



Legislation Text

File #: 21-1164, **Version:** 1

Health and Human Services Agency recommending the Board:

- 1) Make findings in accordance with County Ordinance 3.13.030 that it is appropriate to contract with LocumTenens.com, LLC for the provision of temporary medical practitioner services provided under Agreement 5783 “due to the limited timeframes, temporary or occasional nature, or schedule for the project or scope of work, the ongoing aggregate of work to be performed is not sufficient to warrant addition of permanent staff”;
- 2) Approve and authorize the Chair to sign Agreement for Services 5783 with LocumTenens.com, LLC, in the amount of \$1,250,000, for the term of 5 years from September 1, 2021 through August 31, 2026; and
- 3) Authorize the Health and Human Services Agency Director or their designee to execute further documents relating to Agreement for Services 5783, contingent upon approval by County Counsel and Risk Management, including amendments which do not increase the maximum dollar amount or term of the Agreement.

FUNDING: Federal Funding: Medi-Cal 63%; State Funding: Mental Health Services Act 33%, Realignment 4%.

DISCUSSION / BACKGROUND:

Welfare and Institutions (W&I) Code Section 5897 directs the State to implement mental health services defined in the W&I Code Section 5800 (Adult and Older Adult Mental Health System of Care Act), Section 5840 (Prevention and Early Intervention Programs), and Section 5850 (The Children’s Mental Health Services Act) through contracts with county mental health programs or with counties acting jointly. The Health and Human Services Agency (HHSA), on behalf of the County, contracts with the State to serve as the Mental Health Plan (MHP) for the County. As the MHP, the County is required to provide various mental health services, including medication support services. Such services may be provided in person or via other communication methods such as “tele-health.” Tele-health is the provision of Specialty Mental Health Services between a provider and the MHP’s clients via a secure video conferencing system.

The County has been unsuccessful in recruiting permanent part-time or full-time psychiatrists on an ongoing basis, most notably in HHSA’s South Lake Tahoe Behavioral Health Clinic, despite long-term recruitment processes. While these recruitment efforts have been undertaken, LocumTenens.com has successfully provided supplemental psychiatrist staffing on an “as requested” basis, and their support for these services have additionally been intermittently utilized since 2010. On June 5, 2018 the Board approved Agreement 2082 with LocumTenens.com in the amount of \$750,000 that expires on August 31, 2021.

As recruitment challenges continue to be faced, and as LocumTenens.com has continued meeting the needs for these services, HHSA has determined that services provided pursuant to Agreement 5783 satisfy the criteria defined in Section 3.13.030 of the County Ordinance in that the work performed under this Agreement is on an “as requested” basis, the ongoing aggregate of work to be performed is not sufficient to warrant the addition of permanent staff, and that the County has been

unsuccessful in recruiting for the position of psychiatrist, particularly in the South Lake Tahoe basin; therefore it is more appropriate to engage an independent contractor to provide psychiatric treatment services.

Further, pursuant to California Business and Professions Code Section 2418 (hereinafter referred to as "CA Code BPC:2418") enacted in 2005 via Senate Bill 279, the State recognizes that it is facing a growing crisis in physician supply due, in part, to difficulties in recruiting and retaining physicians; therefore pursuant to CA Code BPC:2418, a locum tenens contractor, for purposes of California law, is not considered an employment agency nor employer of medical practitioners (referred to as "licensees"), and may engage the services of said licensees as independent contractors/subcontractors, and shall not be responsible for paying Social Security or workers' compensation/unemployment benefits to said contracted licensees. The locum tenens contractor's end use client, in this case the County, is also not considered an employment agency nor employer of said licensees whose services have been secured through locum tenens contractors and, as such, also shall not be responsible for paying Social Security or workers' compensation/unemployment benefits to said medical practitioners.

In accordance with Board of Supervisors Procurement Policy C-17, Section 7.11, the contractor selection process for service contracts in excess of \$100,000 must include a review of the scope of services and contractor's professional qualifications by a group of individuals (including at least one representative from outside the department requesting the services) qualified to judge the contractor's ability to perform the services. HHSA has documentation on file that such a review was performed for Agreement 5783.

ALTERNATIVES:

Should the Board decline to approve this recommendation, HHSA will continue to face psychiatrist staffing challenges. This would result in diminished capacity to provide psychiatrist services for clients and the potential for not meeting HHSA's contractual obligation as the MHP for the County.

PRIOR BOARD ACTION:

- 1) 06/05/18, 18-0097, HHSA Locumtenens.com Agreement 2082
- 2) 08/14/18, 18-1110, HHSA DHCS Agreement 3190 (17-94580) Mental Health Plan

OTHER DEPARTMENT / AGENCY INVOLVEMENT:

Approved by County Counsel, Procurement and Contracts, Human Resources, and Risk Management. The Auditor-Controller was notified.

CAO RECOMMENDATION:

Approve as recommended.

FINANCIAL IMPACT:

There is no Net County Cost associated with this Agenda item. 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) original Agreements for Services #5783.
- 2) Clerk of the Board to return one (1) fully executed Agreement to HHSA Contracts at 3057 Briw

Road.

STRATEGIC PLAN COMPONENT:

Healthy Communities

CONTACT

Don Semon, Director, Health and Human Services Agency