

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Aging & Veterans Services

BOARD AGENDA # *B-1

Urgent Routine

AGENDA DATE December 16, 2014

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt a Resolution Authorizing the Director of Aging and Veterans Services to Sign the Proposition 63, Veteran's Mental Health Outreach, Funding Agreement #14XS0012 with the California Department of Veterans Affairs for the Time Period November 1, 2014 through September 30, 2015

STAFF RECOMMENDATIONS:

1. Adopt a Resolution authorizing the Director of Aging and Veterans Services, Veterans Services Office (VSO), to enter into and sign the Agreement with California Department of Veteran Affairs to support Mental Health Outreach activities for Veterans in Stanislaus County for the time period November 1, 2014 through September 30, 2015.
2. Authorize the Auditor Controller to adjust appropriations and estimated revenue in the amount of \$25,000 as detailed in the attached Budget Journal for the Agreement time period.

FISCAL IMPACT:

The total amount of funding available from the California Department of Veterans Affairs (CDVA) for the time period November 1, 2014 through September 30, 2015, to support mental health outreach activities in Stanislaus County is \$25,000. This additional funding will increase appropriations and revenue for the Area Agency on Aging - Veterans Services budget. There is no impact to the County's General Fund.

BOARD ACTION AS FOLLOWS:

No. 2014-627

On motion of Supervisor Withrow, Seconded by Supervisor Monteith

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, Monteith, and Chairman De Martini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Adopt a Resolution Authorizing the Director of Aging and Veterans Services to Sign the Proposition 63, Veteran's Mental Health Outreach, Funding Agreement #14XS0012 with the California Department of Veterans Affairs for the Time Period November 1, 2014 through September 30, 2015

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DISCUSSION:

The Department of Aging and Veterans Services Office (VSO) was successful in obtaining, for a second year, a Proposition 63 grant from the CDVA in the amount of \$25,000, to conduct mental health outreach activities in Stanislaus County with an emphasis on the newly discharged service members who have served in Iraq and Afghanistan, and Vietnam combat Veterans. The purpose of this outreach is to direct these Veterans into the United States Department of Veterans Affairs (VA) healthcare system and get them screened for any mental or physical health problems that they may have.

Stanislaus County Department of Aging and Veterans Services estimates that there are between 25,000 and 30,000 Veterans residing in Stanislaus County. There are currently 473 service members from Stanislaus County deployed out of 208,116 service members statewide. As current operations continue to wind down, many of these service members are returning as Veterans to our county. Due to the nature and duration of the Iraq and Afghanistan conflicts, many of these returning Veterans will be suffering from traumatic brain injury (TBI) or post-traumatic stress disorder (PTSD). Historically, returning Veterans have had difficulty accessing services and the necessary support to find their way back to civilian life. Most of them need help, but they are left on their own to adjust and seek the services they need - the majority of Veterans who come back from war and have PTSD do not know where to go for help, and find themselves facing the consequences of untreated medical or mental health conditions.

Far too many Veterans are aging, and mental health issues are becoming more prevalent as they age. This is especially true for Vietnam Veterans who are approaching retirement or who have recently retired. According to the June 20, 2012 article by Leo Shane III entitled "Retirement might unleash PTSD symptoms in Vietnam Veterans", (<http://www.stripes.com/news/retirement-might-unleash-ptsd-symptoms-in-vietname-veterans-1.180888>) last year more than 476,000 Veterans received treatment for PTSD from VA hospitals and clinics, and more than half of the new cases came from earlier wars. The average age of a Vietnam Vet is 65, and more than 5 million of the nation's more than 7 million Vietnam-era Vets are between 60 and 70 years old. Major life events such as retirement often trigger personal reassessment and forgotten memories.

Tom Berger, Director of the Health Council at Vietnam Veterans of America, states "A lot of people coped with the traumatic experiences in war by throwing themselves

Approval to Adopt a Resolution Authorizing the Director of Aging and Veterans Services to Sign the Proposition 63, Veteran's Mental Health Outreach, Funding Agreement #14XS0012 with the California Department of Veterans Affairs for the Time Period November 1, 2014 through September 30, 2015

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into work when they got home. Now, after being a workaholic for 40 years, they suddenly don't have that structure in their life anymore. I expect there will be more and more folks seeking out help for those issues."

