



Board Agenda Item 46

DATE: July 9, 2024
TO: Board of Supervisors
SUBMITTED BY: Kirk Haynes, Chief Probation Officer
SUBJECT: Amendment I to Agreement with RDA Consulting, SPC

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute Amendment I to Agreement with RDA Consulting, SPC to include a Health Insurance Portability and Accountability Act (HIPAA) Business Associate Agreement and a Data Security Exhibit with no change to the term of January 16, 2024 through January 15, 2027, or compensation maximum of \$300,000.

There is no Net County Cost associated with the recommended action as all costs for this agreement are fully offset with Public Safety Realignment (AB 109) revenue. The recommended action includes adding a HIPAA Business Associate Agreement and a Data Security Exhibit to the current agreement. These documents will establish clear guidelines and permissions for the Contractor. This ensures they can access the necessary data, including HIPAA-protected data, from the Probation Department, community partners, and other Community Corrections Partnership (CCP) funded programs while maintaining the highest standards of data privacy and security.

ALTERNATIVE ACTION(S):

If the recommended action is not approved, the Contractor would not be able to gather data to conduct program evaluations for AB 109 funded programs. Data gathered through program evaluations helps identify areas for improvement. Without these evaluations, Probation may miss opportunities to enhance the quality and impact of our services. These evaluations are essential to assess program effectiveness, identify areas for improvement and ultimately demonstrate the value of our services.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. Funding for this agreement is fully offset with the Public Safety Realignment Act (AB 109) revenue. There are sufficient appropriations and estimated revenues included in FY 24-25 Recommended Budget. Funding for subsequent years of this agreement will be included in the Department's future budget requests.

DISCUSSION:

On December 12, 2023, your Board approved Agreement No. 23-669 with RDA Consulting, SPC for program evaluations of the CCP funded programs effective January 16, 2024 through January 15, 2027.

Program evaluation is a critical tool for assessing program effectiveness, identifying areas for improvement, and demonstrating program value. However, to conduct a thorough and reliable evaluations, evaluators need access to relevant data. This data is within the different entities who provide these programs. Therefore, a

Business Associate Agreement is essential to establish clear guidelines for how evaluators can request and receive data from various sources, ensure compliance with data privacy regulations like HIPAA and clarifies the roles and responsibilities of all parties involved.

Upon further review, the Department discovered that the Data Security Exhibit was mistakenly labeled and inadvertently omitted from the final agreement. To ensure comprehensive data protection, the Data Security Exhibit is to be included alongside the Business Associate agreement. This exhibit will outline the specific protocols for handling sensitive information, establish clear expectations and compliance, mitigate risks and liabilities.

The inclusion of these documents demonstrates a commitment to responsible data management and ensures that the program evaluation is conducted with the utmost integrity and security.

REFERENCE MATERIAL:

BAI #44 - December 12, 2023

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Amendment I to Agreement with RDA Consulting, SPC

CAO ANALYST:

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