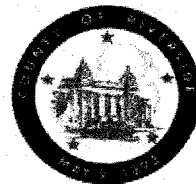


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

783



FROM: Department of Mental Health

SUBMITTAL DATE:
August 16, 2012

SUBJECT: Approval of the FY 2012/2013 Amendment of Agreement 10-NNA33 for Substance Use Disorder services with the Department of Alcohol and Drug Programs (ADP) and the Department of Health Care Services; (DHCS) and adoption of Resolution No. 2012-157. **(ALL DISTRICTS)**

RECOMMENDED MOTION: Move that the Board of Supervisors ratify and:

1. "Approve the FY 2012/2013 Substance Use Disorder Services Agreement Amendment" with the State of California Alcohol and Drug Programs (ADP) and the Department of Health Care Services; (DHCS).
2. Authorize the Chairman of the Board of Supervisors to sign the Amendment; and
3. Approve and Adopt Resolution No. 2012-157.

BACKGROUND: On March 13, 2012 Agenda Item 3.34, the Riverside County Board of Supervisors approved the First Amendment (V.1) to the FY 2011/2012 Negotiated Net Amount (NNA) and/or Drug Medi-Cal agreement with the State of California. This contract amendment contained adjustments to the County's preliminary allocation based on the Governor's proposed budget.

(Continued on Page 2)

FORM APPROVED COUNTY COUNSEL

BY: *Elexia M. Boeva* DATE: 8-16-12
ELEXIA M. BOEVA Departmental Concurrence

JW:CW:SL

Jerry Wengerd

Jerry Wengerd, Director
Department of Mental Health

| | | | | |
|-----------------------|-------------------------------|---------------|-------------------------|---------|
| FINANCIAL DATA | Current F.Y. Total Cost: | \$ 13,335,751 | In Current Year Budget: | YES |
| | Current F.Y. Net County Cost: | \$ 0 | Budget Adjustment: | NO |
| | Annual Net County Cost: | \$ 0 | For Fiscal Year: | 2012/13 |

| | | |
|--|---|--------------------------|
| SOURCE OF FUNDS: 3.89% State; 76.44% Federal; 19.68% Medi-Cal FFP | Positions To Be Deleted Per A-30 | <input type="checkbox"/> |
| | Requires 4/5 Vote | <input type="checkbox"/> |

C.E.O. RECOMMENDATION: APPROVE
BY: *Debra Cournoyer*
Debra Cournoyer
County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Buster and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Benoit and Ashley
Nays: None
Absent: Stone
Date: August 28, 2012
xc: Mental Health

Kecia Harper-Ihem
Clerk of the Board
By: *Kecia Harper-Ihem*
Deputy

Dept's Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 3.34 of 3/13/12 | District: All | Agenda Number:

3.71

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

SUBJECT: Approval of the FY 2012/2013 Amendment of Agreement 10-NNA33 for Substance Use Disorder services with the Department of Alcohol and Drug Programs (ADP) and the Department of Health Care Services; (DHCS) and adoption of Resolution No. 2012-157. (ALL DISTRICTS)

BACKGROUND: (cont'd)

This First Amendment (V.1) to the FY 2012/2013 Contract for Substance Use Disorder Services reflects the following changes: (1) increases contract amount for FY 2012/2013 services; (2) implements an Absolute Assignment of Agreement (#10-NNA33) from one State Agency to another for the Drug Medi-Cal Program; and (3) implements a Contingency Assignment of Agreement (#10-NNA33) from one State agency to another if the FY 2012/2013 Budget Act is approved to eliminate the Department of Alcohol and Drug Programs (ADP) which includes transfer of the non-Drug Medi-Cal Program.

In addition, this V.1 agreement amendment stipulates that this agreement is enforceable only if sufficient funds are made available by the State and the Federal governments, and pursuant to the States' Budget Act. The Riverside County Department of Mental Health (RCDMH) is therefore requesting that the Riverside County Board of Supervisors ratify and approve the First Amendment (V.1) to the FY 2012/2013 NNA and/or Drug/Medi-Cal Agreement, and adopt the corresponding Resolution 2012-157.

