



**Health and 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: May 19, 2020 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 Agreement No. 29084 with the California State Department of Health Care Services

REQUEST(S):

That the Board of Supervisors:

1. Approve an amendment to Agreement No. 29084 retroactive from July 1, 2017 through June 30, 2020 with the California State Department of Health Care Services to receive a maximum of \$6,688,658 for funding to provide Substance Use Disorder services. The purpose of the amendment modifies the terms and conditions as outlined in the original contract, and increases the budgets for Fiscal Year 2017 through Fiscal Year 2020. This amendment is retroactive due to delayed notification from the Department of Health Care Services, making it impracticable for the Board to take action prior to July 1, 2017.
2. Find that the Board had authority to enter into the proposed amendment as of July 1, 2017 and that it was in the County's best interest to enter into the amendment on that date.
3. Authorize the Chair of the Board to sign five (5) copies each of the amendment, the Contractor Certification Clause, Certification Regarding Lobbying, and the California Civil Rights Laws Certification.

SUMMARY:

The Department of Health Care Services (DHCS) annually allocates State funding to Tulare County to provide Substance Use Disorder (SUD) Treatment and Prevention programs for Tulare County beneficiaries. Tulare County Health &

SUBJECT: Approve an amendment to Agreement No. 29084 with the California State Department of Health Care Services

DATE: May 19, 2020

Human Services Agency (HHS), Mental Health Branch collaborates to provide some of the following Programs: (1) Residential programs which provide housing for males and females, as well as the perinatal female population:(2) Outpatient Drug Free (ODF) program, which-serves adults and youth consumers: (3) Narcotic Treatment Programs: and (4) various SUD Prevention Treatment modalities throughout the County.

Tulare County and DHCS entered into Agreement No. 29084 effective July 1, 2017 and subsequently amended the agreement on April 2, 2019. Both parties are now requesting to amend the agreement to increase the funding by \$53,345, for a total amount of \$6,688,658. This change will be reflected in the updated Exhibit B, Attachment I A2 – Funding Amounts, which replaces the previous Exhibit B, Attachment AI. Additionally, Exhibit A Attachment I A2 Program Specifications replaces Exhibit A Attachment I A1 to reflect minor changes in wording; Exhibit B A2– Budget Detail and Payment Provisions replaces Exhibit B A1 to include more detailed requirements regarding inpatient hospital services; and Exhibit D(F) Special Terms and Conditions (revised March 2019) replaces Exhibit D (F) Special Terms and Conditions (revised August 2017). All other terms and conditions in the original agreement remain the same.

The following terms deviate substantively from the standard County boilerplate: 1) The County is required to sign the Amendment first; 2) The State has the right to conduct on-site inspections at the County’s facilities to evaluate the County’s performance under the agreement; 3) To the extent the agreement involves federal funds, it is contingent on the availability of these funds and the State has the right to amend or cancel the agreement to reflect a decrease or elimination in funding; 4) The State, not the County, may terminate the agreement for cause at any time; 5) The State, not the County, may terminate the agreement without cause upon 90 days’ advance written notice to the County; 6) DHCS, not the County, owns the rights to all intellectual property stemming from the agreement; 7) The County is required to defend and indemnify DHCS from all intellectual property claims, but DHCS is not required to do the same for the County; and 8) DHCS makes no representations regarding whether intellectual property stemming from the agreement infringes on others’ rights.

FISCAL IMPACT/FINANCING:

The revenue for this agreement increased \$53,345 totaling \$6,688,658, out of which \$2,201,669 was included in Fiscal Year 2017/2018 budget, \$2,231,975 was included in Fiscal Year 2018/2019 budget, and \$2,255,014 will be included in the Fiscal Year 2019/2020 adopted budget. HHS will receive funds from the California State Department of Health Care Services. 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,

SUBJECT: Approve an amendment to Agreement No. 29084 with the California State Department of Health Care Services

DATE: May 19, 2020

youth and children in state and federally mandated programs. This amendment increases the ability to fulfill that obligation through residential, recovery residences, outpatient drug free and transitional programs.

ADMINISTRATIVE SIGN-OFF:

/s/Donna Ortiz

Donna Ortiz

Director of Mental Health

cc: County Administrative Office

Attachment(s)

Attachment A-Amendment

Attachment B-Contractor Certification Clause

Attachment C-Certification Regarding Lobbying

Attachment D-California Civil Rights Laws Certification

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

IN THE MATTER OF APPROVE AN)
AMENDMENT TO AGREEMENT NO. 29084) Resolution No. _____
WITH THE CALIFORNIA STATE)
DEPARTMENT OF HEALTH CARE SERVICES) Agreement No. _____
)

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. 29084 retroactive from July 1, 2017 through June 30, 2020 with the California State Department of Health Care Services to receive a maximum of \$6,688,658 for funding to provide Substance Use Disorder services. The purpose of the amendment modifies the terms and conditions as outlined in the original contract, and increases the budgets for Fiscal Year 2017 through Fiscal Year 2020. This amendment is retroactive due to delayed notification from the Department of Health Care Services making it impracticable for the Board to take action prior to July 1, 2017.
2. Found that the Board had authority to enter into the proposed amendment as of July 1, 2017 and that it was in the County's best interest to enter into the amendment on that date.
3. Authorized the Chair of the Board to sign five (5) copies each of the amendment, the Contractor Certification Clause, Certification Regarding Lobbying, and the California Civil Rights Laws Certification.