



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: February 28, 2023
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Antonette Navarro, LMFT, Director
Director(s) Department of Behavioral Wellness, (805) 681-5220
Contact Info: Marshall Ramsey, CHCIO, Chief Information Officer, Department
of Behavioral Wellness, (805) 681-5220
SUBJECT: Behavioral Wellness - Clearwater Insights LLC dba Clearwater Compliance LLC,
for Fiscal Year (FY) 22-25 Software as a Service Agreement

County Counsel Concurrence:

As to form: Yes

Auditor-Controller Concurrence:

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- A. Approve, ratify, and authorize the Chair to execute an Agreement for Services of Independent Contractor with **Clearwater Insights LLC dba Clearwater Compliance LLC** (not a local vendor) for the provision of an annual software as a service subscription of Integrated Risk Management, a cyber risk management system, for a Maximum Agreement Amount not to exceed **\$65,250**, with a fiscal year amount of \$21,750, for the period of July 1, 2022 through June 30, 2025 (Attachment A);
- B. Delegate to the Director of the Department of Behavioral Wellness or designee the authority to suspend, delay, or interrupt the services under the Agreement for convenience per Section 20 of the Agreement, to make immaterial changes to the Agreement per Section 26 of the Agreement without altering the Maximum Agreement Amount and without requiring the Board's approval of an amendment of the Agreement, subject to the Board's ability to rescind this delegated authority at any time; 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 are 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 item is on the agenda for the Department of Behavioral Wellness (BWell) to request approval of the Agreement for Services of Independent Contractor with Clearwater Insights LLC dba Clearwater Compliance for the provision of an annual software as a service subscription of Integrated Risk Management, a cyber risk management system, with a Maximum Agreement Amount not to exceed \$65,250, with a fiscal year amount of \$21,750, for the period of July 1, 2022 through June 30, 2025. Also, BWell requests the delegation of authority to the Director of the Department of Behavioral Wellness or designee to the authority to suspend, delay, or interrupt the services under the Agreement for convenience per Section 20 of the Agreement, make immaterial changes to the Agreement per Section 25 of the Agreement without altering the Maximum Agreement Amount and without requiring the Board’s approval of an amendment to the Agreement, subject to the Board’s ability to rescind this delegated authority at any time.

Background:

BWell provides a continuum of mental health and substance use disorder services for Santa Barbara County Medi-Cal patients, including ancillary services for Alcohol and Drug Program (ADP) and Mental Health Services (MHS). Although this agreement is for \$65,250, due to the Purchasing Department’s maximum aggregate threshold limit of \$200,000, it needs to be processed as a Board Contract; another department currently has an agreement with Clearwater in the amount of \$134,775.

This agreement will provide a risk analysis of the County client’s Electronic Private Health Information (ePHI) and the possible exposures to our system along with providing actionable steps to improve the County’s security across *all* ePHI environments, including medical devices. The software evaluates and assesses vulnerabilities and threats and potential risks, and provides management risk remediation.

It also provides a comprehensive tool for managing compliance with the Health Insurance Portability and Accountability Act (HIPAA) Privacy and Breach Notification Rules. The software performs an assessment of the County’s compliance with these rules, identifies gaps in our compliance program, and provides a management plan to remediate gaps.

The approval of the recommended actions will enable BWell to efficiently identify exposures, manage and reduce the likelihood of a breach, save time and money, and meet HIPAA compliance requirements by identifying the unique threats and vulnerabilities applicable to BWell.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

<u>Funding Sources</u>	<u>Cost FY 22-23</u>	<u>Cost FY 23-24</u>	<u>Cost FY 24-25</u>
General Fund			
State	\$ 10,875.00	\$ 10,875.00	\$ 10,875.00
Federal	\$ 10,875.00	\$ 10,875.00	\$ 10,875.00
Fees			
Other:			
Total	\$ 21,750.00	\$ 21,750.00	\$ 21,750.00
Grand Total FY 22-25			\$ 65,250.00

Narrative: The above-referenced contract is funded by State and Federal funds. The funding source is included in the FY 2022-2023 Adopted Budget. The funding for FY 2023-2024 and FY 2024-2025 will be included in those proposed budgets and funding will be contingent upon Board approval.

Key Contract Risks:

As with any contract funded by State and Federal sources, there is a risk of future audit disallowances and repayments. Behavioral Wellness contracts include language requiring contractors to repay any amounts disallowed in audit findings, minimizing financial risks to the County.

Special Instructions:

Please email one (1) complete signed Board Contract and one (1) Minute Order to Denise Morales at dmorales@sbcbswell.org and the BWell Contracts Division at bwellcontractsstaff@sbcbswell.org.

Attachments:

Attachment A: Clearwater FY 22-25 BC

Authored by:

D. Morales