PERIOD OF PERFORMANCE:

The period of performance for this First Amendment (V.1) to the Substance Use Disorder Services Agreement is from July 1, 2010 through June 30, 2013.

FINANCIAL IMPACT:

FY 2012/2013 contract amendment comparison is based on the Federal/State allocation as follows:

| Allocations | Amounts |
|-------------------------------------|------------------|
| (11/12) Preliminary V.2 | \$13,048,205 |
| (12/13) V.1 | \$13,335,751 |
| Increase FY 12/13 Allocation | \$287,546 |

The FY 12/13 V.1 Amendment reflects an increase in State Funds of \$234,440; a decrease in Federal SAPT Block Grant funds of \$11,250; an increase in Federal Funds of \$64,356; for a total net increase amount of \$287,546 as compared to the 11/12 Preliminary V.2. No additional County funds are required.

JUSTIFICATION FOR DELAY:

The Riverside County Department of Mental Health (RCDMH) did not receive the First Amendment (V.1) to the FY 2012/2013 Substance Use Disorder Services Agreement until June 12, 2012.

2 RESOLUTION No. 2012-157

3 A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF
4 RIVERSIDE AUTHORIZING THE APPROVAL OF THE AGREEMENT 10-NNA33 TO
5 THE FY 2012/2013 CONTRACT AMENDMENT FOR SUBSTANCE USE DISORDER
6 SERVICES WITH THE DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS
7 (ADP) AND THE DEPARTMENT OF HEALTH CARE SERVICES (DHCS).

8 WHEREAS, in FY 2010/2011, the State Department of Alcohol and Drug
9 Programs (ADP) issued to the Riverside County Department of Mental Health a three
10 (3) year contract for FY 2010/2011 through FY 2012/2013 for the Negotiated Net
11 Amount (NNA) of the Medi-cal and Non-Medi-cal funded Riverside County Substance
12 Abuse Program.

13 WHEREAS, on June 22, 2010, Agenda Item, 3.27, the Riverside County Board
14 of Supervisors approved the three (3) year funding agreement from ADP;

15 WHEREAS, ADP and Department of Health Care Services (DHCS) has
16 amended County of Riverside's annual allocation for FY 2012/2013 in a First
17 Amendment (V.1) to the Substance Use Disorder Services (SUD) contract for the
18 County of Riverside Department of Mental Health, Substance Abuse Program;

19 WHEREAS, the County of Riverside Department of Mental Health, Substance
20 Abuse Program's amended contract amount for FY 2010/2011 through FY 2012/2013
21 for Substance Use Disorder Services is \$42,073,200;

22 ///

23 //

24 /

25

26

1 NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND
2 ORDERED by the Board of Supervisors of the County of Riverside, in regular session
3 assembled on 8/28/12, does hereby, resolve, find, determine and order as
4 follows:

5 Section 1. The County of Riverside Board of Supervisors hereby ratify and
6 authorize the Chairman of the Board to execute this First Amendment (V.1) to the
7 Substance Use Disorder Services Agreement for FY 2012/2013, and all subsequent
8 amendments there to, excepting those amendments that would subsequently increase
9 the financial liability and responsibility of the County of Riverside.

10 Section 2. The County of Riverside accepts an increase in Medi-Cal and Non-
11 Medi-Cal funds combined in the amount of \$287,546 from ADP and DHCS for FY
12 2012/2013 for Medi-Cal and Non Medi-Cal services for the County of Riverside
13 Department of Mental Health Substance Abuse Program.

14 Section 4. The County agrees to the terms and conditions for receipt of the
15 funds.

16 ADOPTED, SIGNED AND APPROVED this 28th day of August 2012, by
17 the Board of Supervisors of the County of Riverside.

18 ROLL CALL:

19 Ayes: Buster, Tavaglione, Benoit, and Ashley
20 Nays: None
Absent: Stone

21 The foregoing is certified to be a true copy of a resolution duly
22 adopted by said Board of Supervisors on the date therein set forth.

