



Legislation Details (With Text)

File #: 09-1419 **Version:** 1

Type: Agenda Item **Status:** Approved

File created: 11/10/2009 **In control:** Board Of Supervisors

On agenda: 12/15/2009 **Final action:** 12/15/2009

Title: Health Services Department, Mental Health Division, recommending Chairman be authorized to sign Memorandum of Understanding 054-M1011 with California Department of Mental Health, delineating responsibilities and requirements relative to State and local compliance with the Privacy Act of 1974, as amended, to ensure the privacy and security of Medi-Cal Personally Identifiable Information, noting said Agreement shall become effective when fully executed by both parties and shall remain in effect until terminated.

FUNDING: Initial funding from Realignment and/or Tobacco Settlement with planned recoupment of expenses from Medi-Cal, MHSA, and grant funds (amortized expenses recouped through indirect component of the billing rate).

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Blue route 054-M1011, 2. B - 054-M1011

Date	Ver.	Action By	Action	Result
12/15/2009	1	Board Of Supervisors	Approved	Pass

Health Services Department, Mental Health Division, recommending Chairman be authorized to sign Memorandum of Understanding 054-M1011 with California Department of Mental Health, delineating responsibilities and requirements relative to State and local compliance with the Privacy Act of 1974, as amended, to ensure the privacy and security of Medi-Cal Personally Identifiable Information, noting said Agreement shall become effective when fully executed by both parties and shall remain in effect until terminated.

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BUDGET SUMMARY:

Total Estimated Cost		\$50,000
Funding		
Budgeted	\$50,000	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$50,000	
Change To Net County Cost		\$0

Fiscal Impact/Change to Net County Cost: Potential costs associated with compliance with the MOU are currently estimated not to exceed \$50,000. It is anticipated that Realignment and/or Tobacco

Settlement funding, already included in the Mental Health Division's FY 09/10 budget, will be available to support the initial cost (that will be amortized over future years and recouped from Medi-Cal, MHSA, and grant funds through the indirect component of the billing rate).

Background: To access data from the Federal Social Security Administration (SSA), the SSA is requiring that the California Department of Mental Health (DMH) enter into a Medi-Cal Data Privacy and Security Agreement with County Mental Health Plans (MHPs). MHPs who determine the need for data access and who can comply with the privacy and security requirements as specified in the Agreement must sign and return the agreement to DMH. County MHPs must meet security and disclosure requirements governing the confidentiality of and access to information on the Medi-Cal Eligibility Data System (MEDS) and the Monthly MEDS Extract File (MMEF). Counties must be in substantial compliance with the Agreement no later than July 1, 2010. The Mental Health Division has been supported by the County Information Technologies Department in reviewing the Agreement and determining actions needed to substantially comply with applicable security requirements. On October 21, 2008, the Board approved an agreement nearly identical to that proposed herein for the County's Human Services Department.

Reason for Recommendation: Counties must conform to SSAs security and disclosure standards as outlined in the data sharing agreement that has been executed between Social Security Administration and the California Department of Mental Health (DMH). As a result, DMH is entering into individual agreements with all California counties in order to pass on the requirements of the SSA agreement. MOU 054-M1011 between the State and the Health Services Department, Mental Health Division, shall become effective when fully executed by both parties and shall remain in effect until terminated.

Approval of the requested action will assure the California Department of Mental Health that the County's Department of Health Services, Mental Health Division will have SSA required security and privacy measures in place to protect Personally Identifiable Information accessed by the County.

Action to be taken following Board approval:

1. Chairman to sign two (2) original Agreements.
2. Board Clerk's Office to return both original Agreements to the Health Services Department, Mental Health Division.
3. Mental Health Division to distribute as appropriate.

Contact: Neda West, Health Services Department

Concurrences: This Agreement has been approved by County Counsel and Risk Management and a copy is on file in the Board Clerk's Office.