

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

March 14, 2023

FROM

JEANY ZEPEDA, Director, Children and Family Services

SUBJECT

Non-Financial Memorandum of Understanding with Loma Linda University Children's Hospital for Mental Health Services at Children's Assessment Center

RECOMMENDATION(S)

Approve non-financial Memorandum of Understanding (**County Contract No. 23-185**), including non-standard terms, with Loma Linda University Children's Hospital, to provide mental health services for Children and Family Services' youth and children at the jointly operated Children's Assessment Center, for the term of March 14, 2023 through March 13, 2026.
(Presenter: Jeany Zepeda, Director, 387-2792)

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

The recommended Memorandum of Understanding (MOU) with Loma Linda University Children's Hospital (LLUCH), at the jointly operated Children's Assessment Center (CAC), is non-financial; therefore, it does not impact Discretionary General Funding (Net County Cost). No payment is required for the services provided under this MOU.

BACKGROUND INFORMATION

In 1994, San Bernardino County (County) and Loma Linda University Medical Center established the CAC as a public-private endeavor. County departments and external agencies, through a joint MOU, partnered in the provision of services through the CAC. CAC partners include, but are not limited to, the Sheriff's Department, the District Attorney's Office, Children and Family Services (CFS), the Department of Behavioral Health (DBH), 13 local law enforcement agencies, two military bases, Family Court Services, and the Superior Court of California, County of San Bernardino.

The CAC provides medical and forensic services to examine and diagnose children of suspected sexual and/or physical abuse. Although originally structured to provide services to child victims of sexual abuse, the CAC has evolved to include exams and interviews for children throughout the county who have suffered physical abuse and/or neglect as well as children who witnessed violent crimes. CFS, through the CAC, has worked cooperatively with local law enforcement agencies and other child protection agencies to provide these needed services.

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DBH has provided, and continues to provide, specialty mental health services to all eligible persons who meet medical necessity criteria as defined in the California Code of Regulations (CCR), Title IX, State Department of Mental Health. Based on those guidelines, many children are ineligible for DBH mental health services, which leaves them in need of these services. The proposed MOU will allow LLUCH to work with CFS through the CAC to provide mental health services for youth who do not meet medical necessity criteria as required by DBH. It will also allow for immediate mental health services for crisis intervention to youth receiving services from the CAC. In addition, LLUCH will be able to provide continuity of mental health services for the children of suspected sexual and/or physical abuse who are awaiting a transfer of care for ongoing mental health services to appropriate DBH providers.

LLUCH is a non-profit, self-insured entity. As such, their board and insurance require certain terms and conditions that differ from the standard County contract. The non-standard items are:

1. Each party will indemnify and hold the other party harmless from and against any and all liability, loss, expense (including reasonable attorneys' fees), or claims for injury or damages arising out of the performance of this MOU to the extent that the damage or loss is caused by actions of the indemnifying party.
 - The County standard contract does not include any indemnification or defense by the County of a Contractor.
 - Potential Impact: By agreeing to indemnify LLUCH, 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 LLUCH without such limitations and the County would be responsible to defend and reimburse LLUCH for costs, expenses, and damages.
2. The County will not require an Additional Insured Endorsement for General Liability, Abuse and Molestation and Cyber Liability insurances.
 - The County standard contract requires all policies except Workers' Compensation, Errors and Omissions, and Professional Liability policies to have endorsements naming the County and its officers, employees, agents, and volunteers as additional insureds with respect to liabilities arising out of the performance of services hereunder.
 - Potential Impact: By waiving the requirement, the County forfeits its right to file a claim for damages directly against the contractor's insurance carrier, the right to legal defense provided by that carrier, and coverage for any damage caused.

CFS recommends approval of the MOU, including non-standard terms, to allow CFS the use of CAC to provide for mental health services to children throughout the county.

Performance of the MOU will be monitored by review of monthly reports to ensure compliance with the administrative and program requirements of the MOU. The MOU will be effective March 14, 2023, and will expire March 13, 2026, but may be terminated earlier with 30 days written notice from either party.

PROCUREMENT

Not applicable.

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REVIEW BY OTHERS

This item has been reviewed by Human Services Contracts (Patty Steven, Contracts Manager, 388-0241) on January 31, 2023; County Counsel (Kaleigh Ragon, Deputy County Counsel, 387-5455) on February 6, 2023; Risk Management (Victor Tordesillas, Director, 386-8623) on February 6, 2023; Finance (John Hallen, Administrative Analyst, 388-0208) on February 24, 2023; and County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0238) on February 27, 2023.

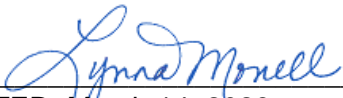
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: March 14, 2023



cc: CFS - Armijo w/agree
Contractor - C/O CFS w/agree
File - w/agree
CCM 03/15/2023