

1 [Contract Agreement - Retroactive - California Department of Health Care Services - San
2 Francisco Mental Health Plan - \$0]

3 **Resolution retroactively approving Agreement No. 22-20129, between Department of**
4 **Public Health, Community Behavioral Health Services and the California Department of**
5 **Health Care Services, for the San Francisco Mental Health Plan, in the amount of \$0 for**
6 **a five year term of July 1, 2022, through June 30, 2027; and to authorize the Department**
7 **of Public Health to enter into amendments or modifications to the agreement prior to**
8 **its final execution by all parties that do not materially increase the obligations or**
9 **liabilities to the City and are necessary to effectuate the purposes of the agreement or**
10 **this Resolution.**

11
12 WHEREAS, California Welfare and Institutions (W&I) Code, Section 14712, directs the
13 California Department of Health Care Services (DHCS) to implement and administer Managed
14 Mental Health Care for Medi-Cal eligible residents through agreements with Mental Health
15 Plans (MHP) in California counties; and

16 WHEREAS, MHPs are required to provide or arrange for the provision of Specialty
17 Mental Health Services to beneficiaries in their counties that meet medical necessity criteria,
18 consistent with the beneficiaries' mental health treatment needs and goals; and

19 WHEREAS, This Mental Health Plan Agreement sets forth the scope of service and
20 requirements related to the provision of these services for San Francisco County; and

21 WHEREAS, The Department of Public Health (DPH), Community Behavioral Health
22 Services operates the Mental Health Plan for the City and County of San Francisco; and

23 WHEREAS, DHCS is requiring the new MHP contracts to take effect retroactively with
24 a term of July 1, 2022, through June 30, 2027; and

1 WHEREAS, On August 3, 2022, DHCS forwarded Agreement No. 22- 20129 for the
2 San Francisco Mental Health Plan to DPH Community Behavioral Health Services, for the
3 term of July 1, 2022, through June 30, 2027, on file with the Clerk of the Board of Supervisors
4 in File No. 221054, which is hereby declared to be a part of this Resolution as if set forth fully
5 herein; and

6 WHEREAS, DHCS requires a resolution, approved board minutes, order, motion, or
7 ordinance from the Board of Supervisors, which specifically approves and authorizes the
8 execution of the Agreement; and

9 WHEREAS, The Agreement includes Dispute Resolution Process clauses that obligate
10 the City to seek resolution of disputes, other than disputes governed by a dispute resolution
11 process in Chapter 11 of Division 1, California Code of Regulations, title 9 or the processes
12 governing the audit appeals process in Chapter 9 of Division 1, California Code of
13 Regulations, title 9, under the procedures set forth for Administrative Hearings in California
14 Health and Safety Code, Section 100171; and

15 WHEREAS, The Agreement includes an Intellectual Property Indemnity clause that
16 obligates the City to indemnify, defend and hold harmless the State from and against all
17 actions or claims related to intellectual property or infringement arising out of the State's use
18 of intellectual property resulting from this Agreement; now, therefore, be it

19 RESOLVED, That the Board of Supervisors hereby authorizes the Director of Public
20 Health and the Director of Behavioral Health Services and Mental Health SF, on behalf of the
21 City and County of San Francisco, to retroactively enter into a Mental Health Plan Agreement
22 No 22-20129 with DHCS, in the amount of \$0, for a total agreement term of July 1, 2022,
23 through June 30, 2027; and, be it

24 FURTHER RESOLVED, That said Agreement shall include indemnification and dispute
25 resolution provisions as set forth above; and, be it

