

## CCE Preservation Program: OSP & CP Funds

### COUNTY IMPLEMENTATION PLAN

**COUNTY:** San Bernardino County

**DEPARTMENT:** County Administrative Office

**Date of Submission:** TBD

## I. COUNTY DEPARTMENT INFORMATION

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## II. COMMUNITY ENGAGEMENT AND COLLABORATION

San Bernardino County (County) has developed a robust outreach plan for dissemination of information regarding the Community Care Expansion (CCE) Preservation Program to adult and elderly residential care facilities and community partners, to ensure a comprehensive and equitable outcome. The County Administrative Office (CAO), Department of Aging and Adult Services (DAAS), and Department of Behavioral Health (DBH) have been working collaboratively and diligently to optimize and create a holistic approach that encompasses the applicable population in accordance with the guidelines and eligibility criteria established by the California Department of Social Services (CDSS) for the CCE Preservation Program.

The County is utilizing various channels and platforms for community and facility engagement activities. To date, these efforts are as follows:

On October 13, 2022, CAO staff conducted a survey of adult and elderly residential care facilities listed in the AB 1766 Quarterly Facility Data Report to gauge current Capital Projects (CP) and Operating Subsidy Payments (OSP) needs. Facilities were given two weeks to complete the survey, and two reminder notifications were sent to non-responsive facilities prior to the deadline. (The email and survey are provided in section VI).

Additionally, to disseminate awareness about the CCE Preservation Program, DBH attended various stakeholder and community-based meetings. DBH facilitated the Community Based Organization Meeting on December 1, 2022, and interfaced with community-based organizations that contract with DBH for delivery of behavioral health services. Stakeholder who operates a Substance Use Disorder (SUD) facility made an inquiry if there will be an RFP or if this grant will be expanding DBH. On December 15, 2022, DBH attended the Community Policy Advisory Committee (CPAC). This is a meeting with DBH stakeholders, which include County, community, and contract agencies as well as consumers with lived experiences. The goal of this meeting is to ensure engagement and community input standards are met as outlined in the Mental Health Services Act (MHSA) for use of funds for program expenditures. On January 23, 2023, DBH staff will attend the Association of Community Based Organizations (ACBO); they will interface with community-based organizations that contract with DBH for delivery of behavioral health services. DBH

periodically houses clients in the facilities that are eligible for CCE Preservation Program funding. (Messaging communicated at the meetings is provided in section VI).

As mentioned above, per MHS and Substance Abuse and Mental Health Services Administration guidelines, DBH actively collaborates with community-based organizations and individuals with lived experience, to ensure all practices and initiatives are comprehensive.

Furthermore, DAAS leadership and staff attended several community meetings, and shared information about the CCE Preservation Program with stakeholders and the community. On December 7<sup>th</sup>, and 14<sup>th</sup> 2022, DAAS attended the Adult Protective Services (APS) Multi-Disciplinary Team (MDT) meeting; these meetings occur in all regions throughout the County; meetings are scheduled monthly or quarterly depending on the region, and numerous County and community stakeholders attend. The monthly MDT meetings are designed to educate and engage the multi-disciplined audience on topics related to local resources that serve the Older and Dependent Adult Community. The discussion may also focus on best practices, protective measures, or current legislation in the areas such as elder abuse, which may include recognizing signs and symptoms of abuse; understanding Social Security benefits for seniors and disabled adults; or how elder justice partners enforce elder abuse laws in California /Penal Code 368.

DAAS and DBH attended the Interagency Placement meeting at Arrowhead Regional Medical Center (ARMC), on December 7<sup>th</sup>, 14<sup>th</sup>, and 21<sup>st</sup>. This meeting provides an opportunity to discuss placement options for individuals pending discharge who require placement in an alternative behavioral health care setting, which may include lower-level, licensed care facilities. On December 12, 2022, DAAS attended the Public Guardian Probate MDT meeting, which provides an opportunity for Public Guardian (PG), Adult Protective Services (APS), County Counsel, and other stakeholders to discuss potential Probate conservatorships for individuals identified in various settings, including local hospitals; as well as attended the Senior Affairs Commission (SAC) meeting on December 14, 2022, which is a meeting to discuss current legislation related to older adults statewide, and also an opportunity to discuss local aging and disability concerns. DAAS will continue to attend and disseminate information about the CCE Preservation Program throughout the process.

