



## Legislation Details (With Text)

**File #:** 21-1487      **Version:** 1

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

**File created:** 9/8/2021      **In control:** Board of Supervisors

**On agenda:** 11/9/2021      **Final action:** 11/9/2021

**Title:** Health and Human Services Agency (HHS) recommending the Board:  
 1) Approve and authorize the Chair to sign Amendment 5 to Agreement for Services 844 (447-S1711) with Netsmart Technologies, Inc., for the provision of the Netsmart Avatar electronic health record and billing system services, which retroactively adds the MyLearningPointe subscription to the agreement and removes the Telehealth™ subscription from the agreement; increasing the total amount of the Agreement by \$3,250 for a new total not-to-exceed amount of \$929,450; with no change to the term of the Agreement; and  
 2) Authorize the HHS Director, or designee, to execute further documents relating to Agreement for Services 844 (447-S1711), contingent upon County Counsel and Risk Management approval, including amendments which do not increase the maximum dollar amount or term of the Agreement.

**FUNDING:** Federal and State Funding: 50% Medi-Cal, 24% Mental Health Realignment, and 26% Mental Health Services Act.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Approved CRS Netsmart 844 A5, 2. B - Netsmart Technologies 844 A5, 3. C - Netsmart MyLearningPointe Invoice, 4. D- Netsmart 844, A1, A2, A3, A4 + Approved CRSs, 5. Executed Agreement 844

Date	Ver.	Action By	Action	Result
11/9/2021	1	Board of Supervisors	Approved	Pass

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**DISCUSSION / BACKGROUND:**

In 2005, the Board approved a Mental Health Agreement to contract with the California Regional Mental Health Systems Coalition Joint Powers Authority (JPA) to develop an integrated information systems infrastructure. The JPA members researched available software systems suitable for Mental Health records and billing that satisfied the requirements of the California Medi-Cal system. As a result, the JPA selected and implemented the Avatar system, a product of the Netsmart Technologies

Corporation, to achieve this goal and meet State requirements. Despite the quality and success of the product, the Application Service Provider (ASP) billing configuration proved to be problematic and the JPA system was dissolved by June 30, 2013. The Health and Human Services Agency (HHSA) desired to continue using Avatar due to the financial and staff time investment in developing and using the software, the multitude of records contained in the software platform, and to ensure continuity of record keeping for those clients whose records already reside in the system. Since that time, as electronic billing processes result in Medi-Cal funding to support Behavioral Health services and as Netsmart has proven to be a consistent partner in providing support and customizing as requested, Behavioral Health has continued contracting with Netsmart Technologies Inc for the provision of the Avatar electronic health record and billing system. County of El Dorado Board of Supervisors Resolution Number 142-2001 exempts proprietary software from the competitive bidding process.

In March 2021, fiscal staff received an invoice for the Avatar system that was brought to the attention of program staff. Upon further review, it was determined that a series of events led to the inability to pay the invoice:

- 1) On September 8, 2016, the MyLearningPointe subscription service was erroneously viewed as a separate software product, not being tied to Agreement 844 with Netsmart, and was purchased. This separate purchase provided HHSA with the mechanism to pay Netsmart for the services at that time.
- 2) Thereafter, in the County's conversion from the former purchasing system (ADPICS) to the current Enterprise Resource Program (FENIX), no Purchase Contract was created in FENIX for MyLearningPointe.

Upon completing a full review of this sequence of events:

- 1) In July 2021, it was determined that this software subscription should be handled as a component of the existing Agreement 844 with Netsmart. Therefore, HHSA requests the Board's approval for the MyLearningPointe subscription to be retroactively added to the existing Netsmart Agreement 844, effective October 1, 2020, with an increase of \$11,250 as the services run from October - September annually; and
- 2) In addition, HHSA has determined that the Telehealth™ subscription service that was added in Amendment 4 does not adequately serve County clients; therefore this amendment removes Telehealth™ from the Agreement, effective January 1, 2022 for the remainder of the agreement which expires on May 31, 2022, resulting in a decrease of \$8,000. El Dorado County was one of the first counties for Avatar to try this new Telehealth feature. Though it was rolled out in an effort to virtually link Psychiatrists with their clients more efficiently, both parties continually reported connectivity issues and other glitches which hindered the ability to receive virtual-services. The ongoing issue with the Telehealth feature without any resolution has resulted in the decision to remove the feature while other options are explored.

These two actions being recommended result in a net increase to the maximum obligation of the Agreement of \$3,250.

#### **ALTERNATIVES:**

The Board may not approve this recommendation, however that decision would limit HHSA's ability to pay Netsmart for the MyLearningPointe services already provided; and will result in HHSA's obligation to pay for the Telehealth™ service that it will no longer use because it does not adequately serve County clients.

#### **PRIOR BOARD ACTION:**

- 1) 04/18/17, 17-0321, Approved Agreement for Services 447-S1711 (FENIX #844)
- 2) 05/21/19, 19-0384, HHSA Netsmart Agreement 844 Amendment 2
- 3) 03/17/20, 19-1796, HHSA Netsmart Technologies, 844 A3 (447-S1711)
- 4) 12/15/20, 20-1097, HHSA Netsmart 844 A4

**OTHER DEPARTMENT / AGENCY INVOLVEMENT:**

Approved by County Counsel, Information Technologies, and Risk Management.

**CAO RECOMMENDATION:**

Approve as recommended.

**FINANCIAL IMPACT:**

There is no use of General Fund for this Agreement. The increase of \$3,250 will be paid from Medi-Cal, Mental Health Realignment, and Mental Health Services Act. Sufficient appropriations were included in the Fiscal Year 2021-22 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 Amendment 5 to Agreement for Services 844; and
- 2) Clerk of the Board to return one (1) fully executed Amendment 5 to the HHSA Contracts Unit at 3057 Briw Road, Suite B.

**STRATEGIC PLAN COMPONENT:**

Health and Human Services Agency Strategic Plan Objective 4.1.7: Identify cost effective emerging technologies to improve service delivery and drive efficiency for HHSA employees.

**CONTACT**

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