



Legislation Text

File #: 23-0780, **Version:** 1

DATE: August 22, 2023

TO: Board of Supervisors

SUBMITTED BY: David Luchini, RN, PHN, 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, 2023, through June 30, 2027 (\$5,000); and**
- 2. Approve and authorize the Director of the Department of Public Health to execute the State Contractor's Release.**

There is no additional Net County Cost associated with the recommended actions. Approval of the recommended actions will allow the Department of Public Health (Department) 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. 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, which will mean the County of Fresno will no longer have an open enrollment site that serves all residents.

RETROACTIVE AGREEMENT:

The recommended agreement is retroactive to July 1, 2023. The recommended agreement was received from CDPH on May 17, 2023. The time required to prepare the recommended agreement did not allow presentation to your Board at an earlier date.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The recommended agreement includes payment provisions calculated based on ADAP client enrollment, with a floor amount of \$5,000 with additional payments provided at rates ranging from \$50 to \$275, depending on the type of service provided. There are no pending invoices related to the recommended agreement. Sufficient appropriations and estimated revenues are included in the Department's Org 5620 FY 2023-24 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 has been

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 2022, the Department provided ADAP and PrEP enrollment services to 52 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 deviates from the County's standard indemnification language in that it requires the County to provide one-way indemnification to the State in the performance of the Agreement. This language is typically present in State grants. The Department has determined that its acceptance of the indemnification language is advantageous to the County, as the State-grant is a funding source for Fresno County's ADAP and PrEP-AP enrollment activities, without which the continued provision of these services would be negatively impacted.

REFERENCE MATERIAL:

BAI #44, August 4, 2020

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

CAO ANALYST:

Ron Alexander