



Legislation Text

File #: 2019-1067, **Version:** 1

To: Board of Supervisors of Sonoma County

Department or Agency Name(s): Sonoma County Counsel, Department of Health Services

Staff Name and Phone Number: Bruce Goldstein, 565-6118; Barbie Robinson, 565-7876

Vote Requirement: 4/5th

Supervisory District(s): Countywide

Title:

Legal Services Agreement

Recommended Action:

Authorize Sonoma County Counsel to execute the third amendment to a legal services agreement with the law firm of Foley & Lardner LLP for outside counsel assistance regarding health care compliance and privacy, increasing the amount by \$50,000, resulting in a new not-to-exceed amount of \$140,000 through June 30, 2020.

Executive Summary:

In November 2017, County Counsel engaged the law firm of Foley & Lardner LLP to meet the growing demand of the Department of Health Services in the area of health care compliance, including privacy. Both County Counsel and the Director of Health Services would like to continue this engagement during fiscal year 2019-2020. In order to do so, County Counsel is asking the Board for authority to increase the maximum amount of the Legal Services Agreement by \$50,000 for a total not to exceed amount of \$140,000 through June 2020.

Discussion:

In November 2017, County Counsel engaged the law firm of Foley & Lardner LLP to meet the growing demand of the Department of Health Services in the area of health care compliance, including privacy. Foley & Lardner was selected from a pool of four law firms specializing in health law. All four firms submitted proposals and were interviewed by County Counsel and the Director of Health Services. Foley & Lardner was selected due in part to 1) its prior successful representation of the County in audits by the Department of Health Care Services in 2002 and 2013; 2) its expertise in the regulatory requirements of the Medi-Cal program in which the County participates as a managed care plan; 3) its experience working with other counties on health care compliance, including privacy; 4) its reputation as a national leader in health care law; and 5) the location of its senior health care partner in San Francisco.

Working in collaboration with County Counsel, Foley & Lardner has been an invaluable member of the Department's health care compliance and privacy teams. As this Board knows, the Department has been working to ensure its health care compliance program satisfies the federal standards for a program that is effective at preventing, detecting, and correcting fraud, waste and abuse. These standards are also incorporated into the County's contract with the State to administer Medi-Cal eligible specialty mental health services. The work is being conducted under the leadership of the Compliance Officer Wendy Sanders. The Department's Privacy Officer Ken Tasseff is likewise making improvements in how the Department protects against the unlawful disclosure of protected health information, and Foley & Lardner's knowledge of the

federal and state laws that establish these protections has been helpful.

One of County Counsel's and Health Services' goals in engaging Foley & Lardner is to build County Counsel's competency in the legal field of health care compliance so that County Counsel eventually can meet the Department's need for legal advice in this high-risk area. While the services of an outside law firm will likely be necessary should the County become the subject of a regulatory enforcement action by the state or federal government, the day to day advisory work is ideally performed in-house by County Counsel. Over the last year and a half, this partnership has been successful. County Counsel's knowledge in this area has increased exponentially as a result of working side by side with lawyers from Foley & Lardner.

Both County Counsel and the Director of Health Services would like to continue this engagement during Fiscal Year 2019-20. In order to do so, County Counsel is asking the Board for authority to increase the maximum amount of the Legal Services Agreement by \$50,000 for a total not to exceed amount of \$140,000 through June 2020. The Department has sufficient funding in its FY 19-20 legal services budget to cover this increase.

Prior Board Actions:

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FISCAL SUMMARY

| Expenditures | FY 19-20 Adopted | FY 20-21 Projected | FY 21-22 Projected |
|------------------------------------|---------------------|-----------------------|-----------------------|
| Budgeted Expenses | 40,000 | | |
| Additional Appropriation Requested | | | |
| Total Expenditures | 40,000 | 0 | 0 |
| Funding Sources | | | |
| General Fund/WA GF | | | |
| State/Federal | | | |
| Fees/Other | 40,000 | | |
| Use of Fund Balance | | | |
| Contingencies | | | |
| Total Sources | 40,000 | 0 | 0 |

Narrative Explanation of Fiscal Impacts:

Funding of \$10,000 for the proposed legal services agreement was included in the FY 18-19 budget and \$40,000 for the agreement is included in the FY 19-20 budget. Services will be requested on an as-needed basis and funding will be provided by the programs served.

| Staffing Impacts: | | | |
|---|------------------------------------|-----------------------|-----------------------|
| Position Title (Payroll Classification) | Monthly Salary Range (A-I Step) | Additions (Number) | Deletions (Number) |
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Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Legal services agreement with Foley & Lardner LLP

Related Items “On File” with the Clerk of the Board:

None