



## Legislation Details (With Text)

**File #:** 13-0491      **Version:** 3

**Type:** Agenda Item      **Status:** Approved

**File created:** 4/24/2013      **In control:** Board of Supervisors

**On agenda:**      **Final action:** 6/25/2013

**Title:** New Version  
 Health and Human Services Agency recommending the Board authorize the Health and Human Services Agency Director, successor, or designee to sign:  
 1) Retroactive Memorandum of Understanding 153-S1311 with California Department of State Hospitals for the allocation of and reimbursement to the State for State hospital beds for clients who have been determined to require a higher level of service than is available through the County. The Memorandum of Understanding has a term of July 1, 2012 through June 30, 2013 and an estimated maximum obligation of \$450,410 for the use of two (2) hospital beds; and  
 2) Future requests for additional State hospital bed allocations as needed, contingent on subsequent notification to the Board of the change in number of requested allocations. (Cont'd Item 17, 6/4/13)

**FUNDING:** Mental Health Realignment.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved CRS 153-S1311.pdf, 2. B - 153-S1311.pdf, 3. C - Resolution 134-2012.pdf

| Date      | Ver. | Action By            | Action    | Result |
|-----------|------|----------------------|-----------|--------|
| 6/25/2013 | 2    | Board of Supervisors | Approved  | Pass   |
| 6/4/2013  | 1    | Board of Supervisors | Continued | Pass   |

**New Version**

Health and Human Services Agency recommending the Board authorize the Health and Human Services Agency Director, successor, or designee to sign:  
 1) Retroactive Memorandum of Understanding 153-S1311 with California Department of State Hospitals for the allocation of and reimbursement to the State for State hospital beds for clients who have been determined to require a higher level of service than is available through the County. The Memorandum of Understanding has a term of July 1, 2012 through June 30, 2013 and an estimated maximum obligation of \$450,410 for the use of two (2) hospital beds; and  
 2) Future requests for additional State hospital bed allocations as needed, contingent on subsequent notification to the Board of the change in number of requested allocations. (Cont'd Item 17, 6/4/13)

**FUNDING:** Mental Health Realignment.

| <b>BUDGET SUMMARY:</b>                 |           |
|--|-----------|
| Total Estimated Cost.....              | \$450,410 |
|  |           |
| Budgeted (two State bed allocations).. | \$450,410 |
| New Funding.....                       | \$0       |
| Savings.....                           | \$0       |

|                                |           |
|--------------------------------|-----------|
| Other.....                     | \$0       |
| Total Funding Available.....   | \$450,410 |
|                                |           |
| Change To Net County Cost..... | \$0       |

**Fiscal Impact/Change to Net County Cost**

There is no Net County Cost associated with this Memorandum of Understanding (MOU) 153-S1311. Sufficient appropriations were included in the Fiscal Year (FY) 2012-13 budget.

**Background**

In accordance with Welfare and Institutions Code Section 4100 et seq., the California Department of State Hospitals ("DSH") has jurisdiction over State hospitals for the provision of services to persons with severe mental disorders that have not responded to treatment at lower levels of mental health care. These services include inpatient psychiatric health care, treatment, and support services for County residents referred by the Health and Human Services Agency, Mental Health Division ("HHS") who have mental, emotional, or behavioral disorders that cannot be treated at the local level.

On September 25, 2012, the Board of Supervisors adopted Resolution 134-2012 authorizing the County to purchase hospital beds from DSH. The County currently has requested allocation of two (2) hospital beds from the state hospital system during Fiscal Year 2012-13 for clients who have been determined to require a higher level of service than is available through the County.

In November 2012, HHS received MOU 153-S1311 from DSH, which DSH requested be returned by December 31, 2012. HHS immediately initiated the required internal reviews and the MOU was approved by County Counsel December 20, 2012. HHS became aware of concerns with the language of the MOU and this information was forwarded to Counsel for consideration. Counsel acknowledged the concerns submitted for second review, including but not limited to (1) the fees are based on a minimum commitment regardless of actual bed usage, (2) failure to sign the MOU does not mean a County loses access to state hospital beds, and (3) the MOU has been streamlined, eliminating various provisions from previous agreements for state hospital beds. Provisions in prior agreements that were eliminated include, but may not be limited to: County access to reports on status of hospital accreditation and legal compliance provisions (information that is available through public records), consultation with County Medical Director about medical care likely to exceed \$5,000, standards of care and procedures for resolving patient's rights' complaints, specific admission and discharge procedures, commitment to regional committees, and provisions regarding performance improvement. While omitted provisions may have provided enhanced benefits to the County, they do not affect the legal form of the MOU.

**Reason for Recommendation**

The Health and Human Services Agency recommends the Board approve MOU 153-S1311 to ensure ongoing availability of beds at the State hospital level.

**Action(s) to be taken following Board approval**

- 1) HHS Director to sign two (2) original copies of MOU 153-S1311, and submit them to the California Department of State Hospitals for final execution.
- 2) HHS to submit two (2) original signed MOU to DSH.
- 3) Upon receipt of fully executed MOU, HHS to submit one fully executed original MOU to the

Clerk of the Board.

**Contact**

Jan Walker-Conroy, M.A., Interim Director

**Concurrences**

County Counsel