



# COUNTY OF HUMBOLDT

For the meeting of: 2/25/2020

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File #: 20-189

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**To:** Board of Supervisors

**From:** DHHS: Public Health

**Agenda Section:** Consent

**SUBJECT:**

Second Amendment to the Professional Services Agreement with California Forensic Medical Group Dated October 4, 2016

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Approve, and authorize the Department of Health and Human Services - Public Health (DHHS - Public Health) Director, or a designee thereof, to execute, the second amendment to the professional services agreement with California Forensic Medical Group (CFMG) for provision of healthcare services to Humboldt County correctional and detention facilities dated Oct. 4, 2016; and
2. Authorize the DHHS - Public Health Director, or a designee thereof, to sign any future amendments directly related to this agreement upon review and approval of County Counsel and Risk Management.

**SOURCE OF FUNDING:**

AB 109 Trust

Humboldt County General Fund

Tobacco Settlement Funds

**DISCUSSION:**

The California Penal Code and Title 15 of the California Code of Regulations - Minimum Standards for Local Detention Facilities mandate the county provide for emergency and basic medical services to all inmates and minors held in county correctional and detention facilities. Since 2002, the county has provided these services through professional service agreements with California Forensic Medical Group (CFMG).

On Oct. 4, 2016, your Board approved a 5-year agreement with CFMG for the term of Oct. 1, 2016 through Sept. 30, 2021. The agreement with CFMG increases staffing levels and services provided by CFMG to ensure the county remains compliant with any and all applicable laws and regulations regarding the provision of healthcare services in the county's correctional and detention facilities.

These staffing levels included an increase in medical staffing by 4.2 contracted registered nursing (RN) positions, with an implementation date for increased RN staffing levels set to occur by Dec. 1, 2016. In November of 2016, the Chief Financial Officer (CFO) of CFMG contacted the director of DHHS - Public Health, citing difficulty in recruiting, advising that they would not be able to meet the December 1 deadline. Through mutual agreement and a first amendment to the agreement, approved by your Board and executed on Dec. 13, 2016, the date required CFMG to fulfill increased staffing levels was amended to Feb. 1, 2017.

The original agreement with CFMG sets defined annual and monthly base amount maximums to be payable by the county for services rendered. In addition to the base amount, the agreement allows a per diem rate per inmate per day when the combined average daily inmate population (ADIP) at Humboldt County Correctional Facility exceeds 444 inmates.

The current agreement with CFMG allows for annual adjustments to base amount annual and monthly maximum payable amounts based on annual consumer price index (CPI) increases for all urban consumers in the west urban region as determined on the last day of February in that current year. These increases are implemented on October 1, the start of each contract year. These CPI increases have been accounted for in annual county budgets each fiscal year (FY). The vendor has been paid accordingly until recently when it was discovered that the language in the current agreement was written as such that annual amendments would be executed to memorialize the CPI increases authorized within the agreement; something that previous agreements with CFMG did not require. No formal amendment to the existing agreement with CFMG to memorialize prior and current CPI increases has been executed to date.

This second amendment before your Board today will memorialize the CPI increases that occurred in the FYs 2017-18, 2018-19 and 2019-20, and allows for implementation of future annual CPI increases for the duration of the original agreement without the necessity of a formal agreement amendment.

**FINANCIAL IMPACT:**

The second amendment will authorize the County to increase the base amount maximum payable according to annual CPI increases, as defined in the current professional services agreement dated Oct. 4, 2016. This agreement resides in fund 1100, budget unit 490, Medical Care. CPI increase adjustments to the base amount maximum payable were anticipated in the approved county budgets for FY 2017-18, 2018-19 and 2019-20, and will be accounted for in FY 2019-20 and FY 2020-21 county budgets, for the remainder of the term of the agreement with CFMG. Payment to the contractor for the increased contractual amount that began on Oct. 1<sup>st</sup>, 2019 will be made upon approval of the amendment. This agreement is supported by the General Fund, Tobacco Lawsuit Funds, and AB109.

**STRATEGIC FRAMEWORK:**

This action supports your Board's Strategic Framework by creating opportunities for improved safety and health .

**OTHER AGENCY INVOLVEMENT:**

Humboldt County Sheriff's Office

Humboldt County Probation Department  
Humboldt County Juvenile Hall  
Humboldt County DHHS Mental Health Department  
Humboldt County DHHS Social Services Department  
Community Corrections Partnership Executive Committee

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Your Board could choose not to approve this second amendment to the professional services agreement with CFMG; however, this is not recommended as it would violate the terms written into the original professional services agreement with CFMG executed on October 4, 2016.

ATTACHMENTS:

1. Second Amendment to Professional Services Agreement with CFMG dated October 4, 2016.
2. Copy of First Amendment to Professional Services Agreement with CFMG dated October 4, 2016.
3. Copy of Professional Services Agreement with CFMG executed on October 4, 2016

PREVIOUS ACTION/REFERRAL:

Board Order No.: D-11, C-18  
Meeting of: 10/24/16, 12/13/16  
File No.: 20-189