



County of Monterey

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

Legislation Details (With Board Report)

File #:	A 17-446	Name:	NFP Non Disclosure Agreement
Type:	BoS Agreement	Status:	Passed
File created:	11/8/2017	In control:	Board of Supervisors
On agenda:	12/12/2017	Final action:	12/12/2017
Title:	a. Approve and authorize the Director of Health or Assistant Director of Health to execute a Non-Disclosure Agreement with Nurse-Family Partnership ("NFP") for NFP to disclose certain Confidential Information to the County of Monterey for exploring a potential agreement between the parties; and b. Accept the Non-Standard Indemnification Language as recommended by the Director of Health.		
Sponsors:	Ray Bullick		
Indexes:			
Code sections:			
Attachments:	1. Board Report, 2. Non-Disclosure Agreement -NFP.pdf, 3. Completed Board Order		

Date	Ver.	Action By	Action	Result
12/12/2017	1	Board of Supervisors	approved	

- a. Approve and authorize the Director of Health or Assistant Director of Health to execute a Non-Disclosure Agreement with Nurse-Family Partnership ("NFP") for NFP to disclose certain Confidential Information to the County of Monterey for exploring a potential agreement between the parties; and
b. Accept the Non-Standard Indemnification Language 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 Non-Disclosure Agreement with Nurse-Family Partnership ("NFP") for NFP to disclose certain Confidential Information to the County of Monterey for exploring a potential agreement between the parties; and
b. Accept the Non-Standard Indemnification Language as recommended by the Director of Health.

SUMMARY/DISCUSSION:

The Health Department (Department) will implement the Nurse-Family Partnership program throughout Monterey County in this current fiscal year. NFP is an evidence-based health program that transforms the lives of vulnerable first-time mothers and their babies. NFP will enroll Medi-Cal eligible women early in their pregnancy and conduct the first home visit by no later than the end of week 28 of pregnancy. The Department will pair these women with an NFP nurse that will visit the home and work with the family until the child's second birthday.

Each nurse will address health topics in the domains of personal health, environmental health, life course, maternal role, friends and family, and health and human services.

Nurse-Family Partnership has been shown to improve health outcomes among participants, such as decreased prenatal cigarette smoking, reduced hypertensive disorders of pregnancy, decreased childhood injuries, reduced subsequent pregnancies, and increased intervals between births. By achieving similar outcomes among first-time mothers in Monterey County, the Department through implementation of NFP will support efforts to provide higher quality care and reduce health care costs.

Prior to execution of the Nurse-Family Partnership program, NFP has requested that the County of Monterey enter into a Non-Disclosure Agreement for NFP to disclose, in the course of contract negotiations, certain Confidential Information to the County of Monterey that NFP deems proprietary. NFP deems Proprietary Property as all of the NFP Program, NFP Model Elements, the name “Nurse-Family Partnership” and the acronym “NFP” when used in connection with the NFP logo and the goodwill associated therewith, and the copyrighted materials and other materials used in the Program that would be designated as protectable intellectual property under applicable law, including all modifications, additions, updates, and derivative works thereof and all of the rights of NFP and its licensors associated with this property.

NFP agreed to indemnify the County should the County decline a Public Records Act request for documents that may seek disclosure of responsive records containing NFP’s Confidential Information. The proposed Agreement is a non-standard Agreement for the County and it is recommended to seek Board of Supervisors approval.

This action will support the Monterey County Health Department’s 2011-2015 Strategic Plan Initiatives: 1. Empower the community to improve health through programs, policies, and activities; 2. Enhance community health and safety by emphasizing prevention; and 3. Ensure access to culturally and linguistically appropriate, customer-friendly, quality health services. This work also supports three of the ten essential public health services: 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; and assure competent public and personal health care workforce.

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. Risk Management recommended seeking Board of Supervisors approval due to non-standard indemnification language.

FINANCING:

There are sufficient appropriations included in the Health Department’s (HEA003-8124) Adopted Budget for FY 2017-18. There is no impact on the General Fund regarding 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: Patricia McFadden, Management Analyst II, ext. 4726

Approved by: Elsa M. Jimenez, Director of Health

Attachments:

Agreement is on file with the Clerk of the Board