



# County of El Dorado

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## Legislation Details (With Text)

**File #:** 23-1852      **Version:** 1

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

**File created:** 9/28/2023      **In control:** Board of Supervisors

**On agenda:** 12/5/2023      **Final action:** 12/5/2023

**Title:** Health and Human Services Agency (HHS) recommending the Board:  
1) Make findings that the provision of State Hospital Beds provided by Contractor are 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 Participation Agreement 8132 with California Mental Health Services Authority (CalMHSA) to participate in the CalMHSA State Hospital Bed Program, for a retroactive term of July 1, 2023, through June 30, 2025, with a maximum obligation of \$2,804, thereby authorizing CalMHSA to negotiate and contract with California Department of State Hospitals (DSH) for State Hospital Beds on behalf of the County;  
3) Approve and authorize the Chair to sign Memorandum of Understanding (MOU) 8134 with CalMHSA and DSH, for the provision of State Hospital Beds on an "as requested" basis, for a retroactive term of October 1, 2023, through June 30, 2025, with a variable maximum obligation dependent on County's usage of State Hospital Beds;  
4) Authorize the Purchasing Agent to execute amendments relating to Participation Agreement 8132 and MOU 8134, contingent upon approval by County Counsel and Risk Management, that do not increase the maximum dollar amount or extend the term of the agreements beyond three (3) years; and  
5) Authorize the HHS Director, or Behavioral Health Director, to execute future programmatic, administrative, and fiscal documents relating to the Participation Agreement 8132 and MOU 8134.

**FUNDING:** State 1991 Mental Health Realignment.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - 8132, 2. B - 8132 CRS, 3. C - MOU 8134 (4852-MOU-2023-EDC), 4. D - 8134 CRS, 5. E - HHS BH CalMHSA Retro Memo 101623.pdf, 6. Executed Agreement 8134

Date	Ver.	Action By	Action	Result
12/5/2023	1	Board of Supervisors	Approved	Pass

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retroactive term of October 1, 2023, through June 30, 2025, with a variable maximum obligation dependent on County's usage of State Hospital Beds;

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5) Authorize the HHSA Director, or Behavioral Health Director, to execute future programmatic, administrative, and fiscal documents relating to the Participation Agreement 8132 and MOU 8134.

**FUNDING:** State 1991 Mental Health Realignment.

### **DISCUSSION / BACKGROUND:**

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 California Welfare and Institutions Code (WIC) Sections 4100 et seq. County of El Dorado (County) residents who have mental, emotional, or behavioral disorders that cannot be treated at a lower level of care are referred to State Hospitals for treatment.

Pursuant to WIC Section 4330-4331, California counties, either independently, or in combination with other counties, are required to contract with DHS on an annual basis to reserve the number and types of State Hospital Beds the county anticipates utilizing during the fiscal year, and must reimburse DHS for the use of State Hospital Beds. Prior to 2015, under these annual contracts, counties were required to pay for a forecasted number of State Hospital Beds regardless of patient occupancy. The DHS withheld funds from counties' 1991 Mental Health Realignment allocations for payment. Bed rates depended on the type of service required, which was 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.

In 2009, the CalMHSA Joint Powers of Authority (JPA), was formed by counties throughout the State of California to work on collaborative, multi-county projects that improve behavioral health care for all Californians. The CalMHSA JPA provides administrative and fiscal services in support of member counties for statewide training, technical assistance, and capacity building. A key initiative of CalMHSA JPA was to undergo a negotiation process with the DHS on behalf of participating counties for the purchase of State Hospital Beds to lower county costs.

On February 15, 2011, the Board authorized the County to become a participating member in the CalMHSA JPA via Resolution 024-2011 and entered into Participation Agreement 373-162-M-E2010 (EDC 142-O1111), which authorized CalMHSA JPA to negotiate with the State and other providers of mental hospital beds (File ID: 10-1324). Subsequently, on December 15, 2015, the Chair signed Participation Agreement 100-M1810 with CalMHSA JPA to participate in the "CalMHSA State Hospital Bed Program," thereby authorizing CalMHSA to negotiate and contract with the DHS for State Hospital Beds on behalf of the County (15-1386). Since joining the CalMHSA State Hospital Bed Program in 2015, the County has no longer paid for unoccupied State Hospital Beds and has entered into Participation Agreements with CalMHSA JPA to continue participation in this program.

