



Board Agenda Item 44

DATE: August 4, 2020

TO: Board of Supervisors

SUBMITTED BY: David Pomaville, Director, Department of Public Health

SUBJECT: Retroactive Revenue Agreement with the California Department of Public Health for AIDS Drug Assistance Program

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute a retroactive revenue agreement with the California Department of Public Health for the AIDS Drug Assistance Program, effective July 1, 2020 through June 30, 2023 (\$5,000).**
- 2. Authorize assigned Department staff to execute Exhibit L, Agreement by Employee/Contractor to Comply with Confidentiality Requirements.**

Approval of the recommended actions will allow the Department of Public Health to continue their designation as an AIDS Drug Assistance Program (ADAP) enrollment site. The California Department of Public Health (CDPH) will reimburse the Department based on the number of ADAP and pre-exposure prophylaxis (PrEP) enrollment services provided, with no increase in Net County Cost. This item is Countywide.

ALTERNATIVE ACTION(S):

Should your Board not approve the recommended actions, the Department would no longer be designated as an ADAP/PrEP enrollment site and would not be able to provide enrollment services to clients.

RETROACTIVE AGREEMENT:

The recommended agreement was received from CDPH on June 4, 2020 and is retroactive to July 1, 2020.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The recommended agreement includes payment provisions based on ADAP client enrollment, with a floor amount of \$5,000 for completing at least one ADAP enrollment per fiscal year. The Department is also reimbursed for additional services provided at rates ranging from \$30 to \$275, depending on the type of service provided. For planning purposes, the Department has budgeted \$20,000 in anticipated revenues in FY 2020-21 based on previous years' client data. There are no pending invoices related to the recommended agreement. Sufficient appropriations and estimated revenues are included in the Department's Org 5620 FY 2020-21 Recommended Budget and will be requested for the duration of the term.

DISCUSSION:

Since 1987, the federal government has authorized funding for the ADAP program. The Department is

designated by CDPH as an ADAP enrollment site to ensure County residents living with HIV and AIDS have access to life-saving medication. ADAP provides enrolled clients with free FDA-approved medications related to HIV/AIDS through contracted pharmacies. The program also provides premium payment assistance for eligible individuals with private health insurance or Medicare Part D prescription plans. In order to be eligible for the program, clients must not be fully covered by Medi-Cal or any other third party payers, and their income must not exceed 500% of the Federal Poverty Level.

In 2019, the Department provided ADAP and PrEP enrollment services to 113 clients. Upon your Board's approval of the recommended agreement, the Department would continue to screen and enroll new clients into the program, to recertify client data biennially, and to re-enroll clients annually. The Department will ensure ADAP enrollment workers are trained and certified annually as required by CDPH.

The recommended agreement stipulates a dispute resolution process in which the State and County must partake to informally resolve any disputes arising from the State's actions. The agreement also contains non-standard County general indemnification and intellectual property indemnification provisions which require the County to indemnify the State. The agreement may be cancelled or terminated without cause by the State with 30 calendar days advance written notice. The State may also cancel immediately for cause. The County may cancel only if the State fails to perform its responsibilities.

REFERENCE MATERIAL:

BAI #57, September 25, 2018
BAI #57, September 12, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with CDPH for ADAP
On file with Clerk - Enrollment Site Fee-for-Service Pay Schedule

CAO ANALYST:

Raul Guerra