In addition, in an effort to keep the Board of Supervisors apprised of the County's implementation strategy, an update was provided on November 22<sup>nd</sup>, 2022, outlining the County's tentative plan. The County continues to strive for transparency and collaboration throughout the development of the program, and these objectives will continue to guide all outreach and engagement efforts. An emphasis will be placed on providing program updates at the recurring stakeholder and community meetings.

### **III. FACILITY OUTREACH, APPLICATION, and SELECTION PROCESSES**

#### **A. FACILITY OUTREACH**

CAO staff, in conjunction with DAAS and DBH, created an electronic survey to gauge the current CP and OSP needs of adult and elderly residential care facilities within the County. Another added benefit of the survey was that it served as a tool to inform the facilities of CCE Preservation Program funding availability and eligibility requirements. The County utilized the AB1766 Quarterly Facility Data Report for this outreach effort. Of the 612 adult residential facilities listed on the report, only 121 facilities were reported as willing to accept clients/residents whose payment for care is the Supplemental Security Income/State Supplementary Payment (SSI/SSP) Non-Medical Out-of-Home Care Payment Standard. However, to be inclusive and disseminate information to all facilities for an equitable outcome, the County distributed the

survey to all 612 facilities. The initial letter and survey were distributed on October 13, 2022, via email, followed by two additional emails in the two weeks that followed to remind non-responsive facilities to complete the survey. Recipients were given two weeks to complete the survey on the SurveyMonkey online platform.

DBH and DAAS are committed to disseminating CCE Preservation Program information at various recurring stakeholder and community-based organization meetings.

Following approval of the Implementation Plan, and receipt of the Standard Agreement, the County will provide information on the application process to all adult and elderly residential care facilities listed in the Community Care Licensing Division-Adult and Senior Care (CCLD-ASC) Facilities report distributed by AHP on November 16, 2022. This is an updated report that contains 691 facilities. The County believes this outreach approach will ensure equal access and notification to all facilities, especially those in historically marginalized areas.

### **B. FACILITY APPLICATION PROCESS**

The County has drafted a timeline for the CCE Preservation Program that addresses the application process, fund obligation, and fund exhaustion date. The County intends to launch its application process sometime in February 2023 – contingent upon receipt of Implementation Plan approval and Standard Agreement from the State. The application submission window will be open for one month. Dissemination of information and application will be available in the County's threshold language(s), and will be conducted utilizing various platforms and tools to ensure equal and fair opportunity for all facilities. The CCLD-ASC Facilities report, provided by AHP on November 16, 2022, will serve as the primary facility contact database. Facility notifications and applications will be sent via email and U.S. Postal Service. An online platform, most likely SurveyMonkey, will be utilized to allow participants to easily submit their application online. A link to the application/website will be provided in the email, and a QR code will be included in the mailed letter for easy access to the application. To further enhance public accessibility, the County is developing a CCE Preservation Program website where program information can be found, and the application may be submitted.

While the OSP and CP funds have different obligation and exhaustion dates, the County will proceed with both simultaneously in an effort to provide immediate assistance to facilities in need and prevent imminent closures. Applications will be reviewed by CAO staff upon submission, and disbursement for CP and OSP funds is expected to begin by June 2023.

### **C. FACILITY SELECTION PROCESS: FUND ALLOCATION AND PRIORITIZATION CRITERIA**

Upon receipt of the applications, CAO staff will begin the review process. A multi-tiered approach will be employed to determine facility eligibility in accordance with the NOFA – Section 201. The first step is to review and identify based on the following criteria:

1. Be an existing licensed Adult Residential Facility
2. Currently serve at least one qualified resident
3. Be in good standing with the Community Care Licensing Division (CCLD) or certify that the capital project funds will bring them into good standing, defined as licensees in “substantial compliance” with licensing statutes and regulations
4. Have a critical monthly or annual operating and cash flow gap that places the facility at risk of closure or at risk of reducing the number of beds for qualified residents

