



**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

**Submitted on:**  
**(COB Stamp)**

**Department Name:** Behavioral Wellness  
**Department No.:** 043  
**Agenda Date:** December 16, 2025  
**Placement:** Administrative Agenda  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:** N/A  
**Vote Required:** Majority

**TO:** Board of Supervisors  
**FROM:** Department Director: Antonette Navarro, LMFT, Director, Behavioral Wellness  
Contact: Jamie Huthsing, LMFT, Assistant Director of Compliance and Quality Care Management, Behavioral Wellness  
**SUBJECT:** First Amended and Restated Business Associate Agreement under the Health Insurance Portability and Accountability Act of 1996 with California Mental Health Services Authority (No. 1327-BAA-2022-SB)

DS  
AN

**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:** Risk Management

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Recommended Actions:**

That the Board of Supervisors:

- a) Approve, ratify, and authorize the Chair to execute a First Amended and Restated Business Associate Agreement (BAA) under the Health Insurance Portability and Accountability Act of 1996 (No. 1327-BAA-2022-SB (Rev. 10.28.25) First Amended and Restated) with **California Mental Health Services Authority (CalMHSA)** to meet current State and federal requirements; and
- b) Determine that the above-recommended action is not a project that is subject to environmental review under the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines section 15378(b)(5), finding that the action consists of an administrative activity of the government that will not result in direct or indirect physical changes in the environment.

**Summary Text:**

The Board of Supervisors is requested to authorize the Chair to execute the First Amended and Restated Business Associate Agreement (BAA) under the Health Insurance Portability and Accountability Act of 1996, commonly known as HIPAA, with **California Mental Health Services Authority (CalMHSA)**. This updated BAA aligns the previously authorized BAA to meet current State and federal requirements and allows Behavioral Wellness to exchange Protected Health Information

and Personally Identifiable Information with CalMHSA as it applies to all applicable Participation Agreements between the County and CalMHSA.

### **Discussion:**

The California Mental Health Services Authority (CalMHSA) works closely with Counties throughout California to provide county behavioral health departments support for compliance and evaluation of State and federal mandated mental health service programs required by the California Department of Health Care Services (DHCS), Department of State Hospitals (DSH), and the Mental Health Services Oversight and Accountability Commission (MHSOAC). To do this work, CalMHSA performs or provides administrative and services for the Behavioral Wellness (BWell) Department through Performance Agreements.

Some CalMHSA services require BWell to share BWell Protected Health Information (PHI) and personally identifiable information (PII). As BWell is a covered entity subject to HIPAA and the HIPAA regulations (collectively, the HIPAA Rules), and as CalMHSA is a business associate when performing services for BWell that involve accessing PHI as defined by the HIPAA Rules, the HIPAA Rules require a written agreement, commonly referred to as a business associate agreement, between BWell and CalMHSA to safeguard PHI and define the permissible uses and disclosure of PHI by CalMHSA.

Additionally, DHCS requires BWell and a service contractor, like CalMHSA, to include protection for the privacy and security of personal information, sensitive information, confidential information (collectively referred to as "PSCI"), and PII.

A BAA with CalMHSA is currently in place but requires updates to comply with the HIPAA Rules and DHCS requirements. BWell is requesting the Board of Supervisors to approve this Amended and Restated CalMHSA BAA.

### **Background:**

The California Government Code ("Joint Exercise of Powers Act," Section 6500 et seq.) permits two or more public agencies to jointly exercise powers they share through an agreement. CalMHSA is a Joint Powers Authority (JPA) formed in 2009 for the purpose of creating a separate public entity to provide administrative and fiscal services in support of its members, primarily California counties. CalMHSA provides its members with workforce solutions, tools and resources for quality improvement and data outcomes, prevention and early intervention, administration and finance, innovation, and health information technology.

In 2014, the Board approved BWells' membership in CalMHSA. On September 13, 2022, the Board of Supervisors approved and authorized BWell to enter into a HIPAA-compliant BAA with CalMHSA, allowing for the sharing of PHI and PII as it applied to all Participation Agreements between the County, as a covered entity, and CalMHSA, as a service provider, to carry out DHCS and other agency-mandated services and programs. The purpose of the BAA with CalMHSA is to allow BWell to share BWell clients' private PHI and PII for current and future projects and programs with CalMHSA. BWell currently has eight (8) active Board of Supervisors authorized Participation Agreements with CalMHSA inclusive of: 1) Healthcare Effectiveness Data Information Sets (HEDIS and also known as Quality Measures); 2) Southern California Regional Partnership Loan repayment program; 3) State Hospital Beds; 4) Behavioral Wellness' Electronic Health Records (EHR) system, SmartCare; 5) Workforce Education and Training (WET); 6) Psychiatric Inpatient Concurrent Review (PICR); 7) payment of Presumptive Transfer for Foster Youth; and 8) the current BAA. All future programs or

Page 3 of 3

additional uses that rely on the CalMHSA BAA will continue to be presented to the Board of Supervisors for authorization.

**Fiscal and Facilities Impacts:**

There are no fiscal or facility impacts from this first amended and restated CalMHSA BAA.

**Special Instructions:**

Please email one (1) Minute Order and one (1) executed Agreement to Marilyn Simon-Gersuk at [msimongersuk@sbcbswell.org](mailto:msimongersuk@sbcbswell.org) and to Behavioral Wellness Contracts Division at [bwellcontractsstaff@sbcbswell.org](mailto:bwellcontractsstaff@sbcbswell.org).

**Attachments:**

**Attachment A** – 1327-BAA-2022-SB (Rev. 10.28.25) First Amended and Restated

**Attachment B** – 1327-BAA-2022-SB

**Contact Information:**

Marilyn Simon-Gersuk  
Contracts and Procurement Manager  
[msimongersuk@sbcbswell.org](mailto:msimongersuk@sbcbswell.org)