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Agenda Date: 5/20/2014

Agenda Placement: 71

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Teresa Zimny for HOWARD HIMES - Director
Health & Human Services Administration

REPORT BY: Shelli Brobst, Contracts Analyst - 253-4720

SUBJECT: Approval of Health and Human Services Agency's Professional Services Agreements--General Terms and Conditions, Version 10

RECOMMENDATION

Director of Health and Human Services and County Counsel request approval of Version 10 of the General Terms and Conditions, the County's general contractual terms, applicable to the Health and Human Services Agency's contractors for professional services.

EXECUTIVE SUMMARY

Approval of Version 10 of the General Terms and Conditions (GTC), which is incorporated by reference in Section 2 of HHSA's professional services agreements, is recommended. Along with other minor technical changes, the revisions to Version 10 (as compared to Version 9) of the GTC incorporate recent changes to the sections involving Insurance, Confidentiality, Compliance with Federal Health Care Requirements and Compliance with State Medical Specialty Mental Health Services.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

Section 2 of the Health and Human Services Agency's (HHS) boilerplate agreement for professional services (developed by County Counsel) incorporates by reference the document General Terms and Conditions (GTC). GTC includes the County's general contractual terms applicable to HHS's contractors. Along with other minor technical changes, the major revisions to Version 10 (as compared to Version 9) of the GTC include changes to the following sections:

- I Section 2.7. Insurance. Although the levels of coverage will remain the same, this section has been reformatted to enable the contractor to more easily identify what types of insurance certificates and endorsements are required for their particular contract.
- I Section 2.15-Confidentiality. County Counsel added the following provision: "To the extent Contractor creates, is provided, or has access to applications and records concerning any individual made or kept by County in connection with public social services (records) as defined in California Welfare & Institutions Code Section 10850, Contractor shall maintain the confidentiality of such records in accordance with Section 10850, except as otherwise permitted by County and as necessary for purposes of providing services under this Agreement."
- I Section 2.31. Compliance with Federal Health Care Program Requirements. HHS is revising the "Addendum for Contracts Involving Federal Health Care Programs" to now require its contractors, for which HHS seeks reimbursement from a Federal Health Care Program, to screen their employees monthly against the Office of Inspector General and System Award Management systems. HHS is also requiring contractors to abide by the County's "Federal Anti-Kickback Prohibitions" and "Physician Referrals--The Stark Law" policies.
- I Section 2.32. Compliance with State Medi-Cal Specialty Mental Health Services Requirements. HHS is revising the "Addendum for Contracts Involving State Medi-Cal Specialty Mental Health Services" to now require its contractors, for which HHS seeks State Medi-Cal Specialty Mental Health funding, to submit disclosure of ownership and/or controlling interest to HHS. HHS is also revising the Addendum to require that the contractors' hours of operation during which services are provided to Medi-Cal beneficiaries be the same hours of operation during which the contractor offers services to non Medi-Cal beneficiaries.

The agreements with contractors who originally signed an agreement containing Version 9 of the General Terms and Conditions (GTC) included a clause stating that future versions of the GTC shall automatically become part of the agreement upon approval of the new GTC by the Board of Supervisors and upon notice to the contractor. Approval of the requested action will automatically incorporate Version 10 of the GTC in the contractors' agreements upon formal notice by HHS to the contractors of the new version of the GTC.

Versions 1 to 9 of the General Terms and Conditions are available online and are on file with the Clerk of the Board. A copy of Version 10, with all the changes tracked, is available with the Clerk of the Board. GTC Version 10 will be available online upon approval by the Board.

SUPPORTING DOCUMENTS

- A . General Terms and Conditions, Version 10--tracked
- B . General Terms and Conditions, Version 10--clean

CEO Recommendation: Approve

Reviewed By: Karen Collins