Participation Agreement 8132 with CalMHSA and MOU 8134 with CalMHSA and DSH are dependent upon one another, as the County is required to be a party to each agreement to continue participation in the State Hospital Bed Program, with facts surrounding these agreements as follows:

1) State Hospital Bed Participation Agreement 8132

The Board approved the prior CalMHSA Participation Agreement 4282 on November 5, 2019, which authorized CalMHSA to contract for State Hospital Beds on behalf of the County (File ID: 19-1297). Amendment II to Agreement 4282 was approved by the Board on May 11, 2021, to extend the termination date to June 30, 2022 (File ID: 21-0597). Subsequently, the Board approved the renewal of Participation Agreement 7154 on January 24, 2023, for the retroactive period of July 1, 2022, through June 30, 2023 (File ID: 22-0275). This expired Participation Agreement is now being retroactively renewed effective July 1, 2023, through June 30, 2025. The renewal Participation Agreement 8132 authorizes CalMHSA to continue contracting for State Hospital Beds on behalf of the County and to explore alternative facilities to provide patient placement opportunities. This Agreement 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, and work collectively to identify and/or develop alternative resources for special populations requiring secure 24-hour treatment services.

2) Tri-Party MOU 8134

The Board approved the prior CalMHSA and DSH Tri-Party MOU 6216 on January 25, 2022, which set State Hospital Bed rates for the County (File ID: 22-0024). On January 24, 2023, the Board committed the County to rates outlined in MOU 6374 for a retroactive term of July 1, 2022, through February 28, 2023 (File ID: 22-0275). This MOU 8134 is now being renewed to allow the County to benefit from the negotiated State Hospital Bed rates for a retroactive term effective October 1, 2023, through July 30, 2025.

On September 6, 2023, CalMHSA notified HHSA Behavioral Health Division of the new Participation Agreement and Tri-Party MOU, replacing agreements 7154 and 6374, respectively. As HHSA was notified of the Participation Agreement and Tri-Party MOU retroactively, bringing these retroactive agreements before the Board was unavoidable, and HHSA presented these agreements before the Board at the earliest date possible. HHSA recommends Board approval of both of these agreements and their retroactive terms to ensure continuity of services and cost savings in State Hospital Bed usage, as both agreements enable continuance of the County's ability to pay only for hospital beds being utilized by County clients.

**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) 02/15/2011, 10-1324, CalMHSA JPA Resolution and Agreement
- 2) 12/10/2013, 10-1324, CalMHSA JPA Resolution Adoption and JPA Agreement
- 3) 12/15/2015, 15-1386, CDSH MOU 265-M1610
- 4) 08/08/2017, 15-1386, CalMHSA State Hospital Participation Agreement 100-M1810 and CDSH MOU 265-M1610 Amendment I
- 5) 11/05/2019, 19-1297, HHSA Agreement 265-M1610 Amendment II, CalMHSA State Hospital Agreement 4282, and CalMHSA Suicide Prevention Agreement 4284
- 6) 01/05/2021, 20-1650, HHSA CalMHSA/Dept. State Hospitals Agreement 5338

- 7) 05/11/2021, 21-0597, HHSA Agreement 4282 Amendment II
- 8) 01/25/2022, 22-0024, HHSA CalMHSA/Dept. State Hospitals MOU 6216
- 9) 01/24/2023, 22-0275, HHSA CalMHSA, 6374 +7154

**OTHER DEPARTMENT / AGENCY INVOLVEMENT:**

Approved by County Counsel, Human Resources, and Risk Management.

**CAO RECOMMENDATION:**

Approve as recommended.

**FINANCIAL IMPACT:**

There is no Net County Cost associated with this Agenda item. MOU 8134 has no stated not-to-exceed (NTE) amount, as the NTE is variable depending on usage. The State Hospital 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; instead the yearly 1991 Mental Health Realignment amount allotted to the County is reduced by the number of beds used. Participation Agreement 8132 is also funded by State Mental Health Realignment funds, and sufficient appropriations are included in the Fiscal Year 2023-24 Budget and will be included in future budgets for the term of the Agreements.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Clerk of the Board to obtain signature of Chair on three (3) originals of MOU 8134 and two (2) originals of Participation Agreement 8132;
- 2) Clerk of the Board to return the Chair signed MOU and Participation Agreement to HHSA Contracts Unit at 3057 Briw Rd, Suite B.

**STRATEGIC PLAN COMPONENT:**

Healthy Communities

**CONTACT**

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