If the first-tier items are met, staff will proceed to the second tier, which involves vetting the eligible facilities. At this juncture, documentation will be requested to confirm the operational deficits and/or capital improvement needs. This documentation includes, but is not limited to, tax and other financial documents, estimates, and payment receipts. Once the second tier of eligibility has been conducted by County staff, prioritization and fund disbursements will be made based on factors that include at higher risk of facility closure, and the number or percentage of qualified residents in the following categories:

1. At-risk of homelessness
2. Severe Mental Illness (Priority will be given to facilities providing supportive services and housing to this population)
3. Under conservatorship
4. Older adult (Priority will be given to facilities where older adult client accessibility and services are met)

Additionally, to ensure equitable outcomes, all regions of the County will be accounted for in the prioritization strategy so that funds are disbursed equitably and with consideration to historically unserved and underserved communities.

Furthermore, it is noteworthy that the CCE Preservation Program will provide support and assistance to San Bernardino County in meeting its 2020 Strategic Homeless Action Plan goals and serving individuals in facilities at risk of homelessness.

“The 2022 San Bernardino County Homeless Strategic Action Plan revolves around a Homeless to Home Roadmap to Self-Sufficiency and focuses on strengthening the ability of county departments and community partners to make a collective impact toward reducing and preventing homelessness by housing the most at-risk, increasing shelter capacity, and improving the current systems in place to shelter and serve the homeless.”<sup>1</sup>

#### **IV. OSP FUND DISBURSEMENT and MANAGEMENT PLANS**

**Did the county accept OSP funds? Yes**

##### **A. OSP THIRD-PARTY ADMINISTRATION OPTION**

- No

##### **B. OSP FUND DISBURSEMENT**

The County anticipates disbursement of OSP funds to begin in June 2023. The County intends to set the OSP subsidy in the amount of up to \$1,000 a month per bed for each qualified resident. The exact OSP amount will be based on the facility’s local needs assessment and will continue until the OSP allocation is exhausted. The County is following CDSS recommended guidance by setting the subsidy amount at the \$1,000 a month per bed rate.

The County will seek legal guidance from County Counsel to draft a contract template that incorporates all State and County requirements that will be used to enter into Subgrantee agreements with each facility

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<sup>1</sup> [https://www.redlandscommunitynews.com/news/government/board-adopts-unified-strategic-plan-to-combat-homelessness/article\\_f9ddb3b6-eda0-11ec-9f2d-2ff493532407.html#:~:text=The%202022%20San%20Bernardino%20County,housing%20the%20most%20at%20risk%20](https://www.redlandscommunitynews.com/news/government/board-adopts-unified-strategic-plan-to-combat-homelessness/article_f9ddb3b6-eda0-11ec-9f2d-2ff493532407.html#:~:text=The%202022%20San%20Bernardino%20County,housing%20the%20most%20at%20risk%20)

that is selected for CP and/or OSP support. The County will review that a deed restriction is recorded on the title to the property before the County disburses any OSP payments. The County will follow its established procedures for procurement and fund disbursement, and program specific monitoring and reporting guidelines will be developed to reflect and further enhance those identified in the NOFA. Both monthly and quarterly reporting guidelines will be established to ensure compliance and monitoring of all fund recipients. Additionally, the County will include the Subgrantee<sup>2</sup> contract language from the NOFA in contract template.

Upon execution of each agreement with the Subgrantee, the County will issue a Purchase Order (PO) to encumber the payment budget in the County's Enterprise Resource Planning (ERP) system, which will prevent payment that exceed contracted amounts. Each PO will be reviewed by the County Purchasing Agent for accuracy and appropriateness in accordance with County procurement and accounts payable policies. Once a PO is processed and approval of payment is made by the County's OSP program analyst upon review of subgrantee's periodic documentation that meet the eligibility criteria (e.g., projected operating deficits), the OSP disbursement will be executed by the County's Auditor-Controller Office.

