



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: Behavioral Wellness
Department No.: 043
For Agenda Of: September 14, 2021
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Pamela Fisher, Psy.D., Acting Director
Director(s) Department of Behavioral Wellness, (805) 681-5220
Contact Info: Chris Ribeiro, Chief Financial Officer
Department of Behavioral Wellness (805) 681-5220
SUBJECT: **First Amended Resolution Inter Member Transfer Program for Foster Placement with California Mental Health Services Authority (CalMHSA) and Third Amendment to Participation Agreement for Inter-Member Transfer**

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. Adopt a Resolution authorizing the County of Santa Barbara to continue its participation in the **California Mental Health Services Authority (CalMHSA) Inter-Member Transfer Program** through June 30, 2024; add an amount not to exceed \$200,000 to the AB 1299 banking pool account for a total contribution not to exceed \$262,673.75, with funding thereafter increased in amounts approved by the Board of Supervisors after assessment of actual service costs to the County as a Receiving and/or Sending County; authorize the Director of the Department of Behavioral Wellness to sign the Third Amendment to the Inter-Member Transfer Program Participation Agreement (Agreement No. 511-2018-PT-SBC-A3); and rescind Resolution No. 18-103 (Attachment A);
- B. Approve and authorize the Chair to execute the Third Amendment to the CalMHSA Inter-Member Transfer Program Participation Agreement to extend the term of service to June 30, 2024; transfer up to \$200,000 to the AB 1299 banking pool account, as needed, for a maximum amount not to exceed \$262,673.75; pay the 5% administrative fee of \$2,984.45 for FY 21-22 and thereafter pay the annual 5% administrative fee based on the County's total deposits into the banking pool through the Purchase Order Process (Attachment B); and

- C. Determine that the above actions are government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment and is therefore not a project under the California Environmental Quality Act (CEQA) pursuant to section 15378(b)(4) of the CEQA Guidelines.

Summary Text:

The above-referenced items are on the agenda to request the Board of Supervisor to authorize the Chair to adopt a Resolution in the matter of the County’s continued participation in the Inter-Member Transfer Program for Foster Placements, which adds an amount not to exceed \$200,000 to the AB 1299 banking pool account for a County total contribution not to exceed \$262,673.75, with funding thereafter increased in amounts approved by the Board of Supervisors after assessment of actual service costs to the County as a Receiving and/or Sending County; authorizes the Director of the Department of Behavioral Wellness (BWell) to sign the Third Amendment to the Inter-Member Transfer Program Participation Agreement (Agreement No. 511-2018-PT-SBC-A3) extending the term through June 30, 2024; and rescind Resolution No. 18-103.

In addition, BWell is requesting the Chair execute the Third Amendment to the CalMHSA Inter-Member Transfer Program Participation Agreement (Agreement No. 511-2018-PT-SBC-A3), which would extend the term of the agreement from July 1, 2021 to June 30, 2024; allow the County to transfer up to an additional \$200,000, as needed, to the AB 1299 banking pool account, for a maximum amount not to exceed \$262,673.75 inclusive of the original bank pool deposit of \$59,689 and initial 5% administration fee of \$2,984.45; and pay the annual administrative fee of \$2,984.45 for FY 21-22 and thereafter pay the annual 5% administrative fee based on the County’s total deposits into the banking pool through the Purchase Order Process. Approval of the recommended actions will allow BWell to continue to offer greater access to specialty mental health services (SMHS) for foster youth placed out of the county.

Background:

Counties that provide foster youth specialty mental health services (SMHS) are reimbursed through federal financial participation (FFP) and matching county share Medi-Cal billing. A 2016 bill, AB 1299, added Welfare and Institutions Code Section 14717.1, which changed the responsibility for these services from the county of jurisdiction (sending county) to the county of residence (receiving county) in which the foster youth resides. AB 1299 requires that foster children placed outside of their county of original jurisdiction will now have access to specialty mental health services in a timely manner through “presumptive transfer” where the county of residence assures specialty mental health services are provided.

