

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

May 21, 2024

FROM

SHARON NEVINS, Director, Department of Aging and Adult Services

SUBJECT

Non-Financial Memoranda of Understanding with Medi-Cal Managed Care Plans to Provide Coordinated Care for In-Home Supportive Services

RECOMMENDATION(S)

1. Approve non-financial Memoranda of Understanding, as required by the California Department of Health Care Services, including non-standard terms, with the following agencies, to provide coordinated care for In-Home Supportive Services, effective April 23, 2024 through April 22, 2027:
 - a. Inland Empire Health Plan, **Contract No. 24-397**.
 - b. Molina Healthcare of California, **Contract No. 24-398**.
2. Authorize the Director of the Department of Aging and Adult Services, as indicated in the Memorandum of Understanding provided by the California Department of Health Care Services, as authorized to execute any subsequent, non-substantive amendments in relation to the Memoranda of Understanding with Inland Empire Health Plan and Molina Healthcare of California, on behalf of the County, subject to review by County Counsel.
3. Direct the Director of the Department of Aging and Adult Services to transmit amendments in relation to the Memoranda of Understanding for coordinated care services with Inland Empire Health Plan and Molina Healthcare of California to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: Sharon Nevins, Director, 891-3917)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Promote the Countywide Vision.

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

The Memoranda of Understanding (MOUs) are non-financial and will not impact Discretionary General Funding (Net County Cost).

BACKGROUND INFORMATION

Under the 2024 Medi-Cal Managed Care Plan (MCP) contract with the State of California Department of Health Care Services (DHCS), Medi-Cal Managed Care Plans (MCPs) are required to build partnerships with third-party entities, such as In-Home Supportive Services (IHSS), to ensure member care is coordinated and members have access to community-based resources to support whole system and person-centered care. MCP contracts with the state now require a Memorandum of Understanding (MOU) with counties and third-party entities. On

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October 11, 2023, CDHS issued All Plan Letter 23-029 outlining the requirements for MCPs and third-party entities to begin using a standardized MOU template. DHCS developed MOU templates for MCPs and third-party entities to utilize which will ensure contract provisions are captured and provide standardization in reporting.

DCHS' required MOU template will establish minimum requirements around key contract provisions, such as data-sharing and training, clarify the roles and responsibilities for coordination of the delivery of care and services, establish formal processes on how to collaborate and coordinate on population health programs, establish data sharing pathways, provide mechanisms to ensure overall oversight and accountability, and will provide transparency into roles and responsibilities of each party.

On December 13, 2022, the Board of Supervisors (Board) approved MOU with Inland Empire Health Plan (IEHP), Contract No. 22-1243, and MOU with Molina Healthcare of California (Molina), Contract No. 22-1244 (Item No. 5). The existing MOUs do not expire until December 31, 2025. However, DCHS is requiring all MCPs to begin using the new template with standardized language, therefore, the recommended MOU for each vendor will supersede their existing MOU upon execution.

The MOUs with IEHP and Molina includes the following terms that differ from the standard County contract terms:

The County standard contract requires contractors to carry appropriate insurance at limits and under conditions as required by County Policy 11-07.

- Potential Impact: The contract does not include any of the County's standard insurance requirements. This means that the County has no assurances that IEHP and/or Molina will be financially responsible for claims that arise from this agreement, which could result in an expense to the County.

The County standard contract does not include any indemnification or defense by the County of a Contractor as required by County Policy 11-07.

- Potential Impact: By agreeing to indemnify IEHP and Molina, the County could be contractually waiving the protection of sovereign immunity. Claims that may otherwise be barred against the County, time limited, or expense limited could be brought against IEHP and/or Molina without such limitations and the County would be responsible to defend and reimburse IEHP and/or Molina for costs, expenses, and damages, which could result in an expense to the County.

The Department of Aging and Adult Services (DAAS) recommends approval of this item, including the non-standard terms, as it meets the DHCS requirements and allows continued collaboration with IEHP and Molina for coordinated care associated with IHSS. This collaboration allows elderly and dependent adults remain in their homes for a longer period.

This item is being presented to the Board at this time due to scheduling constraints following the required administrative, operational, and legal reviews. Both Molina and IEHP required their own board approval prior to DAAS obtaining County board approval. All parties agreed to schedule the MCP providers' board approval date in early April, with a MOU effective date of

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April 23, 2024, so that DAAS could request approval of both MOUs at the April 23, 2024 Board date. While IEHP obtained their board signature and approval in April as planned, Molina's approval was delayed, resulting in DAAS postponing Board approval until the next available date in May. Since one MCP provider obtained their board approval with a MOU effective date of April 23, 2024, retroactive approval is requested to keep both MOU dates consistent and to avoid requiring one MCP provider to go to their board for approval again. Approval at this time will not impact DAAS' services or activities.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by Human Services Contracts (Patty Steven, Contracts Manager, 388-0241) on May 3, 2024; County Counsel (Jacqueline Carey-Wilson, Deputy County Counsel, 387-5455) on May 7, 2024; Risk Management (Victor Tordesillas, Deputy Executive Officer, 386-8623) on May 3, 2024; Finance (John Hallen, Administrative Analyst, 386-8392) on May 7, 2024; and County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0238) on May 7, 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.), Dawn Rowe, Curt Hagman, Joe Baca, Jr.
Absent: Jesse Armendarez

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: May 21, 2024



cc: DAAS - West w/agrees
Contractor - c/o DAAS w/agree
File - w/agree
CCM 05/23/2024