



Board Agenda Item 46

DATE: February 22, 2022

TO: Board of Supervisors

SUBMITTED BY: David Luchini, RN, PHN, Director, Department of Public Health

SUBJECT: Retroactive Third Amendment to Revenue Agreement with the California Department of Public Health for Immunization Program Services

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute retroactive Amendment No. 3 to State Agreement No. 17-10306, A03 with the California Department of Public Health for immunization services, effective July 1, 2021, with no change to the term through June 30, 2022, and increasing the maximum by \$10,559,074 to a total of \$13,394,375; and**
- 2. Approve and Authorize the Director of the Department of Public Health to submit future requests to roll over funds and submit reimbursement claims through June 2024 upon release of State processes, without change to total award (\$0).**

There is no additional Net County Cost associated with the recommended actions. The California Department of Public Health (CDPH) has increased the County's FY 2021-22 funding for the Immunization Program to enhance immunization activities including COVID-19 vaccine-related activities. CDPH has also communicated a future opportunity to request an extension on the term allowing the funds to be available to reimburse for activities through June 2024. Approval of the recommended actions will accept the increased allocation (\$10,559,074) for FY 2021-22, allow the Director to submit future term extension and claims requests. This item is countywide.

ALTERNATIVE ACTION(S):

There is no viable alternative action. Should your Board not approve the recommended actions, the Department would be unable to fully fund general immunization services and COVID-19 vaccine-related activities, which include planning, vaccine distribution, and vaccination administration activities.

RETROACTIVE AGREEMENT:

The COVID-19 Round 2 and Round 3 awards were received from the California Department of Public Health on April 1, 2021, effective July 1, 2021. The COVID-19 Round 4 award was received from the California Department of Public Health on August 17, 2021 and is retroactive to July 1, 2021. All funding adjustments require submittal and approval of budget documents. The State Immunization Branch did not approve budget documents until November 5, 2021. Additionally, while going through the review process, staff and County Counsel noted that the State only provided verbal communication through meetings and presentations of the extended expenditure period. To clarify the information and reduce risk as well as other complications, staff contacted the State and requested formal documentation to ensure that this extended expenditure period was in writing. However, due to State and Federal processes to extend the term, the State is unable to provide anything official until that process is started. It is anticipated that the process

usually is initiated one or two months prior to the expiration of the term. Staff was provided the presentation presented by CDPH that noted the allowance of funding to rollover to June 30, 2024, which has been attached to this item.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The annual allocation for FY 2021-2022 will be increased by \$10,559,074 to a maximum of \$13,394,375 over the term. The \$286,830 COVID-19 Round 2 funding for FY2021-2022 will help fund extra help and permanent COVID-19 vaccine staff. The \$10,272,244 COVID-19 Round 3 and Round 4 funding through FY 2022 will help fund COVID-19 vaccine-related activities such as: staffing, vendor contracts to administer COVID-19 vaccine, pop-up COVID-19 vaccination clinics, community-based organization contracts, and the purchase and maintenance of vaccine storage equipment. The existing revenue agreement allows for full recovery of indirect cost currently at 22.579%. Due to the additional allocation of funding in this short amount of time remaining on the grant, CDPH has communicated a future process in which the Department will be provided the opportunity to request for unspent FY 2021-22 funds to roll over through June 2024. The Department plans to utilize the extended period to maximize the use of funds. Sufficient appropriations and revenues are included in Org. 5620 FY 2021-22 Adopted Budget for estimated expenses and will be included in subsequent budget requests.

DISCUSSION:

On December 12, 2017, your Board approved revenue Agreement No. 17-638 (State Agreement No. 17-10306) with CDPH for mandated local immunization programs. On January 20, 2020, your Board approved the First Amendment to the agreement to decrease the total compensation by \$86,283 for the remaining three years of the grant due to a then decrease in Federal budget allocations to CDPH and local assistance funds.

On April 27, 2021, your Board approved the Second Amendment to revenue Agreement No. 17-368 (State Agreement No. 17-10306, A02) to increase the FY 2020-21 funding revenue amount by \$524,899. Subsequently CDPH increased funding again for FY 2020-21 due to the COVID-19 pandemic to provide support to enhance influenza activities and conduct COVID-19 vaccine distribution planning and vaccine administration throughout Fresno County. At the time there were 124 approved providers and three contracted vendors registered to assist with the administration of Fresno County's COVID-19 vaccination allocation.

Due to the ongoing COVID-19 pandemic, CDPH further increased funding for FY 2021-22 on April 1, 2021 and August 17, 2021 to continue supporting enhanced influenza activities, conduct COVID-19 vaccine distribution, and vaccine administration throughout Fresno County. In addition, CDPH will be extending the eligible expenditure period from June 30, 2022 to June 30, 2024. As of December 21, 2021, there have been 147,605 positive cases and 2,341 deaths related to COVID-19 in Fresno County. A total of 801,715 COVID-19 vaccination doses have shipped into Fresno County through the CDPH COVID-19 vaccine program, not including 893,545 doses shipped through the Federal Vaccine Program. Per CDPH, 560,443 Fresno County residents have been fully vaccinated and 67,504 have been partially vaccinated. Currently, there are 167 approved providers and ten contracted partners registered to assist with the administration of Fresno County's COVID-19 vaccination allocation.

With your Board's approval, the grant will offset labor costs for sixteen (16) County Staff to provide the following:

- Assist CDPH with the MyTurn COVID-19 clinic management tool
- Manage COVID provider enrollments, vaccine distribution, education, and planning
- COVID-19 vaccination vendor contracts
- Community Based Organization contracts to promote COVID-19 vaccine

- Vaccine storage, equipment handling, and equipment maintenance
- Vehicle rentals for COVID-19 vaccine activities.

There will be no increase in allocated positions by the Department as the grant funding will be utilized to pay for already allocated positions that are both currently filled or are vacant.

These grant dollars will supplement the base grant, previously approved by your Board, which supports seasonal flu clinics, the County's immunization clinic, case management services for Perinatal Hepatitis B patients, immunization compliance reviews with schools, health education and outreach.

The existing agreement contains non-standard language in that it authorizes the State to cancel or terminate without cause by giving 30 calendar days advance written notice to the County or amend the Agreement to reflect possible reduction in funds. The agreement also contains non-standard County general indemnification and intellectual property indemnification provisions, which require the County to indemnify the State and does not contain reciprocal language. The insurance language and limits have been reviewed by Risk Management and deemed acceptable given this is a State revenue agreement.

REFERENCE MATERIAL:

BAI #34, April 27, 2021

BAI #37, January 21, 2020

BAI #33, December 12, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with the Clerk - CDPH Amendment 3 to Agreement 17-10306 with CDPH

On file with the Clerk - COVID-19 R2-R3-R4 Funding Carryover FY2021-22

On file with the Clerk - CDPH Immunization Presentation of September 16, 2021

CAO ANALYST:

Ron Alexander