

ORIGINAL

AGREEMENT FOR SERVICES #264-S1411 AMENDMENT III

This Amendment III to that Agreement for Services #264-S1411, made and entered into by and between the County of El Dorado, a political subdivision of the State of California (hereinafter referred to as "County"), and York Risk Services Group, Inc., a New York Corporation, duly qualified to conduct business in the State of California, whose principal place of business is One Upper Pond Road, Building F, 4th Floor, Parsippany, NJ 07054, and whose Agent for Service of Process is *CSC – Lawyers Incorporating Service, 2710 Gateway Oaks Drive, Suite 150N, Sacramento, CA 95833*; (hereinafter referred to as "Consultant").

RECITALS

WHEREAS, Consultant has been engaged by County to provide workers' compensation claims third-party administration (TPA) services including administration, investigation, adjustment, utilization review, bill review, and case management, in accordance with Agreement for Services #264-S1411 dated November 5, 2013, Amendment I dated September 16, 2014, and Amendment III dated October 25, 2016, all incorporated herein and made by reference a part hereof; and

WHEREAS, the parties hereto have mutually agreed to further define trust fund within the scope of services, hereby amending **ARTICLE I – Scope of Services**; and

WHEREAS, the parties hereto have mutually agreed to extend the term of the Agreement for one (1) additional year, hereby amending **ARTICLE II – Term** and **ARTICLE III – Compensation for Services**.

NOW THEREFORE, the parties do hereby agree that Agreement for Services #264-S1411 shall be amended a third time as follows:

ARTICLE I shall be amended to add an additional paragraph under Trust Fund section to read as follows:

As a result of the County's transition from its current financial system to a new system, the County's regular weekly schedule for replenishment of the Trust Fund will be interrupted for a brief "black out" period estimated to be thirty (30) days immediately preceding the "Go Live" date of the change over to the new financial system. The County will provide written notice of the specific dates of the black out period to Contractor as soon as feasible. In order to make funds available during the black out period, the County will temporarily allow the balance in the Trust Fund to exceed the maximum amount specified herein and will fund the Trust Fund in an amount

up to \$450,000.00 on the last regularly scheduled replenishment date prior to the black out period. This amount is expected to fund payments during the black out period, and provide for full funding of the account. At the end of the black out period, funds over \$200,000.00 will be restored pursuant to the Board of Supervisors approved maximum. Following the “Go Live” date, no further replenishment of the trust fund will occur until the balance falls below the Board approved maximum amount.

ARTICLE II is here by amended to read as follows:

Term: This Agreement, as amended, shall become effective upon final execution by both parties hereto and shall cover the period of November 1, 2013 through October 31, 2018.

ARTICLE III is hereby amended to read as follows:

Compensation for Services: For services provided herein, County agrees to pay Consultant in advance, according to the following schedule:

November 1, 2013 through October 31, 2014	\$21,750.00 per month
November 1, 2014 through October 31, 2015	\$22,402.50 per month *
November 1, 2015 through October 31, 2016	\$23,074.58 per month *
November 1, 2016 through October 31, 2017	\$23,766.82 per month *
November 1, 2017 through October 31, 2018	\$23,766.82 per month *

* NTE 3% increase per year after year one.

Services provided under the \$23,766.82 monthly rate for November 1, 2017 through October 31, 2018 include the following:

The annual flat fee contemplates handling all claims activity in a twelve 12-month period (claims already open at the beginning of the 12-month term and any new claims reported during the 12-month term). The pricing includes all indemnity, future medical and medical only claims as listed. The flat annual fee includes all services detailed in this Agreement, including, but not limited to, the ancillary services listed below.	
Ancillary Services included in flat annual fee	
Excess Reporting	Monthly Computer Loss Information
Account Management	Special Quarterly and Annual Reports
Data Management	Claim Reporting (fax, telephonic)
Trust Account (Excluding Check and Bank Charges)	On-Line 5020 Reporting
Management Attendance at Claim Review Meetings	Preparation of 1099's
	Annual Stewardship Report
	Standard Reporting Requirements

In addition for November 1, 2017 through October 31, 2018, Consultant will provide the services identified in Revised Exhibit “C”, incorporated herein and made by reference a part hereof, as Consultant deems appropriate. The cost for these services may be charged to the Trust Account, provided that a copy of the itemized invoice of the charges is forwarded monthly to County, and that the rates charged to County do not exceed amounts specified in Revised Exhibit “C”.

