



## Legislation Details (With Text)

**File #:** 19-1297      **Version:** 1

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

**File created:** 8/21/2019      **In control:** Board of Supervisors

**On agenda:** 11/5/2019      **Final action:** 11/5/2019

**Title:** Health and Human Services Agency recommending the Board:

- 1) Approve and authorize the Chair to sign Amendment II to Memorandum of Understanding 265-M1610 with the California Department of State Hospitals, for the provision of State hospital beds on an "as requested" basis, retroactively extending the term by one (1) year through June 30, 2020, with a variable maximum obligation dependent on usage of State hospital beds;
- 2) Approve and authorize the Chair to sign Participation Agreement 4282 with California Mental Health Services Authority (CalMHSA) Joint Powers Authority (JPA), to participate in the "CalMHSA State Hospital Program" with a retroactive effective date of July 1, 2019 through June 30, 2020, and an administrative fee of \$1,402/per bed/fiscal year, thereby authorizing CalMHSA to negotiate and contract with the State for State hospital beds on behalf of the County; and
- 3) Approve and authorize the Chair to sign Participation Agreement 4284 with California Mental Health Services Authority (CalMHSA) Joint Powers Authority (JPA), to participate in the "CalMHSA North Valley Suicide Prevention Hotline Program" with a retroactive effective date of July 1, 2019 through June 30, 2020, and an administrative fee of \$8,175, thereby authorizing CalMHSA to administer program funding on behalf of the County.

**FUNDING:** State funding.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - AGMT 265-M1610 A2 AND CRS 11-05-19, 2. B - AGMT 4282 AND CRS 11-05-19, 3. C - AGMT 4284 AND CRS 11-05-19, 4. Executed Agreement #4282, 5. Executed Agreement #4284

Date	Ver.	Action By	Action	Result
11/5/2019	1	Board of Supervisors	Approved	Pass

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**DISCUSSION / BACKGROUND:**

On February 15, 2011, 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 has 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, thereby requiring subsequent Participation Agreements for the State hospital bed Program (4282) and the North Valley Suicide Prevention Hotline Program (4284), which is recommended for approval here, to continue CalMHSA's authority to negotiate on behalf of the County for the purchase of State hospital beds, and add program administration of the North Valley Suicide Prevention Hotline Program.

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 this MOU 265-M1610, 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 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. Since participation began in the CalMHSA State Hospital Bed negotiation process, the County no longer pays for unoccupied beds.

The CalMHSA Participation 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 administration of these goals is funded by a \$1,402/per bed/fiscal year fee. Currently the County is committed to one (1) bed. Execution of Participation Agreement 4282 is required to confirm the County's participation in the CalMHSA State Hospital Bed Program.

On December 15, 2015, the Board approved MOU 265-M1610 with a term retroactive to July 1, 2014 through June 30, 2016 (File ID 15-1386). Amendment I extended the term from July 1, 2016 through June 30, 2019 with no other changes to the MOU. Amendment II will extend the term through June 30, 2020 with no other changes to the MOU while the State develops a new MOU. The County is required to execute Amendment II to MOU 265-M1610 to ensure future availability of a State hospital bed on an "as requested" basis.

On January 31st of each year throughout the term of MOU 265-M1610, HHSA shall provide CDSH, through CalMHSA, with an estimate of the number and type of beds that the County expects to use during the subsequent fiscal year, and the cost of the hospital bed is determined by the type of service provided.

MOU 265-M1610 and Participation Agreement 4282 are dependent upon one another and required to participate in the State Hospital Bed Program.

Additionally, HHSA is recommending the Board find that in accordance with Chapter 3.13, Section 3.13.030 of the County Ordinance the County has neither the facilities nor specialty skills required to provide inpatient treatment and care at the acuity level of the State hospitals. Therefore, it is more economical and feasible to engage an independent contractor for the provision of State hospital beds.

The CalMHSA Participation Agreement 4284 authorizes use of the North Valley Suicide Prevention Hotline (NVSPH) which will be administered through CalMHSA on behalf of counties that are participating in and funding the program. It will serve as the primary suicide prevention hotline for these counties. As funding allows, NVSPH will continue to operate a 24/7 suicide prevention hotline accredited by the American Association of Suicidology, and will continue to answer calls through its participation in the National Suicide Prevention Lifeline. NVSPH will also maintain its hotline website, and will provide outreach and technical assistance to counties that are participating and funding the program.

Although these documents were received by Behavioral Health in May 2019, they were not received by the HHSA Contracts Unit until mid-August following a status inquiry from CalMHSA, and staff immediately began processing these documents in preparation for the next available Board date.

**ALTERNATIVES:**

Should the Board decline to approve this recommendation, HHSA would be out of compliance with State, Federal, and program requirements.

**PRIOR BOARD ACTION:**

- 1) 12/10/10 10-1324 CalMHSA JPA - Approved
- 2) 12/10/13 10-1324 CalMHSA Restated JPA - Approved
- 3) 12/15/15 15-1386 CDSH MOU - Approved
- 4) 08/08/17 15-1386 CalMHSA State Hospital Participation Agreement - Approved
- 5) 08/08/17 15-1386 CDSH MOU A1 - Approved

**OTHER DEPARTMENT / AGENCY INVOLVEMENT:**

Approved by Counsel, Risk, and HR

**CAO RECOMMENDATION:**

It is recommended that the Board approve this item.

**FINANCIAL IMPACT:**

Services under these Agreements are funded by State funds: Medi-Cal, MHSA, and Realignment. Financial impact breaks down as follows:

Agreement 265-M1610: Has no stated NTE. NTE is variable depending on usage. The bed rate is established annually and depends on the type of service required, which is directly related to patient acuity. The County will only be billed for actual usage.

Agreement 4282: Program admin fee of \$8,175 to be paid in full for FY 2019-20.

Agreement 4284: Program admin fee of \$1,402 to be paid in full for FY 2019-20.

Sufficient appropriations were included in the fiscal year 2019-20 budget, and will be included in future budgets for the term of the Agreement.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Clerk of the Board to obtain signature of Chair on two (2) originals of the following Agreements:
  - CDSH MOU 265-M1610 Amendment II; and
  - CalMHSA Participation Agreement 4282; and
  - CalMHSA Participation Agreement 4284; and
- 2) Clerk of the Board to return two (2) partially executed originals of each Agreement to the HHSA Contracts Unit at 3057 Briw Road, suite B.

**STRATEGIC PLAN COMPONENT:**

Healthy Communities

**CONTACT**

Don Semon, Director