



Agenda Date: 6/5/2007
Agenda Placement: 6R

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Shelli Brobst for Randolph F. Snowden - Director
Health & Human Services
REPORT BY: Shelli Brobst, Contracts Analyst, 253-4720
SUBJECT: Memorandum of Understanding with Napa County Office of Education (AB 3632)

RECOMMENDATION

Director of Health and Human Services requests approval of and authorization for the Chair to sign the renewal of revenue Memorandum of Understanding No. 6642 with Napa County Office of Education for the term July 1, 2007 through June 30, 2008 relating to Assembly Bill 3632 mental health services funding and service requirements.

EXECUTIVE SUMMARY

Assembly Bill 3632 (AB 3632) is a state program that requires counties to provide free mental health services to children with special education needs in order for them to benefit from their education. The program is funded by federal and state funds. Renewal of this Memorandum of Understanding will provide the vehicle for the transfer of federal funds (approximately \$413,051 for Fiscal Year 2007-2008) from the State through the Napa County Office of Education to the County for the provision of these mandated mental health services.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Mental Health
Is it Mandatory or Discretionary?	Mandatory
Is the general fund affected?	No

Future fiscal impact: The AB 3632 Memorandum of Understanding (Agreement No. 6642) terminates June 30, 2008. The Napa County Office of Education is required to establish an MOU annually with Napa County Mental Health to comply with the mandate to pass federal funding for AB 3632 services from the State Office of

Education to the County Mental Health Plan.

Consequences if not approved: If this agreement is not approved, the County will not receive available federal funding for mandated AB 3632 services that HHS's Mental Health Division provides to eligible students. In this case, the costs for these mandated services will have to be funded only by the state's AB 3632 allocation to the County. The County would additionally have to file an SB 90 claim for the unreimbursed portion of costs under the state mandate.

Additional Information:

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

The Memorandum of Understanding with the Napa County Office of Education (NCOE) funds the County's provision of mandated mental health services in accordance with AB 3632. These services are provided by Napa County Mental Health to students referred by the schools, as specified in the student's Individualized Education Plan (IEP) prepared by the schools. The mental health services being provided are intended to enable students to benefit from their education, despite their mental health challenges. Approval of the requested action will allow NCOE to reimburse HHS for the cost of providing the services specified in the AB 3632-funded program.

A business associate relationship, as defined by HIPAA, exists when a person or entity performs certain services on behalf of a HIPAA covered entity and those activities involve the use or disclosure of protected health information (PHI). The NCOE is not a HIPAA covered entity and while the County is a covered entity, NCOE is not performing services on behalf of the County under the terms of this MOU.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Lorenzo Zialcita