- When does the county estimate it will begin OSP payments to facilities?
  - June 2023
- How often will OSP payments be issued to facilities?
  - Monthly
- When does the county estimate OSP funds will be exhausted?
  - January 2024
- Estimate the number of qualifying individuals who will benefit from the OSP funds provided to facilities:
  - 300 per month
- Estimate the number of facilities the county intends to fund with OSP payments:
  - 38

### **C. OSP FUND MANAGEMENT**

A separate restricted fund in the County's ERP system will be established to account for the receipt and distribution of CCE Funds. These activities will be further classified by function, activity, and/or organization unit at each general ledger account level in SAP. Where additional detail is needed, additional breakdown by unique cost objects will be used for further tracking and data collection purposes. The County will also use the standard data collection form to collect required data and implement the risk-based monitoring procedures to identify any deficiency or noncompliance. The County may perform the desk reviews, site-visits, and/or audit engagements for any red flags or high-risk subgrantees that are identified based on the following risk-based monitoring procedures:

- The subgrantee exhibits a high degree of difficulty in following the instruction to prepare and submit the standard data collection form
- The subgrantee submits one or more late submission of any required documentation including the standard data collection form
- The subgrantee has one or more material errors in the submitted standard data collection form or any other documentation as requested
- The subgrantee has any material event disclosure that may have potential effect and impact on its eligibility status

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<sup>2</sup> For this report: Subgrantee, Recipient, and Eligible Facility are used synonymously

The standard data collection form (i.e., both paper and web versions) will be available for subgrantees to prepare and submit on a periodic basis to the County’s program administration team. Submittal of this information demonstrates that the subgrantee’s eligibility is valid and they may continue to receive OSP funds during the program performance period. The information is also necessary because subgrantees are required to provide key metrics and data for program reporting purposes. The following is a list of data that will be collected on the form:

- Use of OSP funds as contractually required
- Expenditure report (cash basis)
- Certified statement that all of the agreed-upon conditions are valid and up to date such as deed restriction, indemnification requirements, etc.
- Projected operating deficit calculation or equivalent documentation
- Copy of the most recent single audit report, if applicable
- Material event disclosure (e.g., key staff change, lawsuits, etc.)
- Other statistical data

## **V. CP FUND DISBURSEMENT, MANAGEMENT, and MATCH FUNDS PLANS**

**Did the county accept CP funds? Yes**

### **A. CP THIRD-PARTY ADMINISTRATION OPTION**

- No

### **B. CP FUNDS DISBURSEMENT PLAN**

The County anticipates disbursement of CP funds to begin in June 2023. The County is planning for CP funds in the amount of up to \$750,000 per facility until CP allocation exhaustion. Based on the expected number of eligible facilities, their CP needs, supply chain shortages, and inflation, the County estimates this amount to be most equitable in addressing the needs of facilities.

The County will seek guidance from County Counsel to draft a contract template that incorporates State and County requirements. The County will adhere to established procedures for procurement and fund disbursement. Program specific monitoring and reporting guidelines will be developed to reflect and further enhance those identified in the NOFA. Both monthly and quarterly reporting guidelines will be established to ensure compliance and monitoring of all CP funding recipients. Additionally, the County will include the Subgrantee<sup>3</sup> County agreement language from the NOFA in all agreements with subgrantees.

Fund management and disbursement will be conducted by the County, with third-party engagement in a limited capacity. The County has discussed the prospect of engaging County Real Estate Services or Project and Facilities Management departments for guidance on project management.

Upon execution of each agreement with the Subgrantee, the County will issue a PO to encumber the payment budget in the County’s ERP system and make the disbursement of funds appropriately to ensure payments don’t exceed contractual limits. Each PO will be reviewed by County’s Purchasing Agent for accuracy and appropriateness in accordance with County’s procurement and accounts payable policies.

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<sup>3</sup> For this report: Subgrantee, Recipient, and Eligible Facility are used synonymously

Once a PO is processed and approval of payment is made by the County's CP program analyst upon review of subgrantee's periodic documentation that meet the eligibility criteria (e.g., projected operating deficits), the CP disbursement will be executed by the County's Auditor-Controller Office.