23 KECIA HARPER-IHEM, Clerk of said Board

24 By: _____
Deputy

25 FORM APPROVED COUNTY COUNSEL

26 BY: *Elena M. Boeva* 8-16-12
ELENA M. BOEVA DATE

Check here if additional pages are added: 1 Page(s)

| | |
|---|-------------------------------|
| ADP Agreement / Amend Number 10-NNA33 | DHCS Agreement / Amend Number |
| Registration Number: | |

1. This Agreement is entered into between the following State Agencies and the Contractor named below:

Primary State Agency also referred to as ADP
Department of Alcohol and Drug Programs

Secondary State Agency also referred to as DHCS
Department of Health Care Services

Contractor's Name (Also referred to as Contractor)
County of Riverside

2. The term of this Agreement is: **July 1, 2010 through June 30, 2013**

3. The maximum amount of this Agreement after this amendment is: **\$ 42,073,200**
 Forty two million, seventy three thousand, two hundred dollars

4. The parties mutually agree to this amendment as follows. All actions noted below are by this reference made a part of the Agreement and incorporated herein:

I. **Amendment effective date:** June 29, 2012

II. **Purpose of amendment:** This amendment: (1) increases contract amount for Fiscal Year 2012-13 services; (2) implements an Absolute Assignment of Agreement (#10-NNA33) from one State agency to another for the Drug Medi-Cal Program; and (3) implements a Contingency Assignment of Agreement (#10-NNA33) from one State agency to another if the FY 2012-13 Budget Act is approved to eliminate the Department of Alcohol and Drug Programs which includes the transfer of the non-Drug Medi-Cal Program.

III. Paragraph 3 (maximum amount) of the face of the amended STD 213 is amended to read: **\$42,073,200**
~~\$39,450,445.~~

WHEN DOCUMENT IS FULLY EXECUTED RETURN

CLERK'S COPY

to Riverside County Clerk of the Board, Stop 1010 (Continued on next page)
 Post Office Box 1147, Riverside, Ca 92502-1147
 Thank you.

All other terms and conditions shall remain the same.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

| STATE OF CALIFORNIA (Primary) | | STATE OF CALIFORNIA (Secondary) | |
|--|--------------------------------------|--|---------------------------|
| Primary Agency Name Department of Alcohol and Drug Programs | | Secondary Agency Name Department of Health Care Services | |
| By (Authorized Signature) <i>Susan L. Lussier</i> | Date Signed (Do not type) 6-11-12 | By (Authorized Signature) <i>Jayna Querin</i> | Date Signed (Do not type) |
| Printed Name and Title of Person Signing Susan Lussier, Deputy Director, Division of Administration | | Printed Name and Title of Person Signing Jayna Querin, Chief, Contracts and Purchasing Services Section | |
| Address 1700 K Street, Sacramento, CA 95811 | | Address P.O. Box 997413, MS Code 1403, Sacramento, CA 95899-7413 | |

| CONTRACTOR | |
|---|--------------------------------------|
| Contractor's Name (if not an individual, indicate a corporation, partnership etc.) County of Riverside | |
| By (Authorized Signature) <i>John Tavaglione</i> | Date Signed (Do not type) 8/28/12 |
| Printed Name and Title of Person Signing JOHN TAVAGLIONE CHAIRMAN, BOARD OF SUPERVISORS | |
| Address | |

CALIFORNIA
 Department of General Services
 Use Only

Exempt per: DGS memo dated 7/10/96 and Welfare and Institutions Code 14087.4

ATTEST:

