



Agenda Date: 9/11/2007  
Agenda Placement: 6E

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Shelli Brobst for Randolph F. Snowden - Director  
Health & Human Services  
**REPORT BY:** Shelli Brobst, Contracts Analyst, 253-4720  
**SUBJECT:** Actions regarding School Based Day Treatment Mental Health Services (Assembly Bill 3632)

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### **RECOMMENDATION**

Director of Health and Human Services requests approval of and authorization for the Chair to sign the following agreements relating to school-based, mental health day treatment services (AB 3632):

1. Agreement with Aldea, Inc., for a maximum of \$315,613 for the term September 11, 2007 through June 30, 2008, with a provision for automatic annual renewal, to provide services at the Aldea Day Adolescent Program for Treatment (ADAPT);
2. Agreement with Deborah McGrew, dba McGrew Behavior Intervention Services, for a maximum of \$238,266 for the term September 11, 2007 through June 30, 2008, with a provision for automatic annual renewal, to provide services at the Therapeutic Learning Center and Gateway classrooms;
3. Business Associate Agreement with Deborah McGrew, dba McGrew Behavior Intervention Services, setting forth the terms and conditions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule; and
4. Amendment No. 1 to Memorandum of Understanding No. 6747 with Napa County Office of Education and Napa County Special Education Local Plan Area (SELPA) to administer an intensive school-based program.

### **EXECUTIVE SUMMARY**

Approval of the requested actions will allow Aldea and McGrew Behavior Intervention Services to provide school-based day treatment mental health services to students who participate in the Aldea Day Adolescent Program for Treatment (ADAPT), Therapeutic Learning Center and Gateway classrooms. These students qualify under Assembly Bill 3632 to receive mental health services in order to benefit from public education. The existing Memorandum of Understanding with Napa County Office of Education (NCOE) and Napa County Special Education Local Plan Area (SELPA) allows Napa County to receive funds from the SELPA to contract for and administer an intensive school-based mental health treatment program. Approval of the amendment to the MOU will decrease the percentage that Napa County will receive from NCOE for those administrative costs.

**FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Mental Health
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Approval of the requested actions is discretionary in that there is no mandate to have these contracts. However, the County will receive full funding to act as an intermediary and administer contracts that enable the provision of AB 3632 mandated school-based mental health treatment services. Additionally, more students in need will be served by the funding the County is eligible to claim, and for which the NCOE is not eligible.
Is the general fund affected?	No
Future fiscal impact:	Although these contracts terminate June 30, 2008, they contain clauses for automatic annual renewal, which allows the County the option to continue the services in the next fiscal year. Appropriations for future fiscal years will be budgeted accordingly.
Consequences if not approved:	If these agreements are not approved, the County will be unable to act as the administrator and intermediary for the provision of mandated AB 3632 school-based mental health services as agreed to in a Memorandum of Understanding with Napa County Special Education Local Plan Area (SELPA) and Napa County Office of Education (Napa Co. Agreement No. 6747). This would result in a loss of funding for the program. In addition, alternative sources would need to be identified for the provision of these mandated services.
Additional Information:	The reduction in administrative fees (from ten percent of the contract amount to five percent) to be incorporated into the Memorandum of Understanding with Napa County Special Education Local Plan Area (SELPA) and Napa County Office of Education results from the fact that less technical assistance is required to assist the contract providers to operate the programs than originally anticipated. The five percent administrative fee will cover HHSA's cost to administer these contracted school-based mental health programs.

**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****Agreements with Aldea and McGrew Behavior Intervention Services:**

Approval of the requested actions will enable Aldea and McGrew Behavior Intervention Services to provide day

treatment rehabilitative services to students enrolled in the Aldea Day Adolescent Program for Treatment (ADAPT), Therapeutic Learning Center (TLC) and Gateway programs. The students will participate as a result of their Individual Education Plan (IEP) team's recommendation and established AB 3632 status. The AB 3632 status makes the students eligible for County mental health services in order to benefit to the greatest extent possible from a free and appropriate public education. Students served by these mental health programs typically suffer from a variety of emotional disorders that interfere with their ability to benefit from a regular classroom environment. In addition to milieu therapy and behavior monitoring, services will include individual or group counseling, crisis intervention, and other therapeutic activities. The ADAPT classroom is located at Vintage High School. The TLC program is located at Northwood Elementary School and the Gateway Program is located at Silverado Middle School.

Approvals being requested also include the Business Associate Agreement (BAA) with McGrew Behavior Intervention Services, setting forth the Health Insurance Portability and Accountability Act of 1996 (HIPAA) regulations to which the contractor is subject. The executed BAA will provide the County with assurances that the contractor will comply with any and all HIPAA requirements. The Agency already has an executed Business Associate Agreement with Aldea on file.

**Amendment to Memorandum of Understanding (MOU) with Napa County Office of Education (NCOE) and Napa County Special Education Local Plan Area (SELPA):**

Under the Memorandum of Understanding (MOU), the Napa County Office of Education (NCOE), as the business agent of the Napa County Special Education Local Plan Area (SELPA), pays Napa County to contract for the provision of intensive school-based mental health treatment services. Under the terms of the MOU, HHSa will administer the contracts with Aldea and McGrew Behavior Intervention Services for the provision of intensive school-based mental health services to students of the three NCOE district schools listed above. This arrangement is advantageous because Napa County can be reimbursed by state and federal authorities for mental health services rendered to eligible children and youth ("AB 3632" services). The County can thus recoup a portion of the eligible program costs through appropriate funding sources and offset part of SELPA's costs. The recoupment therefore enables SELPA to provide more school-based mental health treatment services than would be possible without the MOU.

The proposed amendment to the MOU reduces the administrative fee that NCOE will pay the County to operate the program from ten percent of the contract amount to five percent, which fully covers the cost to Napa County to administer the contract programs. Napa County, in turn, will claim reimbursement from available pay sources for these services and reimburse NCOE for all costs that the County is able to recoup. This is the first year that HHSa will administer the contract programs. The MOU was approved in Fiscal Year 2006-2007 and an RFP process was the initial step in the transition of this program to the County. Now that the contractors have been selected and the programs are fully developed, it has been determined that the level of technical assistance needed by the contractors will be much less than originally anticipated. The reduction in the administrative fee reflects this reduced cost to County.

**SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Lorenzo Zialcita