



## Legislation Details (With Text)

**File #:** 20-1650      **Version:** 1

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

**File created:** 12/3/2020      **In control:** Board of Supervisors

**On agenda:** 1/5/2021      **Final action:** 1/5/2021

**Title:** Health and Human Services Agency recommending the Board:  
 1) Make findings in accordance with County Ordinance 3.13.030 (B) that it is appropriate to enter into a tri-party contract with California Mental Health Services Authority (CalMHSA) and the California Department of State Hospitals (DSH) for State hospital beds Agreement 5338 because the provision of such services provided by DSH are in the public's best interest and that there are specialty skills, qualifications, and equipment not expressly identified in County classifications involved in the performance of the work;  
 2) Approve and authorize the Chair to sign Purchase Agreement Renewal of State Hospital Beds (County Agreement 5338) with CalMHSA and DSH for the provision of State hospital beds on an "as requested" basis, effective upon approval, for the term upon approval through June 30, 2021, with a variable maximum obligation dependent on usage of State hospital beds; and  
 3) Authorize the Purchasing Agent to sign future amendments to this Agreement from CalMHSA and DSH, and contingent upon approval by County Counsel and Risk Management.

**FUNDING:** 1991 Mental Health Realignment.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved CRS, 01-05-2021, 2. B - DSH-CalMHSA Agreement 5338, 01-05-2021, 3. C - 265-M1610 and approved CRS, 01-05-2021, 4. D - 265-M1610, A1, and approved CRS, 01-05-2021, 5. E - 265-M1610, A2 and approved CRS, 01-05-2021, 6. Executed Purchase Renewal of State Hospitals

Date	Ver.	Action By	Action	Result
1/5/2021	1	Board of Supervisors	Approved	Pass

Health and Human Services Agency recommending the Board:  
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 3) Authorize the Purchasing Agent to sign future amendments to this Agreement from CalMHSA and DSH, and contingent upon approval by County Counsel and Risk Management.

**FUNDING:** 1991 Mental Health Realignment.

**DISCUSSION / 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. County residents who have mental, emotional, or behavioral disorders that cannot be treated at a lower level, are referred to the State hospitals for treatment.

Welfare and Institutions Code Section 4331 requires counties, either acting alone, or in combination with other counties, to annually contract with the State to reserve the number and types of State hospital beds the county anticipates utilizing in the coming fiscal year. Prior to the development of Memorandum of Understanding 265-M1610 (MOU), counties were required to pay for the bed reservation(s), regardless whether the bed was occupied, and the process for payment was handled by the State withholding funds from the county's 1991 Realignment allocation. Bed rates depend on the type of service required, which is directly related to patient acuity. Due to the need for high-acuity mental health services, counties had no option but to accept the terms and conditions offered by the State.

This changed on February 15, 2011, when the Board authorized the County to become a participating member in the California Mental Health Services Authority (CalMHSA) JPA via Resolution 024-2011 and Participation Agreement 373-162-M-E2010 (EDC #142-O1111). Initially, CalMHSA was formed so that counties could pool their Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) funds to maximize the effectiveness of funding. Over time, CalMHSA evolved to include a broader scope of services, including the negotiation on behalf of participating counties for the purchase of State Hospital beds and other programs or activities including but not limited to the Drug-Medical Treatment Program, managed mental health care, and delivery of specialty mental health services.

Since participation began in the CalMHSA State Hospital Bed negotiation process, the County no longer pays for unoccupied beds. The Board approved current CalMHSA Participation Agreement 4282 on November 5, 2019 (File ID 19-1297). Agreement 4282 authorizes CalMHSA to contract for State Hospital beds on the behalf of the County of El Dorado. The program goals are to ensure compliance by DSH with all applicable requirements, create efficiency and contain costs, establish consistency in quality of care, work collectively to identify and/or develop alternative resources for special populations requiring secure 24-hour treatment services. The County is currently committed to one (1) bed.

Agreement 5338 and Participation Agreement 4282 are dependent upon one another and the County is required to be a party to each one in order to participate in the State Hospital Bed Program. Furthermore, it is necessary that the County execute Agreement 5338 to ensure future availability of State hospital bed(s) should any County clients require the specialty services that can only be obtained through DSH.

Health and Human Services Agency (HHS) staff began communicating with CalMHSA in January 2020 requesting that a new MOU be issued. The initial response was that DSH was developing a new agreement and that CalMHSA was waiting on direction from DSH. Despite contacting CalMHSA eight times before June 19, 2020, the consistent response from CalMHSA was that they had not received any updates from DSH.

On November 19, 2020, CalMHSA received the Purchase Agreement Renewal of State Hospital

Beds (Agreement 5338) and forwarded it to HHSA staff. HHSA staff immediately started processing the Agreement for the next available Board Agenda.

**ALTERNATIVES:**

Should the Board decline to approve this recommendation, the County would be out of compliance with State, Federal, and program requirements. Additionally, when the County needs to use a State bed, we would be charged the current bed rate issued by the Department of State Hospitals, as opposed to the CalMHSA negotiated rates, terms and conditions, including but not limited to the ability to pay only for beds used, not a daily bed rate, whether the bed is occupied or not.

**PRIOR BOARD ACTION:**

- 1) 11/05/19 19-1297 HHSA Agmts 265-M1610 A2. 4282, and 4284
- 2) 08/08/17 15-1386 CalMHSA State Hospital Participation Agreement
- 3) 08/08/17 15-1386 CDSH MOU A1
- 4) 11/16/15 15-1386 CDSH MOU

**OTHER DEPARTMENT / AGENCY INVOLVEMENT:**

County Counsel

**CAO RECOMMENDATION:**

Approve as recommended.

**FINANCIAL IMPACT:**

Agreement 5338 has no stated not-to-exceed amount (NTE), as the NTE is variable depending on usage. The bed rate is established annually and depends on the type of service required, which is related to patient acuity. No invoices are issued by DSH. The yearly 1991 Mental Health Realignment amount allotted to the County is reduced by the number of beds used.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Clerk of the Board to obtain the Chair's signature on three (3) originals of Agreement 5338; and
- 2) Clerk of the Board to return two fully executed originals of the Agreement to HHSA Contracts Unit, 3057 Briw Road.

**STRATEGIC PLAN COMPONENT:**

County Strategic Goal: "Healthy Communities."

**CONTACT**

Don Semon, Director, Health and Human Services Agency