



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Public Health
Department No.: 041
For Agenda Of: September 1, 2015
Placement: Departmental
Second reading:
September 8, 2015
Estimated Tme: 20 minutes
Continued Item: Yes
If Yes, date from: August 25, 2015
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Takashi Wada, MD, MPH, Director and Health Officer
Director(s) Public Health Department 681- 5102
Contact Info: Dan Reid, Assistant Deputy Director, 681-5173

SUBJECT: Ordinance Amendment to County Code Chapter 2, Article XVII, Health Center Board and approve a Co-Applicant Agreement between the Board of Supervisors and the Health Center Board

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors consider the following recommendations:

- a) Receive and file a presentation regarding proposed amendments to Chapter 2, Article XVII, Health Center Board;
- b) Direct Risk Management to request and add the Santa Barbara County Health Center Board as a named insured on the County's General Liability Policy (this includes the County's \$500,000 self-insured retention) and other insurance policies, if required;
- c) Approve the introduction (first reading) of an Ordinance amending Chapter 2, Article XVII of the Santa Barbara County Code to better align the Health Center Board with Federal and State regulations;
- d) Read the title and waive the reading of the Ordinance in full;
- e) Continue to the administrative agenda on September 8, 2015 to:

- i. Consider adoption of Ordinance Amendment (second reading) amending Chapter 2, Article XVII of the Santa Barbara County Code to better align the Health Center Board with Federal and State regulations;
 - ii. Approve the Santa Barbara County Federally Qualified Health Center (FQHC) Co-Applicant Agreement between the Board of Supervisors and the Health Center Board.
- f) Determine that the above actions are organizational and administrative activities of government that are not a project under the California Environmental Quality Act (CEQA) pursuant to section 15378(b)(5) of the CEQA Guidelines.

Summary Text:

This item is on the Agenda to amend the Ordinance codified at Chapter 2, Article XVII, of the Santa Barbara County Code for the Health Center Board and to adopt a Federally Qualified Health Center (FQHC) Co-Applicant Agreement between the Board of Supervisors and the Health Center Board to define the roles and responsibilities of each Party. These proposals have been adopted by the Health Center Board and are proposed to ensure compliance with the U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA) requirements for FQHCs.

Background:

In 2009, Ordinance 09-4735 was adopted to create the Santa Barbara County Community Health Center Board and to establish the roles and responsibilities of the Board of Supervisors and the Health Center Board for the oversight of the Public Health Department's Federally Qualified Health Centers. This relationship was referred to as the Co-Applicant Agreement.

Recently the Public Health Department participated in a HRSA Operational Site Visit (OSV) conducted by a team of HRSA reviewers to ensure regulatory compliance. As a result of this OSV the Public Health Department was found to be deficient in 4 of 19 FQHC requirements. This is a much better outcome than most other FQHC OSVs where the typical average number of deficiencies is in the range of 5-7. (For Public Entities, the number of deficiencies tends to run even higher). These items before your Board will address 1 of the 4 deficiencies. A plan to address the other 3 deficiencies: 1) sliding fee scale requirements, 2) establishment of a more robust *privileging and credentialing* program and; 3) improved subrecipient agreement compliance language, has already been developed and is underway.

Ordinance and Co-Applicant Board

In 2009, the Public Health Department established the Health Center Board to allow the expansion of its FQHC status from only homeless patients to its entire patient population. By doing so, PHD became both a Healthcare for the Homeless and a Community Health Center grantee. In 2014 HRSA issued additional clarifications concerning the shared and separate responsibilities for a Health Center Board associated with a Public Entity such as Santa Barbara County. In essence, the Board of Supervisors and the Health Center Board together make up the oversight Board for the PHD FQHC acting in a similar capacity to the Board of a 501(c)3 corporation. PHD determined that the current Ordinance must be amended and a separate Co-Applicant Agreement that clearly delineates the roles and responsibilities of the Public Entity (County of Santa Barbara) and the Health Center Board be executed. Bylaws of the Health Center Board have been updated to reflect these changes, approved by the Health Center Board and are attached to this Board Letter. If the Ordinance Amendment and Co-Applicant Agreement are authorized by your Board, PHD will submit these to HRSA to address the citation of non-compliance. This issue has impacted many other Public Entities in California that have similar arrangements for their Health Center Boards and they are also undergoing updates and revisions.

Fiscal and Facilities Impacts:

Budgeted: Yes **Fiscal Analysis:**

Adopting this Ordinance Amendment and the Co-Applicant Agreement will not affect the PHD adopted budget.

Staffing Impacts:

No increase or decrease in staff would result as a result of adopting the proposed ordinance changes.

Special Instructions:

- A. That the Clerk of the Board publish notice of this hearing, per the attached Public Notice, in a newspaper of general circulation in Santa Barbara County 10 days prior to the hearing and again 5 days prior to the hearing.
- B. That the Clerk of the Board publish the ordinance amendment within 15 days of its adoption.
- C. That the Clerk of the Board return one original adopted Ordinance and one Minute Order to Public Health by emailing PHDcu@sbcphd.org for pick-up.

Attachments:

- 1. Proposed Amended Ordinance – Chapter 2, Article XVII (strikeout version)
- 2. Proposed Amended Ordinance – Chapter 2, Article XVII (clean version)
- 3. Santa Barbara County FQHC Co-Applicant Agreement
- 4. Current Health Center Board Bylaws
- 5. Notice of CEQA Exemption
- 6. Notice of Public Hearing
- 7. Presentation for this Board Action

Authored by:

Dan Reid, Assistant Deputy Director, 681-5173