



# Board Agenda Item 31

DATE: September 24, 2024

TO: Board of Supervisors

SUBMITTED BY: Susan Holt, Director, Department of Behavioral Health

SUBJECT: Master County to County Short-Term Residential Therapeutic Program (STRTP) Agreement

## RECOMMENDED ACTION(S):

- 1. Approve and authorize the Director of the Department of Behavioral Health, or designee, to execute Master County to County Short-Term Residential Therapeutic Program (STRTP) Agreement in the same form upon execution by another county for STRTP placement and specialty mental health services (SMHS) effective upon execution through June 30, 2027, with two optional one-year extensions, total not to exceed \$15,000,000;**
- 2. Authorize the Director of the Department of Behavioral Health, or designee, to add Counties through their Mental Health Plans (MHP) and to remove Counties through their MHPs from the Master Agreement upon execution of the Master Agreement by other Counties; and**
- 3. Waive the policy in the County Purchasing Manual that allows only the Board of Supervisors to approve agreements with other governmental entities and authorize the Director of the Department of Behavioral Health, or designee, through the Purchasing Agent, to sign single case Letters of Agreement (LOA) and Admission Agreements (Exhibit C to the Master Agreement) with other county Mental Health Plans (MHP) to meet legal mandates and timeliness requirements of AB 1051 shifting responsibility to the County of Jurisdiction for payment, not to exceed \$50,000 per LOA.**

There is no additional Net County Cost associated with the recommended actions, which will authorize the addition and deletion of various Counties allowing the Department of Behavioral Health (DBH) to expand the network of service providers to ensure appropriate and necessary specialty mental health services for County youth and non-minor dependents placed within Short-Term Residential Therapeutic Programs (STRTPs) in accordance with AB 1051. This item is countywide.

## ALTERNATIVE ACTION(S):

There is no viable alternative action. Should your Board not approve the recommended actions, youth in the foster care/child welfare system may experience a gap and/or delay in essential specialty mental health services.

## FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The total maximum compensation amount for the master Agreement (\$15,000,000) will be fully offset with Medi-Cal Federal Financial Participation (FFP) and Mental Health Realignment. Sufficient appropriations and estimated revenues are included in the Department Org 5630 FY 2024-25 Adopted Budget and will be included in

future budget requests for the duration of the term.

DISCUSSION:

On October 11, 2015, Assembly Bill 403 was signed into law allowing the State of California to implement provisions of the Continuum of Care Reform (CCR). This reform included the creation of a new youth residential licensing category, the STRTP, that replaced the group home Rate Classification Level structure and provided short-term, specialized, and intensive treatment, 24-hour care, and supervision to youth and non-minor dependents placed within their program.

On September 24, 2016, Assembly Bill (AB) 1997 adopted additional changes to further facilitate implementation of CCR including the requirements for STRTPs to provide specialty mental health services to youth and non-minor dependents placed in their care. This would allow for the timely provision of services and greater care coordination for foster youth in the system. Once licensure from the California Department of Social Services is achieved, the STRTP provider has twelve months to obtain mental health program approval, including Medi-Cal site certification, by its local Mental Health Plan (MHP).

AB 1299, effective July 1, 2017, added W&I Code section 14717.1, which established presumptive transfer, requiring that when a child or youth in foster care is placed outside of their county of original jurisdiction, the responsibility to provide or arrange and pay for that child or youth's Specialty Mental Health Services (SMHS) transfers from the MHP in the county of original jurisdiction to the MHP in the county where the child or youth resides (also referred to as the "county of residence"). Presumptive transfer is intended to ensure that children and youth in foster care who are placed outside of their county of original jurisdiction are able to access SMHS in a timely manner, and with an implementation date of July 1, 2023, which was later amended by AB 118 (Ch. 42, § 161) to change the implementation date to July 1, 2024.

On September 18, 2022, AB 1051, modified the conditions and requirements for presumptive transfer when a child or youth in foster care is placed in certain out-of-county residential settings. Effective July 1, 2024, when a child or youth is placed outside of their county of original jurisdiction into a Community Treatment Facility, Group Home, STRTP, or admitted to a Children's Crisis Residential Program, the responsibility to provide or arrange and pay for SMHS shall remain with the MHP in the county of original jurisdiction unless specific circumstances exist.

AB 1051 requires notification within three business days to the County MHP responsible for accepting the child or youth placement and allowing for a payment agreement within thirty days of notice by either the placing agency or the placement provider. The Master Agreement includes County specific rates that are approved by the State Department of Health Care Services, Authorizing the DBH Director, or designee, to add Counties to the Master Agreement would allow for the timely provision of services as required in AB 1051. The maximum compensation that the County of Fresno will pay to an individual county per fiscal year when the County of Fresno is the County of Jurisdiction is \$500,000. When other counties sign onto the Master Agreement, they will have the option of including the maximum compensation per fiscal year that will be paid to the County of Fresno as the County of Residence. A Mutual indemnification and self-insurance clause between Counties were added to this Master Agreement.

The third recommended action will waive the County's policy in the Purchasing Manual that only the BOS may sign agreements with other Counties and allow the DBH Director to sign single case Letters of Agreement (LOA) or Admission Agreements with other county Mental Health Plans where the County of Fresno is the County of Jurisdiction or the County of Residence. The DBH Director is authorized to sign the LOA through the Purchasing Agent's authority, which will be in the same form as the template LOA that is on file with the clerk, or the Admission Agreement that is attached to the Master Agreement as Exhibit C. The LOA will be used as an interim step before the MHPs can execute a board approved Agreement, such as the Master Agreement in the first recommended action, or through an agreement prepared by another county. This will allow the County of Fresno to meet statutory deadlines for payment to other Counties. The Purchasing Agent maintains the authority to enter into agreements with STRTPs directly as an interim step

before an STRTP can be added to the Master Agreement for STRTPs.

OTHER REVIEWING AGENCIES:

The Fresno County Behavioral Health Board was informed of the recommended Master Agreement at their September 2024 meeting.

REFERENCE MATERIAL:

BAI #32, July 9, 2024  
BAI #35, October 24, 2023  
BAI #29, August 22, 2023  
BAI #44, June 20, 2023  
BAI #30, July 7, 2020  
BAI #39, August 7, 2018

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Master County to County STRTP Agreement  
On file with Clerk - Single Case Letter of Agreement (LOA)

CAO ANALYST:

Amina Flores-Becker