



## Legislation Text

**File #:** 15-1386, **Version:** 2

Health and Human Services Agency (HHS) recommending the Board:

- 1) Approve and authorize the Chair and the HHS Director to sign Participation Agreement 100-M1810 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, 2016, with a term through June 30, 2019, 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;
- 2) Approve and authorize the Chair to sign Amendment 1 to MOU 265-M1610 with CalMHSA and California Department of State Hospitals, for the provision of State hospital beds on an "as requested" basis, extending the existing MOU term by three (3) years to June 30, 2019, with a retroactive effective date of July 1, 2016, with a variable maximum obligation dependent on usage of State hospital beds;
- 3) Authorize the Purchasing Agent, or designee, to execute further documents relating to MOU 265-M1610 A1 and Participation Agreement 100-M1810, including amendments which do not increase the maximum dollar amount or term of the MOUs, and contingent upon approval by County Counsel and Risk Management; and
- 4) Authorize the HHS Director or Assistant Director of Administration and Finance to execute programmatic documents as needed.

**FUNDING:** State Funding, Mental Health Realignment.

**DEPARTMENT RECOMMENDATION:**

Health and Human Services Agency (HHS) is recommending the Board approve and authorize the Chair to sign Participation Agreement 100-M1810 with California Mental Health Services Authority (CalMHSA), Joint Powers Authority (JPA), which is a requirement to participate in the CalMHSA State Hospital Bed program. This agreement gives CalMHSA the authority to negotiate with the State regarding contract terms for State hospital beds on behalf of the County.

Additionally, HHS is recommending the Board approve and authorize the Chair to sign Amendment 1 to MOU 265-M1610, a tri-party agreement with California Department of State Hospitals (CDSH), CalMHSA and the County regarding the specifics of utilizing State hospital beds and the cost thereof. This Amendment I extends the original term of the MOU by three years, for a total term of July 1, 2014 through June 30, 2019, and is required to be eligible to utilize State hospital beds on an "as needed" basis.

These two agreements are dependent upon one another, and both are required to participate in the State Hospital Bed Program. Both of these documents were received in mid-June from CalMHSA, and staff immediately began processing these documents in preparation for the next available Board date.

Additionally, HHS 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.

## **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 (Agenda item 17; File ID 10-1324). 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, thereby requiring a second participation agreement (100-M1810), which is recommended for approval here, to add negotiation on behalf of the County for the purchase of State hospital beds.

In July 2014, CalMHSA began negotiating with CDSH on behalf of the participating county members to develop a MOU that provides for payment for use of State hospital beds, instead of payment for reservation of State hospital beds. At that time HHSA voted not to approve CalMHSA negotiation of State Hospital beds due to change in scope for CalMHSA from their original purpose. HHSA did not have a client utilizing a State bed at the time of the negotiations.

Since that time, HHSA has procured two (2) State hospital beds and CalMHSA is now requiring our approval on the participation agreement. There is no fiscal impact of the retroactive agreement as all payments have been processed in accordance with CalMHSA request.

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.

The CalMHSA Participation Agreement 100-M1810 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 two (2) beds.

Execution of Agreement 100-M1810 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 1 extends the term from July 1, 2016 through June 30, 2019 with no other changes to the MOU. The County is required to execute Amendment 1 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.

#### **ALTERNATIVES:**

Disapproval of Amendment 1 to Agreement 100-M1810 will result in the County being ineligible to participate in the CalMHSA State Hospital Bed program.

Disapproval of Amendment 1 to MOU 265-M1610 will result in HHSA's inability to access a State hospital bed. In the event that HHSA has a client who requires a level of care provided only at a State hospital, HHSA will be required to enter into the Amendment 1 prior to placing the client; thereby resulting in a delay in placement.

#### **OTHER DEPARTMENT / AGENCY INVOLVEMENT:**

County Counsel and Risk Management.

#### **CAO RECOMMENDATION:**

It is recommended that the Board approve this item.

#### **FINANCIAL IMPACT:**

There is no Net County Cost associated with the MOUs in this Agenda item. Sufficient appropriations were included in the FY 2017-18 budget and will be included in future budgets for the term of each MOU.

#### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Clerk of the Board to obtain signature of Chair on three (3) originals of Amendment 1 to MOU 265-M1610, and two (2) originals of Participation Agreement 100-M1810.
- 2) Clerk of the Board to return three (3) partially executed originals of Amendment 1 to MOU 265-M1610, and two (2) of Agreement 100-M1810 to HHSA at 3057 Briw Road.

#### **STRATEGIC PLAN COMPONENT:**

Health and Human Services Agency Strategic Plan Project 2.3, "Efficiency in Funding;" Objective 2.3.5, "Maximize Realignment Funding to provide the best range of services to El Dorado County clients."

#### **CONTACT**

Patricia Charles-Heathers, Ph.D., Director