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

REPORT/RECOMMENDATION TO THE BOARD OF DIRECTORS OF THE IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY AND RECORD OF ACTION

March 26, 2024

FROM

SHARON NEVINS, Director, Department of Aging and Adult Services

MYETTE CHRISTIAN, Acting Executive Director, In-Home Supportive Services Public Authority

SUBJECT

Memorandum of Understanding for In-Home Supportive Services Provider Hiring and Employment Process

RECOMMENDATION(S)

1. Acting as the governing body of San Bernardino County, approve Memorandum of Understanding **(Agreement No. 24-248)**, including non-standard terms, between the San Bernardino County Department of Aging and Adult Services and the In-Home Supportive Services Public Authority, for administration and support of the In-Home Supportive Services provider hiring and employment process, in an amount not to exceed $4,292,000, for the period of July 1, 2024 through June 30, 2027.
2. Acting as the governing body of the In-Home Supportive Services Public Authority, approve Memorandum of Understanding (Agreement No. 24-248), including non-standard terms, between the San Bernardino County Department of Aging and Adult Services and the In-Home Supportive Services Public Authority, for administration and support of the In-Home Supportive Services provider hiring and employment process, in an amount not to exceed $4,292,000, for the period of July 1, 2024 through June 30, 2027.

(Presenter: Myette Christian, Acting Executive Director, 891-9108)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

FINANCIAL IMPACT

This item does not impact Discretionary General Funding (Net County Cost). The funds for the provider services in the Memorandum of Understanding (MOU), in an amount not to exceed $4,292,000, are 100% Federal and State, and are used to reimburse the In-Home Supportive Services Public Authority (IHSS PA). Adequate appropriation and revenue are included in the Human Services Administrative Claim and IHSS PA 2024-25 recommended budgets and will be included in future recommended budgets.

BACKGROUND INFORMATION

In 1973, the In-Home Supportive Services (IHSS) program was established by the State of California to provide services to eligible elderly, disabled, and/or blind residents to remain safely in their homes. The recommended MOU will allow for the ongoing collaboration between the Department of Aging and Adult Services (DAAS) and the IHSS PA for the hiring and employment of IHSS providers, which supports DAAS by supporting IHSS providers and their processes. The MOU represents the cost of 15.5 staff positions that IHSS PA retains, along with associated overhead. IHSS PA completes the background clearance and hiring process for all potential providers, and assists IHSS recipients in finding eligible providers. The IHSS PA conducts over 17,076 criminal background checks on potential providers per year. IHSS PA also conducts training, acts as the employer of record, negotiates provider contracts and oversees health benefits for IHSS providers.

DAAS works to ensure older adults and individuals with disabilities have the right to age in place, in the least restrictive environment. DAAS administers the IHSS program for the County's at risk older adults and individuals with disabilities. The IHSS program helps eligible low-income older adults and individuals with disabilities to remain independent by making funding available for them to employ an IHSS provider to provide eligible home care services and avoid institutionalization.

Per County Policy 11-05, contracts containing non-standard terms must be approved by the Board of Supervisors (Board). The MOU between DAAS and IHSS PA includes a term that differs from the standard County agreement. The non-standard terms include the following:

1. The MOU requires both the County and IHSS PA to mutually indemnify each other in the event of a claim for damages or losses. Consistent with the standard terms, neither party is required to indemnify the other in the event of that party's sole negligence or willful misconduct. It also warrants that each party has adequate coverage through their respective programs of self -insurance.
    - The standard term for indemnification in a County contract requires a contractor to indemnify the County against all claims, actions, losses, damages and/or liabilities arising out of the contract regardless of the cause except where the County is solely negligent or engaged in willful misconduct. and requires contractors to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department.
    - Potential Impact: Acceptance of this term increases potential legal liability as the County will be required to indemnify IHSS PA for harm or damage caused by the IHSS PA in many circumstances.

DAAS and IHSS PA recommend approval of the MOU, including non-standard terms, as it supports the provision of Welfare and Institutions Code section 12301.6 to provide in-home supportive services necessary for public health and welfare.

Both DAAS and IHSS PA have collaborated for the administration and support of the IHSS provider hiring and employment process since 2018 and agreed to continue services via a new MOU with renegotiated rates and number of staff positions effective with the new MOU. The MOU may be terminated by either party without cause following 30 days written notice to the other party.

PROCUREMENT
Not applicable.

REVIEW BY OTHERS
This item has been reviewed by Human Services Contracts (Patty Steven, Contracts Manager, 388-0241) on March 11, 2024; County Counsel (Jacqueline Carey-Wilson, Deputy County Counsel, 387-5455) on March 6, 2024; Risk Management (Victor Tordesillas, Deputy Executive Officer, 386-8623) on March 7, 2024; Finance (John Hallen, Administrative Analyst, 388-0208) on March 8, 2024; and County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0238) on March 11, 2024.

Record of Action of the Board of Directors
In-Home Supportive Services Public Authority

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/SECRETARY

BY Lynna Monell
DATED: March 26, 2024

cc: DAAS - West w/ agree
Contractor c/o DAAS w/ agree
File w/ agree

JLL 03/27/2024