

1 [Participation Agreement - Retroactive - California Department of Health Care Services -
2 County-Based Medi-Cal Administrative Activities - Anticipated Revenue to the City of
3 \$1,000,000 or More]

4 **Resolution retroactively authorizing the Department of Public Health to enter into a**
5 **Participation Agreement for County-based Medi-Cal Administrative Activities effective**
6 **July 1, 2019, that will remain in full force and effect until terminated by either the**
7 **Department of Public Health or the California Department of Health Care Services, with**
8 **anticipated revenue to the City of \$1,000,000 or more; and to authorize the Department**
9 **of Public Health to enter into amendments or modifications to the agreement prior to its**
10 **final execution by all parties that do not materially increase the obligations or liabilities**
11 **to the City and are necessary to effectuate the purposes of the agreement or this**
12 **Resolution.**

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14 WHEREAS, The Department of Public Health (DPH) has an existing Participation
15 Agreement with the California Department of Health Care Services (DHCS) Contract 19-
16 96018 to conduct County-based Medi-Cal Administrative Activities; and

17 WHEREAS, San Francisco Charter, Section 9.118 requires contracts entered by a
18 department having anticipated revenue to the City of \$1,000,000 or more be approved by the
19 San Francisco Board of Supervisors by Resolution; and

20 WHEREAS, This Participation Agreement sets forth the scope of service and
21 requirements related to the provision of these services for San Francisco County; and

22 WHEREAS, DHCS is requiring the new Participation Agreement to retroactively remain
23 in full force and effect until terminated by either DPH or DHCS; and

24 WHEREAS, The Participation Agreement includes an Indemnity Clause that obligates
25 the City to defend, hold harmless, and indemnify DHCS, its officers, employees, and agents

1 from any and all claims liability, loss, or expense (including reasonable attorney fees) for
2 injuries or damage to any person or property which arise out of the terms and conditions of
3 this Participation Agreement and the negligent and intentional acts or omissions of the
4 County, its officers, employees, or agents; and

5 WHEREAS, The Participation Agreement includes a clause that obligates the City to
6 assume sole financial responsibility for any and all penalties and interest charged as a result
7 of a federal disallowance related to the rendering of services under the Participation
8 Agreement and the City must agree that all penalties and interest are payable on demand
9 from DHCS; and

10 WHEREAS, A draft of the Agreement is on file with the Clerk of the Board of
11 Supervisors in File No. 231062, which is hereby declared to be a part of this Resolution as if
12 set forth fully herein; now, therefore, be it

13 RESOLVED, That the Board of Supervisors hereby authorizes the Director of Health,
14 on behalf of the City and County of San Francisco, to enter into the DHCS County-based
15 Medi-Cal Administrative Activities retroactive Participation Agreement, remaining in full force
16 and effect until terminated by DPH or DHCS, having anticipated revenue to the City of
17 \$1,000,000 or more; and, be it

18 FURTHER RESOLVED, That the Board of Supervisors hereby authorizes the Director
19 of Health to enter into any amendments or modifications to this agreement, prior to its final
20 execution by all parties, that the Department determines, in consultation with the City
21 Attorney, are in the best interests of the City, do not otherwise materially increase the
22 obligations or liabilities of the City, are necessary or advisable to effectuate the purposes of
23 the agreement, and are in compliance with all applicable laws; and, be it

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