



# San Bernardino County

## Legislation Text

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**File #: 2344, Agenda Item #: 59**

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### **REPORT/RECOMMENDATION TO THE BOARD OF DIRECTORS OF THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT AND RECORD OF ACTION**

**June 9, 2020**

#### **FROM**

**DAN MUNSEY, Fire Chief/Fire Warden, San Bernardino County Fire Protection District**

#### **SUBJECT**

Intergovernmental Transfer Program - Federal Matching Funds for Emergency Medical Ground Transport Services

#### **RECOMMENDATION(S)**

Acting as the governing body of the San Bernardino County Fire Protection District:

1. Approve Amendment No. 5 to Memorandum of Understanding (Agreement No. 15-705) with Molina Healthcare of California, extending the term by twenty-seven months, from September 30, 2020 through December 31, 2022 in which Molina Healthcare of California shall pay to San Bernardino County Fire Protection District funds received from the State Department of Health Care Services (DHCS), pursuant to the agreement between San Bernardino County Fire Protection District and CA Department of Health Care Services, for the costs of emergency medical ground transport provided by San Bernardino County Fire Protection District to Medi-Cal recipients enrolled with Molina during the State-established claim period of July 1, 2018 through June 30, 2019.
2. Direct the Secretary of the Board of Directors to maintain confidentiality of the agreement identified in Recommendation No. 1 pursuant to Health and Safety Code section 1457(c)(1).

(Presenter: Dan Munsey, Fire Chief/Fire Warden, 387-5779)

#### **COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Operate in a Fiscally-Responsible and Business-Like Manner.**

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

**Pursue County Goals and Objectives by Working with Other Agencies.**

#### **FINANCIAL IMPACT**

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The Memorandum of Understanding (MOU) with Molina Healthcare of California (Molina), which pertains to the Intergovernmental Transfer (IGT) program, generated net revenue of \$89,068 for San Bernardino County Fire Protection District (SBCFPD) in 2019-20. Appropriation and revenue for the IGT program are included in SBCFPD's 2020-21 recommended budget and will be included in future year budgets as appropriate.

#### **BACKGROUND INFORMATION**

Molina is a Medi-Cal Managed Care Plan Provider (MMCPP) offering services to residents eligible for Medi-Cal benefits. Molina contracts with SBCFPD for emergency medical ground transport services provided to residents of San Bernardino County. The IGT program is an opportunity for SBCFPD to receive federal

matching funds to support the costs of providing emergency medical ground transport services for Medi-Cal managed care beneficiaries.

The Rate Range Intergovernmental Transfer (IGT) program provides an opportunity to receive federal matching funds to support emergency medical transport services for Medi-Cal managed care beneficiaries served by SBCFPD. SBCFPD does not receive full reimbursement for the provision of emergency medical transport services to Medi-Cal managed care patients. Currently, SBCFPD receives approximately 15% in reimbursement of Medi-Cal managed care cost from payments from Medi-Cal Managed Care Plan Providers. The program's claim period uses data in arrears to determine the amount of reimbursement due to local governments.

The IGT program requires the transfer of funds from SBCFPD to CA Department of Health Care Services (DHCS). DHCS uses these funds to receive additional federal funding from the Centers for Medicare and Medicaid Services (CMS). Since the funds must be used to support the Medi-Cal Managed Care Program, DHCS transfers both the original contribution from SBCFPD and the matching federal funds to Molina as the MMCPP. Molina in turn make these funds available to SBCFPD.

SBCFPD has been participating in the IGT program since 2015-16. The original MOU with Molina was approved by SBCFPD's Fire Chief on July 14, 2015. The Fire Chief approved the MOU on September 21, 2015 and the Board of Directors approved the following amendments:

Amendment No.	Approval Date	Item No.
1	September 15, 2015	78
2	June 14, 2016	138
3	May 23, 2017	145
4	July 10, 2018	41

SBCFPD's continued participation in the IGT program requires Board approval of the following recommendations:

Recommendation No. 1:

Amendment No. 5 to the MOU with Molina will commit this MMCPP to pay SBCFPD a specified amount of the IGT funds received from DHCS (federal and non-federal shares) for the State established claim period of July 1, 2018 through June 30, 2019. The MOU with Molina allows for an administrative fee deduction of 2% before remitting to SBCFPD.

Recommendation No 2:

Pursuant to Health and Safety Code section 1457(c)(1), specific terms related to the rates of payment for health care services are not immediately subject to laws related to public records. Therefore, the Secretary of the Board is directed to maintain confidentiality of the agreement identified in Recommendation No. 1.

Amendment No. 5 includes a nonstandard mutual indemnification provision that requires both parties to indemnify and hold harmless the other party for any losses or delays in capitation payments as a result of the Local Medi-Cal Managed Care Rate Range Intergovernmental Transfer arising from SBCFPD's Intergovernmental Agreement with DHCS. In the event of a dispute under the MOU, Amendment No. 5 requires mandatory arbitration of the dispute by a mutually acceptable arbitrator or an arbitrator sitting on the San Diego "JAMS/Endispute" panel, who is a retired judge and is selected in the sole discretion of the San Diego JAMS/Endispute office administrator. Also, the prevailing party to the arbitration is entitled to reimbursement by the other party of such party's attorneys' fees and costs and any arbitration fees and expenses.

**PROCUREMENT**

N/A

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Scott Runyan, Deputy County Counsel) on May 5, 2020; Finance (Tom Forster, Administrative Analyst, 387-4635) on May 14, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on May 18, 2020.