



Board Agenda Item 35

DATE: December 10, 2019

TO: Board of Supervisors

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

SUBJECT: California Department of Health Care Services FY 2018-21 Performance Agreement
No. 18-95242

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute a Retroactive Performance Agreement No. 18-95242 with the California Department of Health Care Services, effective July 1, 2018 through June 30, 2021 (\$0).

The recommended Performance Agreement with the California Department of Health Care Services (DHCS) is an annual mandate for counties. The Performance Agreement sets forth conditions and requirements that the County must meet in order to continue to receive funding for the Mental Health Services Act (MHSA) programs, Projects for Assistance in Transition from Homelessness (PATH) grant, and Community Mental Health Block Grant (MHBG) programs as well as community mental health services provided with realignment funds, with no increase in Net County Cost.

ALTERNATIVE ACTION(S):

Should your Board not approve the recommended action, the County's ability to collect reimbursement from DHCS for services provided to County clients with mental health conditions and substance use disorders would be limited.

RETROACTIVE AGREEMENT:

The Performance Agreement is retroactive to July 1, 2018; the Department of Behavioral Health (DBH) did not receive the final Agreement from the State until September 27, 2019.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. There is no monetary consideration included in the recommended DHCS Performance Agreement. The funding agreements (MHSA, MHBG, and PATH) related to the recommended Performance Agreement will be presented to your Board for approval upon receipt from DHCS.

DISCUSSION:

As an annual mandate in order to continue to receive funds for county clients with mental health conditions and substance use disorders participating in DHCS programs as provided by the MHSA funds, PATH grant, MHBG monies and realignment funds, a Performance Agreement must be executed between the County and DHCS. Pursuant to Welfare and Institutions Code (W&IC) sections (§§) 5650(a), 5847, and Title 9,

California Code of Regulations (CCR), § 3310, the Performance Agreement demands that the County meet certain program and community mental health service conditions and requirements including:

- Stakeholder involvement in the development of the MHSA plan;
- MHSA plan update requirements;
- Community Services and Supports;
- Treatment program requirements;
- Prevention and Early Intervention and Innovation program requirements;
- Data submission; and
- Fiscal reporting requirements.

The Performance Agreement will be monitored by DHCS to ensure compliance with applicable federal and state laws and other applicable regulations per W&IC §§ 5610 and 5651; however, it does not cover federal financial participation or State general funds as they relate to Medi-Cal services provided through the Mental Health Plan contracts. The County has successfully met the conditions and requirements and continues to receive program and grant funding each year. The most recently executed State Performance Agreement (County Agreement No. A-17-614) expired on June 30, 2018.

The recommended Performance Agreement includes Health Insurance Portability and Accountability Act (HIPAA) information, Contractor Certification Clauses (CCC 4/2017) confidentiality and security, audit and retention schedule, as well as additional general contractual provisions. In the event of a dispute or grievance, the County agrees to follow the specific procedure outlined by DHCS within the Performance Agreement. If approved, the County agrees to indemnify the State for any claims arising from this Agreement.

OTHER REVIEWING AGENCIES:

The Fresno County Behavioral Health Board was informed of this item at their November 2019 meeting.

REFERENCE MATERIAL:

BAI #37, December 5, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - State Performance Agreement No. 18-95242

CAO ANALYST:

Ronald Alexander