



# Monterey County

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## Board Report

Legistar File Number: 18-875

September 18, 2018

**Introduced:** 8/31/2018

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** General Agenda Item

- a. Approve and authorize the Director of Health or Assistant Director of Health to execute a Business Associate Agreement ("BAA") with the Central California Alliance for Health ("Alliance") and to authorize its addition as an exhibit to the parties' Memorandum of Understanding (Agreement No. A-14015), effective July 1, 2018, memorializing the parties' responsibilities in implementing the California Children's Services ("CCS") Whole Child Model Program (Health and Safety Code section 123800 et seq.); and
- b. Approve the non-standard provisions of the BAA, as recommended by the Director of Health.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve and authorize the Director of Health or Assistant Director of Health to execute a Business Associate Agreement ("BAA") with the Central California Alliance for Health ("Alliance") and to authorize its addition as an exhibit to the parties' Memorandum of Understanding (Agreement No. A-14015), effective July 1, 2018, memorializing the parties' responsibilities in implementing the California Children's Services ("CCS") Whole Child Model Program (Health and Safety Code section 123800 et seq.); and
- b. Approve the non-standard provisions of the BAA, as recommended by the Director of Health.

### SUMMARY/DISCUSSION:

The California Children's Services (CCS) Program provides diagnostic and treatment services, medical case management, and physical and occupational therapy services to children under 21 years of age with CCS-eligible medical conditions. The CCS Program is administered as a partnership between Monterey County Health Department, the Alliance, and the California Department of Health Care Services.

Senate Bill (SB) 586 Chapter 625 Statute of 2016 authorized DHCS to establish the Whole Child Model (WCM), incorporating CCS covered services for the Medi-Cal eligible CCS children and youth into a Medi-Cal managed care health plan (MCP) contract between DHCS and nearly all County Organized Health Systems (COHS), including Monterey County. On June 26, 2018, the Board of Supervisors approved the execution of a Memorandum of Understanding (MOU) (Agreement No. A-14015), memorializing the County's and the Alliance's responsibilities in implementing the CCS Whole Child Model Program for Monterey County residents.

The Health Department seeks Board approval of the Alliance's Business Associate Agreement ("BAA") as an exhibit to the previously approved MOU. The Health Department seeks approval of (1) the mutual indemnification provision and (2) the additional security requirements set forth in the

BAA, imposing obligations to safeguard privacy and security of data beyond the scope of the County's responsibilities described in the MOU. Because the Alliance contends the BAA must be accepted by the County as is, without modification to these provisions, the Health Department seeks Board approval of the risk inherent in accepting these terms, and so that the BAA may be appended as an exhibit to the MOU.

The acceptance of this BAA supports the Monterey County Health Department 2018-2022 Strategic Plan initiative(s) empower the community to improve health and ensure access to culturally and linguistically appropriate, customer-friendly, quality health services. It also supports the following of the ten essential public health services, specifically: 1. Monitor health status to identify and solve community health problems and 7. Link people to needed personal health services and assure the provision of health care when otherwise available.

OTHER AGENCY INVOLVEMENT:

County Counsel-Risk Management and the Auditor-Controller have reviewed the Agreement as to legal form, liability provisions, and fiscal provisions respectively. County Counsel approved as to form. Auditor-Controller approved as to fiscal provisions. Risk Management recommended that Board approval of the BAA be obtained.

FINANCING:

There are no fiscal provisions included in the BAA. Approval of the BAA will have no impact on the Health Department's (HEA003-8124) Adopted Budget for Fiscal Year 2018-19.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Approval of the proposed amended Conflict of Interest Code fulfills the Board's statutorily designated role as the code reviewing body pursuant to the Political Reform Act:

☐ 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: Patricia McFadden, 4726

Approved by: Elsa Jimenez, Director of Health, 4526

Attachment:

BAA is on file with the Clerk of the Board

Agreement is on file with the Clerk of the Board