



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: A 22-638, **Version:** 1

- a. Authorize the County Counsel to execute an Agreement for Specialized Attorney Services (“Agreement”) with Regina M. Boyle, Attorney at Law, for independent consulting and legal services related to regulatory compliance and reimbursement issues impacting public Federally Qualified Health Centers, for a term retroactive to November 28, 2022, through December 31, 2024, and a total agreement amount not to exceed \$50,000; and
- b. Authorize the County Counsel to execute the Business Associate Agreement attached as Exhibit D to the Agreement; and
- c. Accept the recommendation of the Director of Health to approve the non-standard insurance provisions in the Agreement and in the Business Associate Agreement; and
- d. Authorize the County Counsel to execute up to three (3) future amendments to this Agreement where the total amendments do not exceed 10% (\$5,000) of the agreement amount and do not significantly change the scope of work.

RECOMMENDATION:

It is recommended the Board of Supervisors:

- a. Authorize the County Counsel to execute an Agreement for Specialized Attorney Services (“Agreement”) with Regina M. Boyle, Attorney at Law, for independent consulting and legal services related to regulatory compliance and reimbursement issues impacting public Federally Qualified Health Centers, for a term retroactive to November 28, 2022, through December 31, 2024, and a total agreement amount not to exceed \$50,000; and
- b. Authorize the County Counsel to execute the Business Associate Agreement attached as Exhibit D to the Agreement; and
- c. Accept the recommendation of the Director of Health to approve the non-standard insurance provisions in the Agreement and in the Business Associate Agreement; and
- d. Authorize the County Counsel to execute up to three (3) future amendments to this Agreement where the total amendments do not exceed 10% (\$5,000) of the agreement amount and do not significantly change the scope of work.

SUMMARY/DISCUSSION:

The Health Department Clinic Services Bureau (Clinic Services) operates ten community clinic sites designated as Federally Qualified Health Centers (FQHCs) which provide preventive, primary, and specialty medical care services.

Clinic Services participates in the federal 340B Drug Pricing Program, which allows FQHCs to purchase eligible drugs at reduced rates for distribution to eligible patients through 340B contract pharmacy arrangements. Clinic Services depends on 340B savings to help increase patient access and promote health equity by reinvesting these savings into supporting the essential healthcare services that our safety net clinics provide.

Regina M. Boyle is an attorney practicing health care law in Sacramento, California, with a focus on regulatory compliance and reimbursement issues that impact public and nonprofit FQHCs in the state of California. Regina Boyle has extensive experience working with FQHCs, Medicaid, and the 340B Drug Pricing Program, including the drafting of state-level legislation related to Medi-Cal reimbursements.

The complexity and attention that the 340B program commands have grown exponentially due to certain drug manufacturers restricting their drug discounts for contract pharmacies, compliance with Clinic Services' dual status as both an FQHC and Ryan White/HIV Grantee, and the transition of Medi-Cal pharmacy services to the State of California, which transferred all 340B savings generated from Medicaid-covered prescription drugs from Clinic Services to the State as of January 1, 2022.

Regina Boyle possesses a specialized understanding of the complexities that make program-specific compliance challenging in the state of California, and Clinic Services seeks this additional legal support to help protect and maintain the ability to reinvest 340B savings into the healthcare services that the 340B Drug Pricing Program makes possible.

This work supports one of the Monterey County Health Department's 2018-2022 Strategic Plan Initiatives: 2. Enhance community health and safety through prevention. It also supports one or more of the ten essential public health services, specifically: 6. Enforce laws and regulations that protect health and ensure safety.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed this Agreement as to legal form.

FINANCING:

Sufficient appropriations are available in the FY 2022-2023 Health Department Clinic Services Adopted Budget (001-4000-HEA007) to cover costs of this agreement. This Agreement is funded by revenues generated from Medi-Cal and Medicare. There is no financial impact to the General Fund resulting from approval of this Agreement.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Check the related Board of Supervisors Strategic Initiatives:

☐Economic Development:

- Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

☐Administration:

- Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

☒Health & Human Services:

- Improve health and quality of life through County supported policies, programs, and services; promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities.

☐Infrastructure:

- Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.

☐Public Safety:

- Create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general.

Prepared by: Prisca Segovia, Management Analyst II, 755-4939

Approved by:

Date: _____

Elsa Mendoza Jimenez, Director of Health, 755-4526

Attachments:
Board Report
Agreement