Programs for Veterans with mental health needs in our county exist, however, Veterans do not know about them because the services are fragmented. There is a lack of coordination among service providers. There are also transportation issues for older veterans living in the rural areas of our county (for example, Patterson, Westley / Grayson, Newman, and Waterford).

The VSO will use this additional grant funding to continue providing mental health outreach activities - targeting efforts will be focused on reaching out to combat Veterans and informing them how to access the available mental health services and programs in the community. This goal will be accomplished in partnership with Stanislaus County Behavioral Health and Recovery Services, VA Modesto Vet Center, VA Palo Alto Health Care System - Modesto Community Based Outpatient Clinic, and The Pathway Home - California Transition Center for Care of Combat Veterans by focusing on the following activities in the community:

- **Education:** Provide education about mental health and information to Veterans and their family members about programs that address mental health issues to reduce stigma of mental illness. Encourage Veterans with signs of mental illness or mental health needs to seek help from mental health providers. Provide a list of resources the Veterans can access to begin the assessment and referral process.
- **Networking:** Outreach activities and presentations will be made to the Stanislaus County Veterans Advisory Commission, Rotary, Kiwanis, Lions Clubs, other service clubs, senior centers, Healthy Aging Association classes, Salvation Army, Modesto Gospel Mission, United Samaritans Foundation, Healthy Aging Summit, and other community organizations within Stanislaus County to reach out to and engage Veterans and their families.
- **Prevention / Intervention:** Provide assessments by certified Veterans Services Representatives to Veterans to determine their mental health needs. If a mental health issue is identified, referrals will be made to the appropriate mental health provider and follow-up will be provided.
- **Improved Access to Support Services:** Information, timely assessment, and referrals for mental health services and benefits to the Veterans in rural areas will be provided by Certified Veterans Services Representatives. Referrals to the Vet

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Center Counselors and Mental Health Counselors for PTSD and MST (Military Sexual Trauma) issues that go undetected for years. Enrollment into VA medical services instead of local MediCal services will be made as needed, thus saving the State expenditures. Providing Veterans with Compensation and Pension benefits to which they are entitled.

By having Certified Veterans Services Representatives providing the services and strategies listed above, Veterans in this County will have better access to benefits and programs that they otherwise might not be aware of for mental health treatment, particularly for PTSD. This may reduce the financial burden of receiving such services, which may have been perceived as a possible barrier by the Veterans who did not know they might be entitled to such services. The VSO has been very effective in engaging Veterans in various services available in the community, particularly for older Veterans. We recognize that the same model can be applied to combat Veterans and their families who desperately need counseling services.

The VSO is committed to assisting these Veterans obtain funding and programs aimed at helping with education costs, job searches, medical and mental health treatment or housing. The VSO recognizes that these services and programs may be a lifesaver and will help these Veterans transition back into a civilian lifestyle. In addition to avoiding the need to rely on other state-and-county-funded services, the VSO will be honoring those who have sacrificed for all of us.

POLICY ISSUES:

By approval of this Agreement with the California Department of Veterans Affairs, the Veterans Services Office will be able to provide mental health outreach activities to the combat Veterans of Stanislaus County, consistent with the Board's priority to promote the Efficient Delivery of Public Services by providing excellent community services.

STAFFING IMPACT:

There are no staffing impacts associated with this request, as mental health outreach activities will be provided by current staff.

CONTACT PERSON:

Margie Palomino, Director. Telephone: (209) 525-4601

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: December 16, 2014

2014-627

On motion of Supervisor Withrow and approved by the following vote, Seconded by Supervisor Monteith

Ayes: Supervisors: O'Brien, Chiesa, Withrow, Monteith, and Chairman De Martini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED: Item # *B-1

**Approval of the Proposition 63 Funding Agreement With the California
Department Of Veterans Affairs to Provide Mental Health Outreach Activities
for the Combat Veterans From All War Periods Who Reside in Stanislaus County**

WHEREAS the Veterans Services Office (VSO) has obtained a grant to provide mental health outreach activities and services to improve access to mental health services to combat Veterans residing in Stanislaus County; and

