



Board Agenda Item 30

DATE: May 3, 2022

TO: Board of Supervisors

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

SUBJECT: Agreement with the California Department of Rehabilitation

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute a Cash Transfer Agreement with California Department of Rehabilitation for a grant match that provides funding for vocational rehabilitation services to individuals with a serious mental illness through Dreamcatchers Empowerment Network, effective July 1, 2022 through June 30, 2025, total not to exceed \$581,169.

Approval of the recommended action will enable the Department of Behavioral Health and the California Department of Rehabilitation (DOR) to draw down federal grant funds to provide state funding for vocational and educational services within the County. Agreement No. 20-102 with Dreamcatchers Empowerment Network (DEN) for vocational and educational services does not include a Cash Transfer Agreement that allows for enhanced services grant funds provided by DOR. This item is countywide.

ALTERNATIVE ACTION(S):

There is no viable alternative action. If the recommended action is not approved, the DOR will be unable to leverage sufficient federal grant dollars and the County's Vocational and Education Services program through DEN will lack sufficient funding to maintain the program.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. The total cost for the annual local match obligation under the recommended agreement (\$581,169) will be financed with Mental Health Services Act - Community Services and Supports funds. Sufficient appropriations and estimated revenues will be included in the Department's Org 5630 FY 2022-23 Recommended Budget and in future budgets to cover the anticipated cost of the contract term.

DISCUSSION:

Since August 2011, the Department has collaborated with DOR to combine resources and provide vocational rehabilitation services to individuals with serious mental illness.

On March 10, 2020 your Board approved Agreement No. 20-102 with DEN for vocational and educational services to adults and older adults with serious mental illness.

On June 23, 2020, your Board approved Agreement No. 20-237, a cooperative agreement with DOR to leverage Department funds to draw down federal grants utilized to enhance services for individuals who are receiving services from DEN through Agreement No. 20-102.

The agreement with DOR is effective through June 2023. However, DOR was noted to be out of compliance by the Rehabilitation Services Administration (RSA) during an audit in 2018 due to program structure not aligning with the contract structure. DOR executes and manages the agreement with DEN for the enhanced services funded by the County match dollars and federal funds. Therefore, a cash transfer agreement is more appropriate. The DOR Cooperative Programs section has been working to update contract structures and templates which included the Agreement No. 20-237. The Department was notified of the need to update the agreement on November 1, 2021 and has worked closely with DOR to shift from the Cooperative Agreement to the recommended Cash Transfer Agreement.

The recommended agreement outlines a dispute process in which the County would submit a grievance report in writing and any associated evidence to the DOR Supervisor. If the County did not agree with the decision made by the DOR Supervisor, a letter of appeal would then be sent to the DOR Contract Officer. The decision from DOR will be final. The agreement includes language to indemnify the state for the any claims arising from the agreement.

The County's Human Resources Department - Risk Management Division has advised that the Department amend the recommended contract to include the standard insurance language with a special emphasis on cyber liability. DOR identifies individuals served by this program as being placed into services with a mutual third party that shares personal health information (PHI) necessary to develop employment among vulnerable segments of the community. The prior governing agreement (Agt. No. 20-102-1 with the third party did not contain a special emphasis on cyber liability, or update to the indemnification or insurance language and involves transmission of PHI. The Department believes that the benefits of the recommended agreement outweigh any potential risks and recommends approval of the agreement which would allow for enhanced services to be provided and maintain the program.

OTHER REVIEWING AGENCIES:

The Behavioral Health Board was informed of the recommended agreement in their April 2022 meeting.

REFERENCE MATERIAL:

BAI #24, October 19, 2021
BAI #34, June 23, 2020
BAI #34, March 10, 2020
BAI #34, December 5, 2017
BAI #33, September 10, 2013
BAI #54, August 9, 2011

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with DOR

CAO ANALYST:

Sonia M. De La Rosa