

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

May 20, 2025

FROM

JEANY GLASGOW, Director, Children and Family Services

SUBJECT

Memorandum of Understanding with Inland Empire Health Plan for Open Access

RECOMMENDATION(S)

Approve non-financial **Memorandum of Understanding No. 25-331** with Inland Empire Health Plan, for Open Access managed health care services for Medi-Cal eligible foster care children, for the period of January 1, 2024 through December 31, 2028.
(Presenter: Jeany Glasgow, Director, 658-1181)

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

This Memorandum of Understanding (MOU) is non-financial in nature and as such, does not impact Discretionary General Funding (Net County Cost).

BACKGROUND INFORMATION

There are approximately 4,000 children in foster care in San Bernardino County (County) who are eligible for Medi-Cal services. In addition, former foster care children and clients who receive KinGap (a form of financial aid provided on behalf of children in kinship care) Adoption Assistance, Aid to Families with Dependent Children-Foster Care, and other services are eligible for Medi-Cal. The State receives federal funding to administer the Medi-Cal program throughout California and then passes through those funds to counties to administer Medi-Cal programs at the county level. Medi-Cal services include doctor visits, hospitalization, immunizations, emergency services, physician services, specialty services, inpatient hospital services, immunizations, ambulatory care services, urgent and emergency care services, diagnostic and therapeutic laboratory services, maternity care, family planning services, and vision care.

Since 2005, Children and Family Services (CFS) has partnered with Inland Empire Health Plan (IEHP) to provide the Open Access managed health care program, which includes Medi-Cal services and resources not currently available through the standard Medi-Cal program. Open Access was developed specifically with the needs of foster care children in mind. CFS is able to refer eligible foster care children to the program so they can access the additional services offered. The advantages include the combined flexibility of a fee-for-service Medi-Cal reimbursement system with the care coordination advantages of a Health Maintenance

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Organization. Open Access consists of a network of over 380 Primary Care Physicians (PCPs) contracted specifically to serve the foster care population, over 490 Medical Specialists (Orthopedists, surgeons, etc.), and 26 hospitals. While the health plan continues to encourage foster families to establish a relationship with one provider, the network is structured to allow children to visit any of the network PCPs at any time.

IEHP has developed a care management team that is dedicated to serving Open Access foster care children. The team consisting, of one Registered Nurse Case Manager, one Provider Service Representative, and one non-licensed Care Management Coordinator, provides hands on support to social workers, foster parents, and foster children in accessing appropriate and timely medical services. They are supported by a tracking system developed specifically to serve the foster care population. This system provides a means to record and track daily encounters from multiple data sources (e.g., pharmacy records, records of eligibility checks by providers and facilities, encounter and claims data, and child health information collected by the doctor) to produce a current and comprehensive medical service activity profile on each Open Access Member.

Other enhancements that distinguish Open Access from standard Medi-Cal include:

- Access to after-hours nurse advice
- Access to a full menu of health education services
- Availability of specialized health management services for asthmatics, diabetics, and high risk pregnant members
- Proactive quality oversight
- Formal grievance program

There is no cost to CFS for Open Access and CFS makes no guarantee of referrals. Payment for any services provided to CFS clients referred to IEHP shall be made entirely through claims submitted by IEHP to the State of California, Department of Health Services, for Medi-Cal reimbursement. The County may terminate the MOU at any time without cause.

Enhancements that distinguish Open Access from standard Medi-Cal include a tracking system to serve the foster care population; access to after-hours nurse advice; access to a full menu of health education services; and availability of specialized health management services for asthmatics, diabetics, and high-risk pregnant mothers.

On December 15, 2009 (Item No. 38), the Board of Supervisors (Board) approved MOU No. 09-1137 with IEHP for managed health care services for Medi-Cal eligible foster care children for the period of February 1, 2010, through January 31, 2012. Subsequent amendments extending the term of the MOU were approved by the Board on January 10, 2012 (Item No. 14) extending the term through January 31, 2014; on December 17, 2013 (Item No. 29) extending the term through January 31, 2017; on January 24, 2017 (Item No. 20) extending the term through January 31, 2022; and on December 14, 2021 (Item No. 26) extending the term through January 31, 2025.

Rather than extending MOU No. 09-1137, IEHP has presented the recommended MOU which features revised language and a new five-year contract term.

The MOU contains the following non-standard and missing terms:

1. The MOU does not require IEHP to meet the County's insurance standards as required pursuant to County Policies, 11-05, 11-07, and 11-07 SP.

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- County policy requires contractors to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department and as set forth in County policy and in the County standard contract.
 - Potential Impact: The County has no assurance that IEHP will be financially responsible for claims that may arise under the MOU, which could result in expenses to the County that exceed the total MOU amount.
2. The MOU does not require IEHP to indemnify the County, as required by County Policies 11-05 and 11-07.
- The County standard contract indemnity provision requires the contractor to indemnify, defend, and hold County harmless from third party claims arising out of the acts, errors or omissions of any person.
 - Potential Impact: IEHP is not required to defend, indemnify or hold the County harmless from any claims, including indemnification for claims arising from IEHP's negligent or intentional acts. If the County is sued for any claim, based on IEHP's services, the County may be solely liable for the costs of defense and damages, which could exceed the total MOU amount.

This item is retroactive to January 1, 2024, to accommodate additional administrative reviews required to create a new five-year MOU following IEHP's receipt of updated State requirements regarding MOU language. The prior MOU had a termination date of January 31, 2025. In October 2024, IEHP contacted CFS to discuss a new five-year MOU, which will be retroactive to January 1, 2024, to align with the updated State requirements. Approval at this time will not impact services or activities and will ensure that CFS foster care children continue to have access to the Open Access Program for the period of January 1, 2024, through December 31, 2028.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by Human Services Contracts (Patty Steven, Contracts Manager, 388-0241) on April 3, 2025; County Counsel (Daniella Hernandez, Deputy County Counsel, 387-5455) on April 15, 2025; Risk Management (Gregory Ustaszewski, Staff Analyst II, 386-9008) on April 28, 2025; Finance (John Hallen, Principal Administrative Analyst, 388-0208) on April 30, 2025; and County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0332) on May 5, 2025.

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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.), Dawn Rowe, Curt Hagman, Joe Baca, Jr.
Absent: Jesse Armendarez

Lynna Monell, CLERK OF THE BOARD

BY



DATED: May 20, 2025



cc: CFS - Figueroa w/agree
Contractor - c/o CFS w/agree
File - w/agree
CCM 05/23/2025