



County of Monterey

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

Legislation Details (With Board Report)

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|----------------------|--|----------------------|-----------------------------------|
| File #: | A 21-374 | Name: | Foley and Lardner LLP Agreement |
| Type: | BoS Agreement | Status: | Passed - Natividad Medical Center |
| File created: | 6/17/2021 | In control: | Board of Supervisors |
| On agenda: | 7/13/2021 | Final action: | 7/13/2021 |
| Title: | a. Authorize the County Counsel to execute an Agreement for Specialized Attorney Services ("Agreement") with Foley & Lardner, LLP for independent consulting and legal services with respect to healthcare matters at Natividad Medical Center ("Natividad"), for a term retroactive to July 1, 2021 through June 30, 2024 and for a total agreement amount not to exceed \$500,000; and b. Accept the recommendation of the Chief Executive Officer of Natividad to approve the non-standard indemnification and professional liability insurance provisions in the Agreement; and c. Authorize the Deputy Purchasing Agent for Natividad or his designee to execute up to three (3) future amendments to this Agreement where the total amendments do not exceed 10% (\$50,000) of the agreement amount and do not significantly change the scope of work. | | |

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Foley and Lardner LLP Agreement.pdf, 3. Completed Board Order Item No. 31

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|-------------------------------------|--------|
| 7/13/2021 | 1 | Board of Supervisors | approved - natividad medical center | Pass |

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b. Accept the recommendation of the Chief Executive Officer of Natividad to approve the non-standard indemnification and professional liability insurance provisions in the Agreement; and
c. Authorize the Deputy Purchasing Agent for Natividad or his designee to execute up to three (3) future amendments to this Agreement where the total amendments do not exceed 10% (\$50,000) of the agreement amount and do not significantly change the scope of work.

RECOMMENDATION:

It is recommended the Board of Supervisors:

- Authorize the County Counsel to execute an Agreement for Specialized Attorney Services ("Agreement") with Foley & Lardner, LLP for independent consulting and legal services with respect to healthcare matters at Natividad Medical Center ("Natividad"), for a term retroactive to July 1, 2021 through June 30, 2024 and for a total agreement amount not to exceed \$500,000; and
- Accept the recommendation of the Chief Executive Officer of Natividad to approve the non-standard indemnification and professional liability insurance provisions in the Agreement; and
- Authorize the Deputy Purchasing Agent for Natividad or his designee to execute up to three (3) future amendments to this Agreement where the total amendments do not exceed 10% (\$50,000) of the agreement amount and do not significantly change the scope of work.

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 Agreement as to legal form, and the Auditor-Controller has reviewed and approved as to payment provisions. This Agreement has also been reviewed and approved by Natividad's Finance Committee and by its Board of Trustees on May 14, 2021.

FINANCING:

The cost for this agreement is \$500,000, of which \$250,000 is included in the Fiscal Year 2021-2022 Adopted Budget. Amounts for the 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 Natividad 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 Agreement

Attachments on file with the Clerk of the Board