WHEREAS many combat Veterans have returned home suffering from traumatic brain injuries (TBI) or post-traumatic stress disorder (PTSD) and do not realize it, or do not know where to turn for help; and

WHEREAS these mental health problems not only plague some Veterans returning from the Iraq and Afghanistan wars, but also many Vietnam Veterans who have suffered for many years but have never dealt with the issue; and

WHEREAS the VSO will partner with other agencies, such as Stanislaus County Behavioral Health and Recovery Services, VA Modesto Vet Center, VA Palo Alto Health Care System - Modesto Community Based Outpatient Clinic, and The Pathway Home – California Transition Center for Care of Combat Veterans, to help find and reach combat Veterans and educate them about the various mental health services and programs available in the community, and how to access them.

BE IT RESOLVED that the Stanislaus County Board of Supervisors approve the Proposition 63 Funding Agreement # 14XS0012 with the California Department of Veterans Affairs; and

BE IT FURTHER RESOLVED that the Stanislaus County Board of Supervisors authorizes the Director of the Department of Aging and Veterans Services (Veterans Services Office) to sign the Proposition 63 Funding Agreement # 14XS0012 and any subsequent amendments to this Agreement with the California Department of Veterans Affairs.

ATTEST: **CHRISTINE FERRARO TALLMAN, Clerk**
Stanislaus County Board of Supervisors,
State of California



File No.

Database
Balance Type
Data Access Set

FMSDBPRD.CO.STANISLAUS.CA.US.PROD
Budget
County of Stanislaus

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Ledger
Budget
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* List - Text County of Stanislaus
List - Text LEGAL BUDGET
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Batch Name
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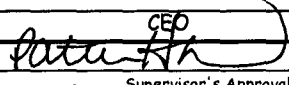
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		0100	0032100	50000					15000	Salaries	
		0100	0032100	63280					10000	Contracts	
		0100	0032100	24200						25000 State Veterans	
Totals:									25000	25000	

Tip: This is not the end of the Template. Unprotect the sheet and insert as many rows as needed.

Explanation: Contracted \$25000 with Veterans State affairs to outreach Veterans Clients.

Requesting Department BIPTIN SURTI		Data Entry		Auditors Office Only	
Prepared by 12/1/2014	Date	 Supervisor's Approval 12/11/14 Date	Keyed by	Prepared By	Approved By
				12/9/14	

STATE OF CALIFORNIA
STANDARD AGREEMENT
 STD 213 (Rev 06/03)

AGREEMENT NUMBER 14XS0012
REGISTRATION NUMBER

1. This Agreement is entered into between the State Agency and the Contractor named below:
- STATE AGENCY'S NAME
 California Department of Veterans Affairs
- CONTRACTOR'S NAME
 County of Stanislaus
2. The term of this Agreement is: November 1, 2014 through September 30, 2015
 Or upon approval whichever is later
3. The maximum amount of this Agreement is: \$ 25,000.00
 Twenty Five Thousand Dollars and Zero Cents
4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.

Exhibit A – Scope of Work	2 page(s)
Exhibit A – Attachment 1 Program Narrative	12 page(s)
Exhibit B – Budget Detail and Payment Provisions	2 page(s)
Exhibit B – Attachment 1 Budget Form	3 page(s)
Exhibit C* – General Terms and Conditions - GTC 610	1 page(s)
Check mark one item below as Exhibit D:	
<input checked="" type="checkbox"/> Exhibit - D Special Terms and Conditions (Attached hereto as part of this agreement)	4 page(s)
<input type="checkbox"/> Exhibit - D* Special Terms and Conditions	

APPROVED AS TO FORM:
 STANISLAUS COUNTY COUNSEL
 BY Deirdre McGrath
 DATE: 9/23/14

Items shown with an Asterisk (*), are hereby incorporated by reference and made part of this agreement as if attached hereto. These documents can be viewed at www.ols.dgs.ca.gov/Standard+Language

