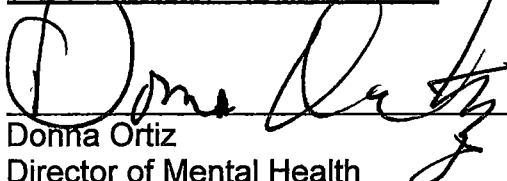
FISCAL IMPACT/FINANCING:

There are no costs associated with this agreement, therefore, 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 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 ensuring that Tulare County meets the conditions and requirements in order to receive funding for mental health services.

ADMINISTRATIVE SIGN-OFF:


Donna Ortiz
Director of Mental Health

cc: County Administrative Office

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Attachment(s) Agreement STD 213A
Contractor Certification Clause

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

IN THE MATTER OF APPROVE AN)
AGREEMENT WITH THE CALIFORNIA) Resolution No. _____
DEPARTMENT OF HEALTH CARE) Agreement No. _____
SERVICES)

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

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2. Found that the Board had authority to enter into the proposed agreement as of July 1, 2018 and that it was in the County's best interest to enter into the agreement on that date; and

3. Authorized the Chairman of the Board to sign three (3) copies each of the agreement and Contractor Certification Clause.