

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

November 19, 2024

FROM

GEORGINA YOSHIOKA, Director, Department of Behavioral Health

SUBJECT

Non-Financial Participation Agreement for the Medi-Cal Peer Support Specialist Certification Program with the California Mental Health Services Authority

RECOMMENDATION(S)

Approve the non-financial Participation **Agreement No. 24-1126** (California Mental Health Services Authority Agreement No. 5357-MEDICALPEERSCERTIFICATION-2024-SANBERNARDINO-PA) with the California Mental Health Services Authority, including non-standard terms, for the Medi-Cal Peer Support Specialist Certification Program, for a one-year term beginning on the date of execution by both parties.

(Presenter: Georgina Yoshioka, Director, 252-5142)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Provide for the Safety, Health and Social Service Needs of County Residents.

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost), as the Participation Agreement (Agreement) with California Mental Health Services Authority (CalMHSA) is non-financial in nature.

BACKGROUND INFORMATION

The Department of Behavioral Health (DBH) is responsible for providing mental health (MH) and substance use disorder (SUD) services to County residents experiencing severe mental illness and/or SUD. The CalMHSA Agreement is governed by CalMHSA, a Joint Powers Authority comprised of California Mental Health Plans that provide administrative and fiscal services for member counties to maximize resources related to the coordination or implementation of statewide or multi-county projects, such as the statewide Suicide Prevention and Stigma and Discrimination Reduction campaigns. DBH has been a member of CalMHSA, since November 2008, to jointly develop and fund MH services and education programs as determined on a regional, statewide, or other basis.

Senate Bill (SB) 803, MH Services, Peer Support Specialist Certification (PSSC), chaptered in 2020, authorized the California Department of Health Care Services (DHCS) to seek federal approval to add peer support specialists as a Medi-Cal provider type. DHCS, through SB 803, acknowledges the role that peer support specialists play in California's behavioral health systems and recognizes that peers have long acted as a part of the prevention, early intervention, treatment, and recovery process for individuals living with MH and/or SUD

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conditions. As individuals with lived experience, or as the parents, caregivers and family members of individuals living with MH and/or SUD conditions, peers personally understand the experience of the individuals they serve and can help identify the most effective set of services for an individual's recovery needs.

SB 803 also directed DHCS to develop state standards for the Medi-Cal PSSC that may be implemented by counties, or county contracted entities, who opt to provide these programs. CalMHSA received approval from the DHCS to implement this new certification program on behalf of member counties.

The Agreement with CalMHSA includes terms that differ from the standard County contract. The non-standard terms include the following:

1. Per the Agreement, each party is required to defend, indemnify or hold the other party harmless to the extent arising out of the respective party's negligent or willful conduct in connection with its performance under the Agreement.
 - Standard County policy requires the contractor to indemnify the County against all claims arising out of the contract from any cause whatsoever.
 - Potential Impact: By agreeing to indemnify CalMHSA, the County could be contractually waiving the protection of sovereign immunity. If the County is sued for any claim resulting from its negligent or willful conduct in connection with its performance under the Agreement, the County may be solely liable for the costs of defense and damages.
2. The Agreement does not contain the standard County insurance requirements.
 - Standard County policy requires inclusion of the standard County insurance requirements in contracts unless otherwise approved by the Risk Management Department.
 - Potential Impact: The County has no assurance that CalMHSA will be financially responsible for claims that may arise under the Agreement, which could result in expenses to the County that exceed the non-financial Agreement.
3. The County has the ability to terminate the Agreement without cause upon six months' notice to CalMHSA.
 - Under the County standard contract, the County has the right to terminate the contract, for any reason, with 30 days' written notice of termination without any obligation other than to pay amounts for services rendered and expenses reasonably incurred prior to the effective date of termination.
 - Potential Impact: The County has the right to terminate the Agreement for convenience with a longer notice requirement. However, in the event County terminates the Agreement, it still may be responsible for its share of the expense and liabilities.
4. CalMHSA has a limitation of liability under the Agreement.
 - Under the County standard policy, the contractor may not limit its liability in performance of the contract.
 - Potential Impact: CalMHSA is limited to direct damages up to the amount paid under the Agreement during the 12 months before the cause of action arose.

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DBH recommends approval of the Agreement, including non-standard terms, to allow DBH to continue contracting with CalMHSA for its DHCS-approved PSSC Program for the County, which certifies DBH Peer and Family Advocate staff. The Agreement with CalMHSA is also required for Medi-Cal reimbursement, as DBH currently does not have the program infrastructure or staffing to meet State standards to opt in to provide a peer certification program.

On September 27, 2022, (Item No. 24) the Board of Supervisors approved a non-financial agreement for the PSSC Program, effective January 1, 2022 through December 31, 2022. This agreement allowed CalMHSA to represent the County in the implementation and administration of all components of the PSSC program to support consistency statewide. This agreement has since lapsed but DBH has been operating in good faith with direction from CalMHSA.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by Behavioral Health (Lisa Rivas-Ordaz, Contract Supervisor, 386-8264) on October 10, 2024; County Counsel (Dawn Martin, Deputy County Counsel, 387-5455) on October 21, 2024; Risk Management (Gregory Ustaszewski, Staff Analyst II, 386-9008) on October 23, 2024; Finance (Paul Garcia, Administrative Analyst, 386-8392) on October 29, 2024; and County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0238) on October 31, 2024.

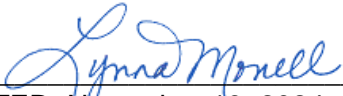
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Joe Baca, Jr.
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: November 19, 2024



cc: DBH - Barajas w/agree
 Contractor - c/o DBH w/agree
 File - w/agree
CCM 11/25/2024