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

CONTRACTOR		California Department of General Services Use Only
CONTRACTOR'S NAME (if other than an individual, state whether a corporation, partnership, etc.) County of Stanislaus		
BY (Authorized Signature) <u>Marjorie Palomino</u>	DATE SIGNED (Do not type) <u>10-22-14</u>	
PRINTED NAME AND TITLE OF PERSON SIGNING Marjorie Palomino, Director		
ADDRESS 121 Downey St., Suite 102 Modesto, CA 95354		
STATE OF CALIFORNIA		
AGENCY NAME California Department of Veterans Affairs		
BY (Authorized Signature) <u>Alicia Bugarin</u>	DATE SIGNED (Do not type)	
PRINTED NAME AND TITLE OF PERSON SIGNING Alicia Bugarin, Assistant Deputy Secretary, Financial Services Division		
ADDRESS 1227 O Street, Sacramento, CA 95814		
		<input checked="" type="checkbox"/> Exempt per: SCM 1 4.04A.2

EXHIBIT A
SCOPE OF WORK

1. The County of Stanislaus (hereinafter "Contractor") shall provide mental health outreach activities as described within Exhibit A – Attachment 1, in accordance with the Mental Health Services Act (Proposition 63), for the California Department of Veterans Affairs (hereinafter "the State", "CDVA", or "CalVet").
2. Contract shall be effective upon approval of the State. Contractor shall not perform any work required by this contract until written notification is given to Contractor from the contract manager to begin services.
3. The contract managers identified below are responsible for the administration of this Agreement and for responding to contractual inquiries pertaining to the governing provisions of the Agreement during the term of this Agreement.
4. The project representative during the term of this Agreement will be:

CDVA

Phillip Leggett, Mental Health Coordinator
California Department of Veterans Affairs
1227 O Street, Room 105
Sacramento, CA 95814
Phone: (916) 503-8327

Contractor

Jim Greer, County Veterans Service Officer
County of Stanislaus
121 Downey Ave., Suite 102
Modesto, CA 95354
Phone: (209) 558-7380

Direct all contract inquiries to Contract Managers. Contract Managers may be changed by issuing a 20-day prior written notification and shall not require a formal amendment to this Agreement. The notifying party shall provide complete contact information for the replacement Contract Manager including, name, title, mailing address, phone, fax number, and email address.

All other changes require a formal written amendment to this agreement.

5. Contractor agrees to conduct mental health outreach activities in the County of Stanislaus with an emphasis on the newly discharged service members who have served in Iraq and Afghanistan, and National Guard and Reserve service members that have been deployed.
6. The purpose of this outreach is to direct these veterans and soldiers into the United States Department of Veterans Affairs (VA) healthcare system and get them screened for any mental or physical health problems that they may have.
7. Contractor shall document, on a daily basis, all mental health outreach by using the veteran's reintegration forms that have been provided by CDVA, Veterans Services Division for input into the Veteran Reintegration Management System (VRMS).

EXHIBIT A
SCOPE OF WORK

8. Contractor shall collect veteran information by using the reintegration form even if the veteran or service member does not live in the County of Stanislaus. Contractor shall send all collected information to the Veteran Services Division Mental Health Coordinator on a quarterly basis.
9. Contractor shall submit a quarterly Status Report via electronic submission to the Mental Health Coordinator on the dates listed in Exhibit B, number 4. The report shall include a detailed description of outreach efforts performed by the County of Imperial, and the usage of mental health services by recently separated veterans.

**EXHIBIT A – ATTACHMENT 1
PROGRAM NARRATIVE**

Appendix A – Program Narrative

Stanislaus County Department of Aging and Veterans Services

Veterans Mental Health Outreach Program Narrative

Section A: Identification of Need

- 1. With respect to the primary purpose and goals of this funding, describe who your program serves and how participants are identified and engaged in the program. The application should reflect a clear understanding of the need that your proposal is addressing.***

Our program will serve Stanislaus County Veterans from all War periods. Veterans will be made aware of and increase access to all mental health services available. Our program will focus on combat veterans currently residing in or returning to Stanislaus County from their military service as they transition back to civilian life (older veterans and newly discharged veterans). Special efforts will be made to engage hard to reach Vietnam veterans residing in rural areas, getting ready to retire, or already retired. Participants will be engaged through an outreach and education program that provides information on mental health issues and reduces the stigma of seeking and receiving treatment

We will also assist combat veterans in their application process for all benefits i.e. Mental health, Medical care etc. and will verify veterans eligibility. All participants will include Veterans and their spouses. We will provide follow-up services and appointments for mental health and all VA services.

