



Monterey County

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Board Report

Legistar File Number: A 15-061

April 07, 2015

Introduced: 3/24/2015

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Agreement

- a. Authorize the Contracts/Purchasing Officer to sign a License Agreement with the National Training Institute Upstream "NTI" for the provision of a PDF copy of the 4P's Plus Screening Tool, in the annual amount of \$1,000, for the period of March 17, 2015 through March 16, 2016; and
- b. Accept the Non-Standard Contract Provisions and Indemnification Language as recommended by the Director of Health; and
- c. Authorize the Contracts Purchasing Officer to approve up to three future renewals of this Agreement where the annual amounts do not exceed ten percent (10%) of the original contract amount and do not significantly change the 4Ps Screening Tool.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Authorize the Contracts/Purchasing Officer to sign a License Agreement with the National Training Institute Upstream "NTI" for the provision of a PDF copy of the 4P's Plus Screening Tool, in the annual amount of \$1,000, for the period of March 17, 2015 through March 16, 2016; and
- b. Accept the Non-Standard Contract Provisions and Indemnification Language as recommended by the Director of Health; and
- c. Authorize the Contracts Purchasing Officer to approve up to three future renewals of this Agreement where the annual amounts do not exceed ten percent (10%) of the original contract amount and do not significantly change the 4Ps Screening Tool.

SUMMARY/DISCUSSION:

On November 21, 2014, the California Department of Public Health (CDPH) awarded the Monterey County Health Department's Maternal Child and Adolescent Health Program (MCAH) Agreement No. 2014-27 in the amount of \$344,902, for the period of July 1, 2014 through June 30, 2015. As part of the agreed upon scope of services, MCAH will incorporate a substance abuse screening tool into their comprehensive assessments for pregnant women during their home visits.

NTI's 4Ps Plus Screening Tool (4Ps Plus) is used by several California counties, meets CDPH requirements as a valid evidence-based screening tool designed specifically for pregnant women and was specifically identified as the tool to be used in the MCAH Agreement between the County and CDPH.

The 4Ps Plus (a copyrighted instrument) is a questionnaire that screens for alcohol, tobacco, illicit drug use, depression, and domestic violence. Based on the answers given by the client, analysis of the questionnaire will help identify risk factors for these listed areas of concern. MCAH will

utilize the 4Ps Plus and collect data to determine its future usefulness, as well as to track the number of short interventions and types of referrals staff will provide clients as a result of their “positive” screening(s). Clients will be given the option to opt out of the use of the 4Ps Plus, during the home visit by MCHD staff.

This work supports the MCHD 2011-2015 Strategic Plan Initiative(s): Enhance community health and safety by emphasizing prevention; and Ensure access to culturally and linguistically appropriate, customer-friendly, quality health services. It also supports one of more the ten essential public health services, specifically: Inform, educate, and empower people about health issues; link people to needed personal health services and assure the provision of health care when otherwise unavailable; assure competent public and personal health care workforce; evaluate effectiveness, accessibility, and quality of personal and population-based health services; and research for new insights and innovative solutions to health problems.

OTHER AGENCY INVOLVEMENT:

County Counsel, Risk Management and the Auditor-Controller have reviewed this Agreement as to legal form, liability and fiscal provisions respectively. The Agreement utilizes non-standard hold harmless, copyright liability, and indemnification language, which place undue risk of liability on the County. The Agreement requires the County to “make a best-faith effort to control copyright” of NTI’s 4Ps Plus screening tool, which is beyond the obligation of a copyright license holder. In addition, the Agreement holds harmless NTI and its employees for “any incidental or consequential damages or losses related to use” of the tool. The Health Department was able to negotiate terms that reduced but did not substantially eliminate this risk. The contractor agreed that disclosure resulting from responding to a public records request, subpoena or pursuant to state or federal law did not violate the parties’ Agreement. As a result, neither County Counsel nor Risk Management approved the Agreement. Since, however, NTI’s 4Ps Plus screening tool is required by the terms of the MCAH Agreement with CDPH and that there are no known options to this tool at this time, Health seeks BOS approval of the Agreement. A copy of the Agreement is on file with the Clerk to the Board.

FINANCING:

This Agreement is fully funded by the Maternal, Child and Adolescent Health Grant No. 2014-27. There are sufficient appropriations included in the Health Department’s (HEA003-8124) Adopted Budget for Fiscal Year 2014-15.

Prepared by: Kathy Robinson, MAII, 1286

Approved by: Ray Bullick, Director of Health, 4526

Attachment:

Agreement is on file with the Clerk of the Board