



Board Agenda Item 37

DATE: December 11, 2018

TO: Board of Supervisors

SUBMITTED BY: Dawan Utecht, Director, Department of Behavioral Health

SUBJECT: Retroactive Memorandum of Understanding with the California Mental Health Services Authority for translation services of state mandated behavioral health documents

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute a retroactive Memorandum of Understanding (MOU) with the California Mental Health Services Authority (CalMHSA) for translation services of behavioral health materials as mandated by the California Department of Health Care Services' (DHCS) Triennial Protocol, effective October 22, 2018 through October 21, 2019 (\$125,000).**
- 2. Approve and authorize the Director of the Department of Behavioral Health, or designee, to be the signatory and act as the Fresno County representative on behalf of your Board on related documents without modifying the maximum compensation.**

Approval of the first recommended action will provide funding to CalMHSA to act as a fiscal intermediary and oversight for the translation services of behavioral health materials for all California counties as mandated in the DHCS Triennial Protocol (Section B5f). The behavioral health materials to be translated are the newly released statewide Mental Health Plan (MHP) Beneficiary Handbook, Drug Medi-Cal Organized Delivery System (DMC-ODS) Member Handbook, and all public notices relative to the aforementioned handbooks. Approval of the second recommended action will allow the Department of Behavioral Health (DBH) Director, or designee, to sign related documents without modifying the maximum compensation and act as the representative of the County. The services will be funded upfront with Mental Health Realignment and fully offset by Federal Financial Participation (FFP) funds and one-time State funds for translation costs, with no increase in Net County Cost.

ALTERNATIVE ACTION(S):

Should your Board not approve the recommended actions, each CalMHSA County would resort to individually funding the translations of the same behavioral health materials as mandated by DHCS Triennial Protocol (Section B5f), which will create an inefficient use of funds and inconsistent translation of the materials.

RETROACTIVE AGREEMENT:

The recommended agreement is retroactive to October 22, 2018 as the Department received the final MOU document from CalMHSA on October 22, 2018. It was imperative that CalMHSA begin translating the documents on that date in order to meet the DHCS deadline.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. Services will be funded upfront with Mental Health Realignment funds, which will be fully offset by Medi-Cal FFP and the One-Time County Translation Cost state funds available. The total cost to translate the statewide behavioral health materials is \$125,000. The cost is based on the projected number of translations (16 languages, including Braille) and compensation for culturally appropriate field-testing as required in the DHCS Triennial Protocol. Sufficient appropriations and estimated revenues are included in the Department's Org 5630 FY 2018-19 Adopted Budget.

DISCUSSION:

In accordance with California Code of Regulations (CCR), Title 9, Chapter 11, Section 1810.380, DHCS conducted their Triennial Review Protocol for specialty mental health services and other funded services for Fiscal Year 2017-2018 of Fresno County in May 2018. After the audit, it was determined that the County was lacking in meeting state requirements under the Triennial Protocol (Section B5f). Section B5f requires that all Mental Health Plans (MHPs) have a mechanism for ensuring accuracy of translated materials in terms of both language and culture (e.g., back translation and/or culturally appropriate field-testing).

On September 14, 2010, the Board executed Joint Powers Agreement (JPA) No. 10-489 to implement Statewide Mental Health Services Act Prevention and Early Intervention (MHSA PEI) projects through CalMHSA, pursuant to Welfare and Institutions Code, Section 5897. The formation of the JPA, which consists of a majority of the California counties, allows CalMHSA to increase cost efficiency for mental health services and education programs as determined on a regional, statewide, or other basis. The JPA creates a valuable forum to discuss and address state mandates as a singular entity. It was jointly decided that CalMHSA will be the mechanism for all contributing counties to address this Triennial Protocol.

Considering cost efficiency and consistent translations across counties, the County has agreed to take the lead in funding the whole initiative to ensure that County meets the mandated protocol and the final product meets County's standards. Taking initiative to be the primary fiscal agent for this effort will display good faith to DHCS that the County continuously makes strides to meet state mandates when serving individuals with mental health needs and provide them with culturally appropriate resources and materials. By assuming responsibility for this translation project, the County is eligible to claim Medi-Cal FFP and draw down the One-Time County Translation Cost funds from the state to cover the full translation cost. If approved by your Board, County will apply for reimbursement from the state for the translation services and expenses, which will be fully offset by those funds.

The recommended MOU is a one-year contract, retroactive to October 22, 2018 through October 21, 2019 with the option for early termination in which either party may withdraw from the program by giving at least 90 calendar days notice to the other party. The recommended MOU contains non-boiler plate language of a mutual hold harmless clause, stating that neither party will be responsible for the negligent and/or intentional acts and/or omissions of the other, or its officers, directors, agents and employees. Standard MOU's with public entities allows for mutual hold harmless clauses as stated by County Risk Management. The non-boiler plate language have been reviewed and approved by County Counsel.

OTHER REVIEWING AGENCIES:

The Behavioral Health Board was made aware of the recommended MOU at its November 2018 meeting.

REFERENCE MATERIAL:

BAI #57, June 18, 2013, Amendment to Agreement No. 10-489-1
BAI #39, September 14, 2010, Agreement No. 10-489

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with CalMHSA for Translation Services

CAO ANALYST:

Ronald W. Alexander