- When does the county estimate it will begin CP payments to facilities?
  - June 2023
- When does the county estimate CP funds will be exhausted?
  - December 2026
- Estimate the number of qualifying individuals who will benefit from the CP funds provided to facilities:
  - 300 per month
- Estimate the number of facilities the county intends to award CP funds:
  - 38

### **C. CP FUNDS MANAGEMENT PLAN**

The County will establish a separate restricted fund in the County's ERP system to account for the receipt and distribution of CCE Fund. These activities will be further classified by function, activity, and/or organization unit at each general ledger account level in SAP. Where additional detail is needed, further breakdown by unique cost objects will be used for tracking and data collection purposes. The County will also use the standard data collection form to collect required data and review each reported expenditure in accordance with relevant American Rescue Plan Act (ARPA) guidelines, including OMB 2 CFR 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards), to identify any deficiency or noncompliance. Based on each subgrantee's monitoring status, the County may initiate a desk review, site-visit, or audit engagement for any red flag or high-risk recipient. Due to the recent establishment of the County's ARPA Administration Team to administer its State and Local Fiscal Recovery Fund allocation, the County will utilize the ARPA Administration Team to closely administer and monitor all of the CP fund activities, in coordination with DBH and DAAS.

The following are risk-based monitoring procedures that will be performed to identify red flags or high-risk recipients:

- The subgrantee exhibits a high degree of difficulty in following instructions to prepare and submit the standard data collection form
- The subgrantee submits one or more late submission of any required documentation, including the standard data collection form
- The subgrantee has one or more material errors in the submitted standard data collection form or any other requested documentation.
- The subgrantee has one or more single audit findings that have a potential effect on the recipient's administration of CP funds
- The subgrantee receives the amount equal to or greater than 10% of the total allocated CP funds
- The subgrantee has a material event disclosure that may have an effect and impact on its eligibility status

The standard data collection form (i.e., both paper and web versions) will be available for subgrantees to prepare and submit on a periodic basis to the County's program administration team. Submittal of this information will demonstrate that the subgrantee's eligibility is valid and CP funds may continue to be disbursed during the program performance period. This information is also necessary because



subgrantees are required to provide key metrics and data for program reporting purpose. The following is a list of data that will be collected on the form:

- Evidence-based project performance data
- Eligibility of qualified residents
- Use of CP funds as contractually required
- A statement certifying that deed restriction, indemnification requirements, payment/performance bond or executed letter of credit, all final permits, and prevailing wage requirements are valid
- Documentation related to competitive procurement process, if applicable
- Terms and compliance certification/statement including the State and Local Fiscal Recovery Fund (SLFRF) conditions
- Budget to actual report including final plan & cost review
- Cash disbursement reconciliations
- Project status report including final, stamped plans and specifications
- Projected operating deficit calculation or equivalent documentation
- Copy of the most recent single audit report, if applicable
- Material event disclosure (e.g., key staff change, lawsuits, etc.)
- Other statistical data

The County will engage in the following CP management activities as deemed necessary in collaboration with a third-party as the project participant:

1. Site inspection and drafting the scope of work (\*Third Party)
  2. Bidding and selecting a construction contractor (\*County)
  3. Finalizing scope of work (\*County)
  4. Executing agreement (\*County)
  5. Approval of work and County oversight (\*County/Third Party)
- (\*Note: Project Leading Agency per task)

#### **D. CP MATCH FUNDS PLAN**

- The County plans to contribute the entire required 10% match

The County intends to contribute the entire required 10% match in cash. Subgrantees will not be required to provide matching funds. The County will apply county designated funding source(s). The County may utilize Mental Health Services Act funding for facilities serving an individual who meets the criteria under the County's Mental Health Services Act Plan; for all other facilities, the County may utilize the American Rescue Plan Act – State and Local Fiscal Recovery Fund.

## **VI. RESOURCE SHARING**

- Outreach email
- Survey
- Workflow
- Application
- Material/messaging provided to the Board of Supervisors, and stakeholder

## **VII. OTHER TECHNICAL ASSISTANCE AND TRAINING AVAILABLE**