



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 22, 2020  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Alice Gleghorn, Ph.D., Director  
Director(s) Department of Behavioral Wellness, (805) 681-5220  
Contact Info: Lindsay Walter, J.D., Deputy Director of Administration and  
Operations, Department of Behavioral Wellness, (805) 681-5220  
**SUBJECT:** California Mental Health Services Authority (CalMHSA) – Amendment to  
Participation Agreement for Inter-Member Transfer for FY 2020-2021

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**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 the California Mental Health Services Authority (CalMHSA) Participation Agreement Second Amendment regarding the Inter-Member Transfer Program (Agreement No. 511-2018-PT-SBC-A2) for a new term of service of July 1, 2020 to June 30, 2021 and add a 5% administrative charge of \$2,984.45 for the new term; and
- B. Determine that the approval of the recommended action is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15378(b)(4), since the recommended action is a government fiscal activity which does not involve commitment to any specific project which may result in potentially significant physical impact on the environment.

**Summary Text:**

This item is on the agenda to request approval of the recommended action authorizing the Chair to enter into a Second Amendment with CalMHSA for Inter-Member Transfer Program. Approval of the recommended actions will allow the Department of Behavioral Wellness (BeWell) to continue to offer greater access to specialty mental health services (SMHS) for foster youth placed out of the county.

**Background:**

BeWell is a member of CalMHSA, a Joint Powers Authority (JPA) under Gov. Code §6500 et seq., serving California counties as an independent administrative and fiscal intergovernmental structure for jointly developing, funding, and implementing mental health services and educational programs at the state, regional, and local levels. CalMHSA oversees the administrative services for several programs in collaboration with Department of Health Care Services (DHCS), which includes the Inter-Member Transfer Program.

In 2016, AB 1299 added Welfare and Institutions Code Section 14717.1, changing the responsibility for these services from the county of jurisdiction (sending county) to provide foster youth Specialty Mental Health Services (SMHS) to the county of residence (receiving county) in which the foster youth resides. It is referred to as Inter-Member Transfer Program or “presumptive transfer.” Counties who provided foster youth SMH services are reimbursed through Federal Financial Participation (FFP) and matching county share Medi-Cal billing. AB 1299 required that foster children placed outside of their county of original jurisdiction now have access to specialty mental health services in a timely manner through “presumptive transfer,” in which the county of residence assures that 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.

The Board approved and authorized the BeWell Director to enter into an Inter-Member Transfer Participation Agreement (511-2018-PT-SBC) on August 14, 2018 to transfer County funds to the CalMHSA banking pool for the provision of foster youth SMHS for youth placed out of the county and on February 25, 2020 approved a First Amendment (511-2018-PT-SBC-A1) to extend the participation. The banking pool met the statewide goal through an efficient means of transferring county funds to provide treatment to vulnerable youth. If BeWell opted out of the CalMHSA banking pool program, we would be responsible for the additional administrative costs of contracting, including certification of providers, negotiation with vendors, accounts payable services, and monitoring. This program makes providing these services more cost-efficient since CalMHSA, acting as the fiscal agent, coordinates these activities and provides us with the reporting, thus better leveraging resources at a multi-county and statewide level.

**Performance Measure:**

CalMHSA’s administration of this program has resulted in increased efficiency of the implementation of services. They maintain all records and provide regular fiscal reports to the Department.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

<b><u>Funding Sources</u></b>	<b><u>Inter-Member Transfer Program</u></b>		<b><u>Annualized On-going Cost:</u></b>	
	<b><u>Current FY Cost:</u></b>			
General Fund				
State	\$	59,689.00	\$	59,689.00
Federal				
Fees	\$	2,984.45	\$	2,984.45
Other:				
Total	\$	62,673.45	\$	62,673.45

**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.

**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 the its share of the expenses and liabilities of the Program. If BeWell withdrew from the CalMHSA banking pool program, we would be responsible for the additional administrative cost of contracting, including certification of providers, negotiation with vendors, accounts payable service, and monitoring. 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 Participation Agreement to Denise Morales at [dmorales@sbcbswell.org](mailto:dmorales@sbcbswell.org) and to [bwelcontractsstaff@sbcbswell.org](mailto:bwelcontractsstaff@sbcbswell.org).

**Attachments:**

Attachment A: CalMHSA Inter-Member Transfer Program AM2 - No. 511-2018-PT-SBC-A2  
Attachment B: CalMHSA Inter-Member Transfer Program AM1 - No. 511-2018-PT-SBC-A1  
Attachment C: CalMHSA Inter-Member Transfer Program - No. 511-2018-PT-SBC

**Authored by:**

D. Morales