



County of El Dorado

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Legislation Details (With Text)

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On agenda: 1/24/2023 **Final action:** 1/24/2023

Title: Health and Human Services Agency (HHS) recommending the Board:
1) Make findings that the provision of State hospital beds provided by Contractor is in the public's best interest and that the work is with or among other governmental agencies in accordance with El Dorado County Ordinance Code, Chapter 3.13.030(E), El Dorado County Charter, Section 210(b)(6), and/or Government Code Section 31000;
2) Approve and authorize the Chair to sign Memorandum of Understanding (MOU) 6374 with California Mental Health Services Authority (CalMHSA) and the California Department of State Hospitals (DSH), for the provision of State hospital beds on an "as requested" basis, for a retroactive term of July 1, 2022, through February 28, 2023, with a variable maximum obligation dependent on usage of State hospital beds;
3) Approve and authorize the Chair to sign Participation Agreement 7154 with CalMHSA to participate in the CalMHSA State Hospital Program, for a retroactive term of July 1, 2022, through June 30, 2023, with a maximum obligation of \$1,402, thereby authorizing CalMHSA to negotiate and contract with the DSH for State hospital beds on behalf of the County; and
4) Authorize the HHS Director, or Behavioral Health Director, to execute future documents or amendments relating to the Participation Agreement 7154 issued by CalMHSA and MOU 6374 issued by CalMHSA and DSH, contingent upon approval by County Counsel and Risk Management.

FUNDING: 1991 Mental Health Realignment.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A- CRS for 6374, 2. B- MOU 6374, 3. C- Approved CRS for 7154 CalMHSA, 4. D - CalMHSA Participation Agmt 7154, 5. E - HHS - BHD CalMHSA State Hospital Beds 1.5.23, 6. Executed MOU, 7. Executed Agreement 7154

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|----------|--------|
| 1/24/2023 | 1 | Board of Supervisors | Approved | Pass |

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4) Authorize the HHSA Director, or Behavioral Health Director, to execute future documents or amendments relating to the Participation Agreement 7154 issued by CalMHSA and MOU 6374 issued by CalMHSA and DSH, contingent upon approval by County Counsel and Risk Management.

FUNDING: 1991 Mental Health Realignment.

DISCUSSION / BACKGROUND:

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, in accordance with Welfare and Institutions Code Section 4100 et seq. 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. Additionally, 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 (MOU) 265-M1610 with DSH in 2015 (File ID: 15-1386), counties were required to pay for the bed reservation(s) regardless of whether the bed was occupied. The process for payment is 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.

This changed on February 15, 2011 (File ID: 10-1324), 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). CalMHSA is a Joint Exercise of Powers Authority (JPA) that was created in 2009, as authorized by California Government Code Sections 6500 through 6536 which permits two or more public agencies by agreement to jointly exercise powers common to the contracted parties. The CalMHSA JPA provides administrative and fiscal services in support of member counties for statewide training, technical assistance, and capacity building.

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 joining in the CalMHSA State Hospital Bed negotiation process, the County has no longer paid for unoccupied beds.

State Hospital Bed Participation Agreement 7154: The Board approved the prior CalMHSA Participation Agreement 4282 on November 5, 2019 (File ID: 19-1297), which authorized CalMHSA to contract for State Hospital beds on the behalf of the County of El Dorado. Amendment II to Agreement 4282 was approved by the Board on May 11, 2021 (File ID: 21-0597) to extend the termination date to June 30, 2022. This expired Participation Agreement is now being retroactively renewed effective July 1, 2022. The renewal Participation Agreement 7154 commits the County to one (1) bed and continues the same program goals, which 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.

Tri-Party Memorandum of Understanding 6374: The Board approved the prior CalMHSA and DSH tri-party MOU 6216 on January 25, 2022 (File ID: 22-0024), which locked in the state hospital bed rates for the County of El Dorado. This expired MOU is now being retroactively renewed to July 1, 2022. This renewal MOU 6374 commits the County to the hospital bed rates outlined in the MOU through February 28, 2023, at which point a new rate will be agreed upon and a new MOU will be drafted and executed.

MOU 6374 and Participation Agreement 7154 are dependent upon one another, and the County is required to be a party to each agreement in order to participate in the State Hospital Bed Program. Furthermore, it is necessary that the County execute retroactive MOU 6374 and Participation Agreement 7154 to ensure future availability of State hospital bed(s) should any County clients require the specialty services that can only be obtained through DSH.

Retroactive Term

Health and Human Services Agency (HHSA) staff began communicating with CalMHSA in February 2022, 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, and HHSA continued to receive that response into September 2022. On September 28, 2022, CalMHSA sent the retroactive Purchase of State Hospital Beds Memorandum of Understanding to HHSA for execution.

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 hospital bed, the County 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) 01/25/22, File ID 22-0024, HHSA CalMHSA/Dept. State Hospitals MOU 6216
- 2) 05/11/21, File ID 21-0597, HHSA Agreement 4282 Amendment II
- 3) 01/05/21, File ID 20-1650, HHSA CalMHSA/Dept. State Hospitals Agreement 5338
- 4) 11/05/19, File ID 19-1297, HHSA Agreement 265-M1610 Amendment II, CalMHSA State Hospital Agreement 4282, and CalMHSA Suicide Prevention Agreement 4284
- 5) 08/08/17, File ID 15-1386, CalMHSA State Hospital Participation Agreement 100-M1810 and CDSH MOU 265-M1610 Amendment I
- 7) 12/15/15, File ID 15-1386, CDSH MOU 265-M1610
- 8) 12/10/13, File ID 10-1324, CalMHSA JPA Resolution Adoption and JPA Agreement
- 9) 02/15/11, File ID 10-1324, CalMHSA JPA Resolution and Agreement 373-162-M-E2010

OTHER DEPARTMENT / AGENCY INVOLVEMENT:

Approved by County Counsel.

CAO RECOMMENDATION:

Approve as recommended.

FINANCIAL IMPACT:

MOU 6374 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. Participation Agreement 7154 is also funded by Realignment, and sufficient appropriations are included in the Fiscal Year 2022-23 Budget. There is no Net County Cost associated with this Agenda item.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) Clerk of the Board to obtain the Chair's signature on three (3) originals of MOU 6374; and two (2) originals of Participation Agreement 7154.
- 2) Clerk of the Board to return all documents to HHSA Contracts Unit, 3057 Briw Road, to obtain final signatures.

STRATEGIC PLAN COMPONENT:

Healthy Communities

CONTACT

Olivia Byron-Cooper, MPH, Interim Director, Health and Human Services Agency