



**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 28, 2020

| | | | | |
|---|-----|-------------------------------------|-----|-------------------------------------|
| 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 type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| CONTACT PERSON: Nilsa Gonzalez PHONE: 624-8480 | | | | |

SUBJECT: Approve a Data Use Agreement with Center for Medicare and Medicaid Services

REQUEST(S):
That the Board of Supervisors:

Authorize the Health and Human Services Agency Director, or designee to sign a Data Use Agreement with the Centers for Medicare & Medicaid Services in the event of a public health emergency including Public Safety Power Shut-off.

SUMMARY:

Background on Public Safety Power Shut-off

As a result of catastrophic wildfires in recent California history and in preparation for the 2020 fire year season, the California Public Utilities Commission (CPUC) has expanded the use of pre-emptive electrical system de-energizations, commonly referred to as Public Safety Power Shut-off (PSPS), for investor-owned utilities including both Pacific Gas & Electric Co. (PG&E) and Southern California Edison (SCE) which serve Tulare County.

The CPUC has determined that utilities have primary responsibility for notifying customers of PSPS events which at this time would be by way of automated notifications to all affected customers and follow-up in-person visits to non-responsive customers on critical care-type rate plans. Local government may play a supporting role in public outreach, and may further be required to respond with supportive services to address unmet needs of the PSPS-affected population.

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supportive services to address unmet needs of the PSPS-affected population. As part of the continued evolution of PSPS, PG&E, SCE and local governments with recent PSPS experience have mutually identified a need for protected customer-level detail for medical baseline / critical care customers, as well as for essential service customers including but not limited to healthcare, public safety, communications, and infrastructure facilities, to better assess impacts, coordinate with partners, and plan appropriate response actions.

CMS Data Use Agreement

The United States Department of Health & Human Services Assistant Secretary for Preparedness & Response and the Centers for Medicare & Medicaid Services (CMS) have established the emPOWER Initiative to support local public health authority preparedness, mitigation, response and recovery public health activities for at-risk Medicare beneficiaries with certain access and functional needs. This at-risk population relies on certain power-dependent durable medical equipment (DME) and health care services such as those requiring oxygen tank, dialysis and/or at home health services. This requires that local public health officials request and obtain real time, protected information about this at-risk population by means of a written request and a signed data use agreement (DUA). This information, obtained through a secure mechanism, can then be used to conduct outreach during and after an emergency or disaster. Potential PSPS occurrences will be considered 48-72 hours in advance based on forecasted hazardous weather conditions. The final decision to implement be made only at such time that hazardous conditions are observed, but may be aborted at any time prior to implementation should the forecast improve. The DUA cannot be signed until there is an imminent threat that affects life safety. If the DUA is changed or altered in any way the agreement will be null and void.

Responsibility for medical and health disaster preparedness, mitigation, response, and recovery is the joint responsibility of the Public Health Officer and the local Emergency Medical Services (EMS) Administrator per Section 1797.153 of the California Health & Safety Code which requires each county to address specific and health-related functions including the assessment of immediate medical needs.

The attached Data Use Agreement would allow the County's authorized users of emPOWER to obtain real time, protected information about at-risk residents residing within Tulare County and retain any data received under the DUA or any derivative data for a period of 30 calendar days.

FISCAL IMPACT/FINANCING:

The Data Use Agreement with the Centers for Medicare & Medicaid Services does not have a cost and therefore, no additional net County cost to the General Fund.

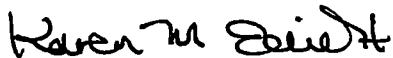
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LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the Safety and Security initiative, with a goal of providing coordinated emergency preparedness, response, recovery and mitigation capabilities for both natural and man-made disasters. This agreement would allow the County to respond more effectively to specific needs of the community surrounding Public Safety Power Shut-off events.

ADMINISTRATIVE SIGN-OFF:



Karen M. Elliott
Director of Public Health

cc: County Administrative Office

Attachment(s) Data Use Agreement
Sample Amendment

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

IN THE MATTER OF APPROVE A)
DATA USE AGREEMENT WITH) Resolution No. _____
CENTER FOR MEDICARE AND MEDICAID) 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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Data Use Agreement with the Centers for Medicare & Medicaid Services in the event
of a public health emergency including Public Safety Power Shut-off.