CalMHSA was requested to provide a fiscal administrative solution to the implementation of AB 1299 by creating a centralized process for exchanging the non-federal funds required for AB 1299 cash flow, namely a banking pool. In May 2018, the Board adopted a Resolution authorizing the County to participate in the CalMHSA Inter-Member Transfer program with an initial deposit into the banking pool of \$59,689.29. The Board also approved and authorized the BWell Director to enter into an Inter-Member Transfer Participation Agreement (511-2018-PT-SBC) on August 14, 2018 for a total contract amount of \$62,673.75, inclusive of the initial deposit plus the 5% administration fee of \$2,984.45. The Board subsequently approved the First Amended Agreement (511-2018-PT-SBC-A1) on February 25, 2020 and the Second Amended Agreement (511-2018-PT-SBC-A2) on September 22, 2021 each for payment of the annual administrative fee and to extend the term of the agreement for an additional fiscal year. Approval of the Third Amendment to the Participation Agreement will allow BWell to continue to

participate in the Inter-Member Transfer program through June 30, 2024, transfer up to \$200,000 in additional funds to CalMHSA for a total contribution not to exceed \$262,673.75 for mental health services provided to foster youth placed out of County, pay the administrative fee of \$2,984.45 for FY 21-22, and thereafter pay the annual 5% administrative fee based on the County’s total deposits into the banking pool, which may range from \$2,984.45 to \$12,984.46 each year.

Performance Measure:

CalMHSA’s administration of this program has resulted in increased efficiency of the implementation of services. CalMHSA maintains all records and provides regular fiscal reports to BWell.

Fiscal and Facilities Impacts:

Budgeted: Yes

<u>Funding Sources</u>	<u>AB 1299 - IMT Pool Bank Transfer FY 18- 21</u>	<u>AB 1299 - IMT Pool Bank Transfer FY 21-24:</u>	<u>AB 1299 - ITM Pool Bank Transfer Total FY 18-24:</u>
General Fund			
State	\$ 62,673.75	\$ 200,000.00	\$ 262,673.75
Federal			
Fees:			
Other:			
Total	\$ 62,673.75	\$ 200,000.00	\$ 262,673.75

<u>Funding Sources</u>	<u>IMT Administrative Cost FY 21-22</u>	<u>IMT Administrative Cost FY 22-24</u>
General Fund		
State	\$ 2,984.46	5% fee to determined annually based on total amount in the Bwell IMT Pool Bank (ranging from \$2,984.46 to \$12,984.46)
Federal		
Fees:		
Other:		
Total	\$ 2,984.46	\$5,968.92 - \$25,968.92

Narrative: In addition to the presumptive transfer payments required of the County, there is the administrative charge by CalMHSA for its services of less than 5% of the County’s costs, which will be processed through a Purchase Order. This administrative charge is reimbursed as an administrative cost in Medi-Cal. It is less than the cost to the County to maintain its own administrative system for making, receiving, and accounting for presumptive transfer payments. This program makes providing these services more cost-efficient for the County since CalMHSA, acting as the fiscal agent, coordinates these activities and is better able to leverage resources at a multi-county and statewide level. CalMHSA also provides BWell with reporting.

Key Contract Risks:

The County may withdraw from the Program upon 6 months’ written notice to CalMHSA; however, withdrawal does not automatically terminate the County’s responsibility for its share of the expenses and liabilities of the Program. As discussed above, BeWell recommends the County’s continued participation in the program. Additionally, the agreement includes a limitation of liability clause at Exhibit B, Section VI.A. limiting CalMHSA’s liability to the amount of funds transferred without authorization from the

County. The agreement also includes a mutual indemnification clause at Exhibit B, Section VI.B. whereby each party shall indemnify the other for the indemnifying party's negligence, but not for the indemnitee's negligence.

Special Instructions:

Please return one (1) Minute Order and one (1) complete copy of the above items to Denise Morales at dmorales@sbcbswell.org and to bwellcontractsstaff@sbcbswell.org.

Attachments:

Attachment A: Resolution BOS IMT Program FY 21-24

Attachment B: CalMHSA FY 21-24 IMT Program Participation Agreement No. 511-2018-PT-SBC-A3

Attachment C: Resolution of the BOS IMT Program No. 18-103

Attachment D: CalMHSA IMT Program Participation Agreement No. 511-2018-PT-SBC-A2

Attachment E: CalMHSA IMT Program Participation Agreement No. 511-2018-PT-SBC-A1

Attachment F: CalMHSA IMT Program Participation Agreement No. 511-2018-PT-SBC

Authored by:

D. Morales