



Health & Human Services  
Agency  
**COUNTY OF TULARE**  
**AGENDA ITEM**

**BOARD OF SUPERVISORS**

ALLEN ISHIDA  
District One

PETE VANDER POEL  
District Two

PHILLIP A. COX  
District Three

J. STEVEN WORTHLEY  
District Four

MIKE ENNIS  
District Five

**AGENDA DATE:** June 19, 2012

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: Anna Schaefer-Cruz PHONE: 624-8000

**SUBJECT:** Approval of agreement with the California Department of Mental Health for the State Hospital Bed Purchase and Usage Agreement for Fiscal Year 2011/2012.

**REQUEST(S):**

That the Board of Supervisors:

1. Approve the agreement with the California Department of Mental Health (DMH), for providing State Hospital Bed Purchase and Usage, estimated to be \$559,537 for Fiscal Year 2011/2012, retroactive to July 01, 2011 through June 30, 2012. This amendment is retroactive due to the May 21, 2012 date of receipt of the agreement from the State. It was impracticable for the Board to take action before July 1, 2011 as a result of the time frame in which the amendment was received and do 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 01, 2011 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 of the agreement.

**SUMMARY:**

Tulare County Health and Human Services Agency (HHSA), Department of Mental Health (DMH) under W&I Code 4100 et seq., screens, determines the appropriateness of and authorizes all referrals for treatment in State operated

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hospitals for certain mentally disordered persons from Tulare County. The State provides Lanterman-Petris-Short (LPS) hospital services only to those persons referred by the County specifically for services under this Agreement. The state hospitals providing long-term care services under this County Mental Health Agreement are Napa State Hospital and Metropolitan State Hospital. The agreement requires counties to reimburse the DMH for use of state hospital beds/services. In Fiscal Year 2010/2011 a total of 3 beds were utilized for adults.

We would like to bring to the Board's attention the following deviations from County Contract Protocol: 1) County must sign the Agreement first; 2) County must indemnify the State; 3) Both County and State may terminate without cause with thirty (30) days written notice; 4) The agreement includes a budget contingency clause; and 5) The agreement includes a binding dispute resolution clause with the State Director of Administration.

**FISCAL IMPACT/FINANCING:**

The funds for the purchase of state hospital beds are included in the Fiscal Year 2011/2012 budget, and are paid through realignment funds. The State has estimated Tulare County's Fiscal Year 2011/2012 expenses to be \$559,537. Any excess use charges are calculated by the State twice during the fiscal year and the State Controller is directed to make an adjustment for the County to reflect any excess use charge. The County will be charged for either the contract amount or for the actual cost of the County's state hospital use, whichever is greater.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The County's five-year strategic plan includes the Quality of Life initiative to attract and retain a broad range of health and mental health service providers. This action helps fulfill this initiative by ensuring the availability of state hospital beds for usage.

**ADMINISTRATIVE SIGN-OFF:**

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Timothy D. Durick, Psy.D  
Director of Mental Health

Cc: County Counsel

Attachment(s) Agreement

1. Approved the agreement with the California Department of Mental Health (DMH), for providing State Hospital Bed Purchase and Usage, estimated to be \$559,537 for Fiscal Year 2011/2012, retroactive to July 01, 2011 through June 30, 2012. This amendment is retroactive due to the May 21, 2012 date of receipt of the agreement from the State. It was impracticable for the Board to take action before July 1, 2011 as a result of the time frame in which the amendment was received and do to the time needed to process, prepare, and submit the agenda item;
2. Found that the Board had authority to enter into the proposed agreement as of July 01, 2011 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 of the agreement.