- 2. Describe the geographic area that the program serves and any significant factors that your location has contributed to the need of the target population; address any barriers or existing service gaps to accessing the program faced by any segment of the target population. Where available, use local data to support the extent of the need.***

Stanislaus County is an agricultural county located in California's San Joaquin Valley, 90 miles east of San Francisco and 90 miles south of Sacramento. The county's 2010 population is 514,453 and Modesto (county seat) has a population of 201,165. Stanislaus County is projected to be home to 654,000 residents by year 2020. In February 2013, Forbes Magazine ranked Modesto as the 5th "Most Miserable City" in the United States, citing struggles with declining home prices, high foreclosure rates, high unemployment, high crime rates, high sales and income taxes, and service cuts to help close massive budget shortfalls. Stanislaus County demographics¹ include: Male – 254,489 (49.5%), Female – 259,964 (50.5%), Median age – 32.9. Of the 367,295 adults age 18+, 48.6% are male and 51.4% are female. Of the total population, 41.9% are Hispanic/Latino (made up of 37.6% Mexican, 0.6% Puerto Rican, 0.1% Cuban,

EXHIBIT A – ATTACHMENT 1
PROGRAM NARRATIVE

and 3.7% other), and 58.1% are Not Hispanic/Latino (made up of 46.7% White, 2.5% African American, 0.6% American Indian/Alaskan Native, 4.8% Asian, 0.6% Native Hawaiian/other Pacific Islander, and 2.9% other race/two or more races).

Stanislaus County Department of Aging and Veterans Services estimates that there are between 25,000 and 30,000 veterans residing in Stanislaus County. There are currently 473 service members from Stanislaus County deployed out of 208,116 service members statewide. As current operations continue to wind down, many of these service members are returning as veterans to our county. □ □ Far too many veterans are aging, and mental health issues are becoming more prevalent as they age. This is especially true for Vietnam veterans that are approaching retirement or who have recently retired. According to the June 20, 2012 article by Leo Shane III entitled “Retirement might unleash PTSD symptoms in Vietnam veterans” <http://www.stripes.com/news/retirement-might-unleash-ptsd-symptoms-in-vietnam-veterans-1.180888> , last year more than 476,000 veterans received treatment for PTSD from VA hospitals and clinics, and more than half of the new cases came from earlier wars. The average age of a Vietnam vet is 65 years old, and more than 5 million of the nation’s more than 7 million Vietnam-era vets are between 60 and 70 years old. Major life events such as retirement often trigger personal reassessment and forgotten memories. □ □ Tom Berger, director of the health council at Vietnam Veterans of America, states “A lot of people coped with the traumatic experiences in war by throwing themselves into work when they got home. Now, after being a workaholic for 40 years, they suddenly don’t have that structure in their life anymore. I expect there will be more and more folks seeking out help for those issues.” □ □ Programs for veterans with mental health needs in our county exist, however, veterans do not know about them because the services are fragmented. There is a lack of coordination among service providers. There are also transportation issues for older veterans living in the rural areas of our county (for example Patterson, Westley/Grayson, Newman, and Waterford).

Section B: Proposed Services/Programs

- 1. Describe the purpose of the proposed project, including a clear statement of its goals and objectives. These must relate to the performance measures you identify in Section D, Performance Assessment and Data.***

The goal of the program is to provide mental health outreach activities and services to improve combat veterans access to mental health services. Our focus is on serving Vietnam combat veterans that are close to or have already retired, however, we will serve all veterans with the program. We will accomplish this goal through the following objectives:

- Provide mental health outreach activities to combat veterans to increase their understanding and access to mental health services through education and networking opportunities.

EXHIBIT A – ATTACHMENT 1
PROGRAM NARRATIVE

- Conduct mental health assessments and provide referrals to mental health services for veterans (prevent, intervention, access to services).
- Leverage mental health programs and resources available to veterans by collaborating with mental health providers that focus on the health and well-being of veterans in our county.

