

**First Amendment to the Purchase of State Hospital Beds
Memorandum of Understanding**

**California Department of State Hospitals
and
California Mental Health Services Authority (CalMHSA) and Participating Counties**

This First Amendment hereby revives, amends, and extends the original fiscal year (FY) 2021–22 Purchase of State Hospital Beds Memorandum of Understanding between the California Department of State Hospitals, California Mental Health Services Authority (CalMHSA), and each participating county (collectively, the parties) for the purchase of state hospital beds (original FY 2021–22 MOU).

Whereas, the original FY 2021–22 MOU expired on June 30, 2022;

Whereas, the parties wish to revive and extend the original FY 2021–22 MOU for an additional six (6) months, up to and including December 31, 2022, to allow additional time to negotiate, finalize, and incorporate preliminary Lanterman-Petris-Short Act (LPS) Bed Management protocols and related terms and conditions into the FY 2022–23 Purchase of State Hospital Beds Memorandum of Understanding (FY 2022–23 MOU); and

Whereas, the parties agree that DSH noticed CalMHSA of an increased LPS Act daily Bed Rate, effective July 1, 2022, in compliance with the FY 2021-22 MOU and the Welfare and Institutions Code; and

Whereas, the parties previously agreed that increased Intermediate Care Facility (ICF), Acute Psychiatric Hospital (APH), and Skilled Nursing Facility (SNF) daily bed rates are effective July 1, 2022 and will continue to remain operative throughout FY 2022–23.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties hereby amend the original FY 2021–22 MOU as described below.

1. For fair and valuable consideration, the parties agree to revive the original FY 2021–22 MOU and extend the term for an additional six (6) months, up to and including December 31, 2022, to allow additional time to negotiate, finalize, and incorporate preliminary LPS Bed Management protocols and related terms and conditions into the FY 2022–23 MOU.
2. In section II (Terms and Conditions), subsection A, and subsection (I), replace “June 30, 2022” with “December 31, 2022.”
3. In section III (Special Provisions), add subsection G as follows: “If the parties have not finalized and executed the Fiscal Year 2022–23 Purchase of State Hospital Beds Memorandum of Understanding (“FY 2022-23 MOU”) by December 31, 2022, and a further amendment of this MOU is required, the term of this MOU may be extended one time for sixty (60) calendar days, up to and including February 28, 2023, if the parties agree in writing to extend this MOU before December 31, 2022. The parties recognize that time is of the essence to work together in finalizing and executing the FY 2022-23 MOU.”

4. In Exhibit 3, add section 1.1 as follows:

1.1 STATE HOSPITAL BED RATE EFFECTIVE JULY 1, 2022 AND THROUGHOUT FY 2022–23

| Bed Type | Intermediate Care Facility | Acute | Skilled Nursing Facility |
|----------------|----------------------------|----------|--------------------------|
| Daily Bed Rate | \$728.00 | \$753.00 | \$806.00 |

The terms and provisions set forth in this First Amendment shall modify and supersede all inconsistent terms and provisions set forth in the original FY 2021–22 MOU. The terms and provisions of the original FY 2021–22 MOU, except as expressly modified and superseded by this First Amendment, are ratified and confirmed and shall continue in full force and effect and shall continue to be legal, valid, binding, and enforceable obligations of the parties.

This First Amendment may be executed in any number of counterparts, and each of such counterparts shall for all purposes be deemed to be an original, and all such counterparts, or as many of them as the parties shall preserve undestroyed, shall together constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this First Amendment to be effective on July 1, 2022.

County of Santa Barbara

Name of County

Print Name
Department of Behavioral Wellness Director, or Director designee

Date

Amie Miller
Executive Director, or CalMHSA designee

Date

Paul Bernal
Chief, Procurement and Contract Services Section
Department of State Hospitals

Date