



# Monterey County

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## Board Report

Legistar File Number: A 18-136

May 15, 2018

Introduced: 4/24/2018

Version: 1

Current Status: Consent Agenda

Matter Type: BoS Agreement

Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute amendment No. 2 to the agreement (A-13003) with Foley & Lardner, LLP for independent consulting and legal services with respect to healthcare matters at Natividad Medical Center, extending the agreement an additional two (2) year period (July 1, 2018 through June 30, 2020) for a revised full agreement term of July 1, 2015 through June 30, 2020, and adding \$500,000 for a revised total agreement amount not to exceed \$1,730,000.

### **RECOMMENDATION:**

#### **It is recommended the Board of Supervisors:**

Authorize the Deputy Purchasing Agent for Natividad Medical Center (NMC) or his designee to execute amendment No. 2 to the agreement (A-13003) with Foley & Lardner, LLP for independent consulting and legal services with respect to healthcare matters at Natividad Medical Center, extending the agreement an additional two (2) year period (July 1, 2018 through June 30, 2020) for a revised full agreement term of July 1, 2015 through June 30, 2020, and adding \$500,000 for a revised total agreement amount not to exceed \$1,730,000.

### **SUMMARY/DISCUSSION:**

Foley & Lardner, LLP specializes in healthcare law, and has for years provided advice and counsel, in consultation with the Office of the County Counsel, on a variety of healthcare-related issues to NMC. The firm represents the California Association of Public Hospitals (CAPH) and works frequently with the state government and CAPH in drafting legislation for the benefit of public hospitals statewide. The firm's expertise in public hospital healthcare law, in areas such as Medi-Cal funding to hospitals, specifically regarding the structuring of Medicaid financing for safety net providers in the context of disproportionate share hospital payment programs and under federal Medicaid demonstrations authorized under Section 1115 of the Social Security Act, is of significant importance to Natividad Medical Center.

### **OTHER AGENCY INVOLVEMENT:**

County Counsel has reviewed and approved this amendment No. 2 as to legal form and risk provisions, and the Auditor-Controller has reviewed and approved as to payment provisions. This amendment No. 2 has also been reviewed and approved by NMC's Finance Committee on March 22, 2018 and by its Board of Trustees on April 6, 2018.

**FINANCING:**

The cost for this amendment No. 2 is \$500,000, of which \$250,000 is included in the Adopted Budget for Fiscal Year 2018-19 and \$250,000 is included in the FY19-20 Recommended Budget. Amounts for remaining years of the agreement will be included in those budgets as appropriate. There is no impact to the General Fund.

**BOARD OF SUPERVISORS STRATEGIC INITIATIVES:**

The services rendered in this agreement provide legal consulting services, as needed, with respect to healthcare matters; the outcome of which contributes to assisting NMC run efficient business operations.

- ☐ Economic Development
- ☒ Administration
- ☐ Health and Human Services
- ☐ Infrastructure
- ☐ Public Safety

Prepared by: Daniel Leon, Chief Financial Officer, 783-2561

Approved by: Gary R. Gray, DO, Chief Executive Officer, 783-2504

Attachments:

Foley and Lardner LLP Amendment No. 2

Foley and Lardner LLP Amendment No. 1

Foley and Lardner LLP Agreement

Attachments on file with the Clerk of the Board