2. *Identify the service(s)/practice(s) that you propose to implement and discuss how those address the purpose, goals and objectives of your proposed project. Also include the source of your information.*

Our program will focus on 5 main activities: Education, Networking, Prevention, Intervention, and Improved Access to Support Services.

- **Education:** Provide education about mental health and information to veterans and their family members about programs that address mental health issues to reduce the stigma of mental illness. Encourage veterans with signs of mental illness or mental health needs to seek help. Provide a list of resources that the veteran can access to begin the assessment and referrals process, if needed.
- **Networking:** Outreach activities and presentations will be made to Rotary clubs, Kiwanis, Lion, other service clubs, senior centers, Healthy Aging Association classes, Salvation Army, Modesto Gospel Mission, VFW and other veterans services organizations, Behavioral Health and Recovery Services PEI program, Turlock Gospel Mission, United Samaritans Foundation, Healthy Aging Summit, and other community organizations within Stanislaus County to reach out to and engage veterans and their families.
- **Prevention/Intervention:** Provide assessments by Certified Veterans Services Representatives to Stanislaus County veterans to determine their mental health needs. If a possible mental health issue is identified, referrals will be made to the appropriate mental health services provider and follow-up will be provided.
- **Improved Access to Support Services:** Information, timely assessment, and referrals for mental health services and benefits to the veterans in rural areas will be provided by Certified Veterans Services Representatives. Referrals to the Vet Center Counselors and Mental Health Counselors for PTSD, and MST issues that go undetected for years. Enrollment into VA medical services instead of local Medi Cal services will be made as needed, thus saving the State expenditures. Providing the Veterans with Compensation, & Pension benefits to which they are entitled.

Strategies to be employed include:

EXHIBIT A – ATTACHMENT 1
PROGRAM NARRATIVE

- Outreach activities county-wide, including services clubs and homeless shelters.
- Outreach will be provided to rural areas in the county and assessments can be performed in the field wirelessly by a Certified Veterans Services Representative.
- Develop a short presentation for service clubs and community organizations about veterans mental health needs and ways to access services to help them.
- Provide appropriate referrals based on assessments to the Modesto Vet Center, Veterans Services Office, The Pathway Home (California Transition Center for Care of Combat Veterans in Yountville), and VA Outpatient Medical Clinic – Modesto for combat veterans seeking mental health services.

- a. Discuss the evidence that shows that this practice is effective with your target population.*
- b. Document any evidence that the practices you have chosen to implement are appropriate for the outcomes you intend to achieve.*

The Department of Aging and Veterans Services works closely with Healthy Aging Association to provide outreach and education to over 1,600 older adults in Stanislaus County. Healthy Aging Association serve 1,300 unduplicated adults per week in over 34 program sites throughout the county. This is the model that we are replicating for our outreach to veterans.

By having Certified Veterans Service Representatives providing the services and strategies listed above, veterans may be able to access benefits that they otherwise would not be aware of for mental health treatment. This may reduce the financial burden of receiving such services, which could have been perceived as a possible barrier by the veterans. Our representatives have been effective in engaging veterans in an outreach capacity through existing partnerships with organizations that serve older veterans. We recognize that we can take the same model and apply it to Vietnam-era veterans by outreach to service clubs and organizations that they are currently members of (or that their family are members of).

VA Compensation and Pension amounts each year in Stanislaus County exceed \$6.5 million. Medi Cal cost savings of \$785,000.00 each year. Education benefits for Veterans and Dependents county-wide include savings of \$878,778 in college fee waivers for dependents for 2012.

- 3. If the program has multiple components, each component should be listed and clearly described in detail.*

Listed in #2 above.

EXHIBIT A – ATTACHMENT 1
PROGRAM NARRATIVE

Section C – Proposed Implementation Approach

- 1. Describe and provide a rationale for the anticipated impact the proposed project will have on your veteran community.***

Providing mental health outreach and services for all Stanislaus County veterans will enable staff to:

- Properly assess and identify a veteran's mental health needs
- Provide timely referrals to local mental health providers specializing in the treatment of combat veterans
- Provide timely and appropriate treatment modalities for mental health issues.