Total amount of this Agreement, inclusive of optional services, shall not exceed \$1,407,129.64.

Except as herein amended, all other parts and sections of that Agreement #264-S1411 shall remain unchanged and in full force and effect.

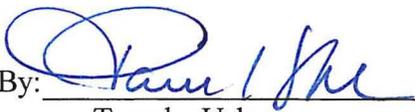
Requesting Contract Administrator Concurrence:

By: 

Marco Sandoval
Risk Manager

Dated: 9-19-17

Requesting Department Head Concurrence:

By: 

Tameka Usher
Human Resources Director

Dated: 9/19/17

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IN WITNESS WHEREOF, the parties hereto have executed this Third Amendment to that Agreement for Services #264-S1411 on the dates indicated below.

-- COUNTY OF EL DORADO --

Dated: _____

By: _____

Chair
Board of Supervisors
"County"

ATTEST:
James S. Mitrising
Clerk of the Board of Supervisors

By: _____
Deputy Clerk

Dated: _____

-- CONSULTANT --

YORK RISK SERVICES GROUP, INC.
A NEW YORK CORPORATION

By:  _____
Jody A. Moses
Senior Vice President
"Consultant"

Dated: September 7, 2017

By:  _____
Michael Krawitz
Corporate Secretary

Dated: _____

REVISED EXHIBIT "C"

Managed Care Fees:

DETAIL	FEE
MEDICAL BILL REVIEW – WORKERS COMPENSATION	
	November 1, 2017 through October 31, 2018
Fee Per Bill	\$8.25
PPO	24%
CASE MANAGEMENT	
	November 1, 2017 through October 31, 2018
Telephonic Nurse Case Management – Per hour	\$98
Field Nurse Case Management - Per hour	\$98
Mileage	IRS Rate
UTILIZATION REVIEW	
	November 1, 2017 through October 31, 2018
Medical Coordinate/Nurse Review	\$68/\$149/\$149
Medical Director/Peer Review	\$225
Specialty Review/Appeals	\$400

Optional Medicare Reporting & Medicare Set Asides (MSAs)	
	November 1, 2017 through October 31, 2018
Medicare Reporting	No charge
Standard MSA with or without submission to CMS for approval	\$2,750.00 flat rate
Final Settlement Document Submission	\$75.00 flat rate
SSA and SSDI Checks	\$125.00 per hour
Medicare Check	\$50.00 flat rate
Conditional Payment Investigation	\$150.00 flat rate
Conditional Payment Resolution	\$125.00 per hour

Optional Investigation Services

York charges \$95.00 per hour plus expenses at the rates outlined below.

Allocated Expenses for Investigation Services

<i>Expenses</i>	<i>Rates</i>
Miles	Prevailing IRS rate
Photographs	\$2.50 per color print
Photocopying	\$.25 per page
Telephone Charges	Included
Secretarial Services	\$6.00 per page
File Set Up	\$25.00 per file
Audio Cassettes	\$3.00 per cassette
Video Cassettes	\$15.00 per cassette
Other Expenses	At cost
Data Conversion	Included

Allocated Loss Adjustment Expense (ALAE)

- Fees of outside counsel for claims in suit, coverage opinions and litigation and for representation at hearings or pretrial conferences.
- Fees of court reporters and all court costs, court fees and court expenses
- Fees for service of process
- Costs of undercover operatives and detectives
- Costs for employing experts for the preparation of maps, professional photographs, accounting, chemical or physical analysis, diagrams
- Costs of legal transcripts of testimony taken at coroner's inquests, criminal or civil proceedings
- Costs for independent medical examination or evaluation for rehabilitation
- Costs for copies of any public records or medical records
- Costs of depositions and court reported or recorded statements
- Costs and expenses of subrogation
- Costs of engineers, handwriting experts or any other type of expert used
- Witness fees and travel expenses
- Costs of photographers and photocopy services
- Costs of appraisal fees and expenses
- Costs of outside investigation, signed or recorded statements
- Managed care services, excluding NCM/TCM which are medical expenses or the flat annual option