KECIA HARRER IHEM
 By *[Signature]*
 DEPUTY

FORM APPROVED COUNTY COUNSEL
 BY: *[Signature]* 6-20-12
 ELENA M. BOEVA DATE

AUG 28 2012 371

- IV. By executing this amendment, Department of Alcohol and Drug Programs expressly consents to assign and transfer all rights and interests in Agreement (#10-NNA33) with respect to the Drug Medi-Cal Program to Department of Health Care Services as of July 1, 2012. By executing this amendment, Department of Health Care Services assumes all rights, duties, obligations, responsibilities, and liabilities of any type that accrue under Agreement (#10-NNA33) with respect to the Drug Medi-Cal Program on or after July 1, 2012 and agrees to abide by the terms and conditions of said agreement.
- V. By executing this amendment, Department of Alcohol and Drug Programs expressly consents to assign and transfer all rights and interests in Agreement (#10-NNA33) with respect to non-Drug Medi-Cal Program to Department of Health Care Services as of July 1, 2012, contingent upon the Fiscal Year 2012-13 Budget Act approval of eliminating the Department of Alcohol and Drug Programs, which includes the transfer of the non-Drug Medi-Cal Program. By executing this amendment, Department of Health Care Services assumes all rights, duties, obligations, responsibilities, and liabilities of any type that accrue under Agreement (#10-NNA33) with respect to the non-Drug Medi-Cal Program on or after July 1, 2012 and agrees to abide by the terms and conditions of said agreement.
- VI. As part of the Absolute Assignment, attached to this contract amendment is the Exhibit A1 (DMC Federal Funding Only) of the Fiscal Year 2012-13 Substance Use Disorder Budget V.1 for the County of Riverside, ADP Contract #10-NNA33.
- VII. As part of the Contingency Assignment, attached to this contract amendment is the Exhibit A1 (All Funding) of the Fiscal Year 2012-13 Substance Use Disorder Budget V.1 for the County of Riverside, ADP Contract #10-NNA33.
- VIII. As of July 1, 2012, all references to the Department of Alcohol Drug Programs (ADP) appearing in Agreement (#10-NNA33) and its exhibits shall be deemed to read Department of Health Care Services (DHCS).
- IX. By executing this amendment, the County of Riverside consents to this assignment.
- X. As a result of the government reorganization that resulted in the assignment, various department programs may experience a physical relocation, reassignment of personnel, change in programmatic procedures/policies, or other effect. If this agreement, during the remainder of its duration, is impacted by such changes, the Department of Health Care Services reserves the right, without initiation of a formal amendment, to issue one or more written notices to the Contractor supplying alternate information and/or instructions regarding contract numbers, invoicing instructions, document addressing, personnel changes, and/or other procedural/policy changes.
- XI. Except as specified herein, all remaining terms and conditions shall remain unchanged.

**FISCAL CONTRACT DETAIL
DEPARTMENT OF HEALTH CARE SERVICES
Fiscal Year 2012-13 Substance Use Disorder Budget V.1**

ADP Contract #10-NNA33

| <u>State General Funds</u> | <u>Amounts</u> | <u>Totals</u> |
|---|----------------|-------------------|
| State General Funds (July 1, 2012 - June 30, 2013) | | |
| Parolee Services Network Funds | \$ 519,363 | |
| Total State General Funds | | \$ 519,363 |
| TOTAL STATE GENERAL FUNDS | | \$ 519,363 |

Federal Funds**SAPT Block Grant - 93.959 (FFY 2013 Award) (October 1, 2012 to June 30, 2014 - 21 Months)**

| | | |
|--|--------------|----------------------|
| SAPT Female Offender Treatment Services - FFY 2013 Award | \$ 63,683 | |
| SAPT Discretionary - FFY 2013 Award | \$ 6,448,267 | |
| SAPT Adolescent/Youth Treatment Program - FFY 2013 Award | \$ 110,161 | |
| SAPT Friday Night Live/Club Live - FFY 2013 Award | \$ 30,000 | |
| SAPT Primary Prevention Set-Aside - FFY 2013 Award | \$ 2,107,483 | |
| SAPT HIV Set-Aside - FFY 2013 Award | \$ 607,926 | |
| SAPT Perinatal Set-Aside - FFY 2013 Award | \$ 826,113 | |
| SAPT Special Projects - FFY 2013 Award | \$ - | |
| Total SAPT Block Grant - FFY 2013 Award | | \$ 10,193,633 |

Federal Drug Medi-Cal Funds (Reimbursement) (July 1, 2012 to June 30, 2013) (12 Months)

| | | |
|--|--------------|----------------------|
| Drug Medi-Cal | \$ 2,461,655 | |
| Perinatal Drug Medi-Cal | \$ 161,100 | |
| Total Federal Drug Medi-Cal Funds | | \$ 2,622,755 |
| TOTAL FEDERAL FUNDS | | \$ 12,816,388 |

| | | |
|--------------------------------|--|----------------------|
| GRAND TOTAL - ALL FUNDS | | \$ 13,335,751 |
|--------------------------------|--|----------------------|

FISCAL CONTRACT DETAIL
DEPARTMENT OF HEALTH CARE SERVICES
Fiscal Year 2012-13 Substance Use Disorder Budget V.1

ADP Contract #10-NNA33

| | <u>Amounts</u> | <u>Totals</u> |
|--|----------------|---------------------|
| Federal Drug Medi-Cal Funds (Reimbursement) (July 1, 2012 to June 30, 2013) (12 Months) | | |
| Drug Medi-Cal | \$ 2,461,655 | |
| Perinatal Drug Medi-Cal | \$ 161,100 | |
| Total Federal Drug Medi-Cal Funds | | \$ 2,622,755 |
| TOTAL FEDERAL FUNDS | | \$ 2,622,755 |
| GRAND TOTAL | | \$ 2,622,755 |

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

1700 K STREET
SACRAMENTO, CA 95811-4037
TTY/TDD (800) 735-2929
(916) 323-2043



JUN 12 2012

Ms. Karen Kane, Program Administrator
Riverside County Department of Mental Health
Substance Abuse Program
3525 Presley Avenue
Riverside, CA 92507

Dear Ms. Kane:

CONTRACT NUMBER: 10-NNA33

Enclosed for signature is the Fiscal Year (FY) 2012-13 contract amendment for Substance Use Disorder (SUD) services. Please return the signed contract to the Department of Alcohol and Drug Programs (ADP) by June 29, 2012.

The contract amendment reflects the following:

- 1) increases the contract amount for FY 2012-13 services;
- 2) implements an Absolute Assignment of Agreement from ADP to the Department of Health Care Services (DHCS) for the Drug Medi-Cal program; and
- 3) implements a Contingency Assignment of Agreement from ADP to the DHCS if the FY 2012-13 Budget Act is approved to eliminate the Department of Alcohol and Drug Programs which includes the transfer of the non-Drug Medi-Cal program to DHCS

Attached to the Standard Agreement 213 form are the following documents:

- Exhibit A1 – All Funding (FY 2012-13 SUD Budget V.1)
- Exhibit A1 – DMC Federal Funding Only (FY 2012-13 SUD Budget V.1)

This contract amendment will be valid and enforceable subject to authorization and appropriation of sufficient DMC funds to DHCS budget authority. If sufficient authorization and appropriation of DMC funds to DHCS's budget authority is denied, a reduction of DMC funding will be made to your contract via a subsequent contract amendment.

If you disagree with this assignment, the County must immediately notify ADP in writing. Failure to provide such notification may require DHCS to invoke its right to terminate the contract in order to ensure that services are provided with reasonable promptness.



DO YOUR PART TO HELP CALIFORNIA SAVE ENERGY
For energy saving tips, visit the Flex Your Power website at
<http://www.fypower.org>

The requirements for processing the enclosed contract amendment include the following:

- Obtain a resolution, board minutes, order, motion, or ordinance from the County Board of Supervisors which specifically approves and authorizes execution of this amendment.
- Have the individual authorized by the County Board of Supervisors sign three (3) Standard Agreement Amendment forms. Include authority to sign if other than the Chairman of the Board signs.
- Return three (3) original signed Standard Agreement forms with the authorization to:

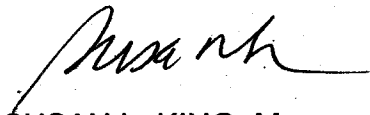
Department of Alcohol and Drug Programs
ATTN: Irma Nieves
1700 K Street, 4th Floor
Sacramento, California 95811

- Make a copy of the signed agreement as a temporary record and keep the contract boilerplate for your records.

Upon receipt of the signed documents from the County, they will be processed and an original signed copy will be returned for your records.

If you have any questions, please call (916) 323-2043.

Sincerely,



SUSAN L. KING, Manager
Fiscal Management and Accountability Branch
Program Services Division

Enclosures:

- Standard Agreement 213 form
- Exhibit A1 – All Funding (FY 2012-13 SUD Budget V.1)
- Exhibit A1 – DMC Federal Funding Only (FY 2012-13 SUD Budget V.1)