This streamlined system of services and support will reduce the stigma and encourage those with mental health need to seek help by adopting educational mental health program for veterans and their families. This may prevent higher suicide rates, and criminal actions among our local veterans. Family income will be increased in many cases therefore providing veterans with the ability to provide better for his or her family, ie: better housing, dependable transportation, medical care for family, vacations, etc.

- 2. Describe how achievement of the goals will produce meaningful and relevant results (e.g., increase access, availability, prevention, outreach, pre-services, treatment, and/or intervention).***

These Services will allow all Veterans and their dependents to get the necessary assistance they deserve. Outreach services and access to proper Mental Health Counselors will decrease the Suicide rate tremendously. Veterans will be able to understand what treatment services they have available, and if needed, proper intervention.

- 3. Describe how you will screen and assess clients for the presence of co-occurring mental and substance use disorders and use the information obtained from the screening and assessment to develop appropriate referral services for the persons identified as having such co-occurring disorders.***

A Certified Veterans Services Representative will screen and assess the veterans mental health needs during the intake process for benefits. This includes assessment for the presence of co-occurring mental and substance abuse issues. The representative will make a referral to the Modesto Vet Center, which confidentially holds all information disclosed in the assessment, referral and counseling process. No information will be released without the written consent of the client, except in circumstances averting a

EXHIBIT A – ATTACHMENT 1
PROGRAM NARRATIVE

crisis. The Modesto Vet Center provides readjustment counseling services, which include referrals for co-occurring mental health and substance use disorders. They can provide a more accurate assessment and identification of co-occurring disorders.

Our agency can also provide enrollment and referral for all the VA Mental Health services provided on an outpatient basis in Modesto. From there, the Modesto Community Based Outpatient Clinic may possibly provide referrals to VAMC Palo Alto, CA for their substance abuse /detox programs if warranted.

- 4. *Clearly state the unduplicated number of individuals you propose to serve annually with these funds, including the types and numbers of services to be provided and anticipated outcomes. Note: Unduplicated number of individuals means not counting a veteran receiving services twice (i.e. filing a claim for a mental health-related illness and then referring them to the VA for counseling).***

Provide outreach and education on mental health to 300 unduplicated veterans residing in Stanislaus County during the 11-month grant period. As a result, veterans in Stanislaus County will increase their awareness of mental health issues resulting from combat and where they can go for help.

Provide mental health assessments to 150 unduplicated veterans residing in Stanislaus County. As a result, veterans needing mental health services and support will be referred to and access services to improve their mental health and well-being.

Approximately 5 unduplicated veterans will be referred to Substance Abuse/Detox programs or to Homeless Veterans Re-integration Programs at VAMC Menlo Park, CA. As a result, veterans will receive services to end their dependency on drugs and alcohol and receive treatment for mental illness.

- 5. *Identify any other organizations that will participate in the proposed project. Describe their roles and responsibilities and demonstrate their commitment to the project.***

Education and outreach will be provided to the following organizations. These organizations have regularly scheduled meeting, programs or events and we currently have a relationship with each of these partners:

Rotary clubs, Kiwanis, Lion, other service clubs, senior centers, Healthy Aging Association classes, Salvation Army, Modesto Gospel Mission, VFW and other veterans services organizations, Behavioral Health and Recovery Services PEI program, Turlock Gospel Mission, United Samaritans Foundation, Healthy Aging Summit, and other community and faith-based organizations (churches, etc) within Stanislaus County.

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Mental Health Services and Support (prevention, intervention, access to services). These are partners that we currently have a working relationship with:

VA Modesto Vet Center will provide counseling for PTSD, MST, and Family Grievance issues. The Vet Center also provide Readjustment Counseling Services including individual counseling, group counseling, marital and family counseling, medical referrals, assistance in applying for VA benefits, employment counseling guidance and referral, alcohol/drug treatment referrals, information and referral to community resources, sexual trauma referral services, and community education.

VA Palo Alto Health Care System - Modesto Community Based Outpatient Clinic: Will provide mental health and social work services, including referrals to the Palo Alto clinic for co-occurring mental health and substance abuse issues, if needed.

The Pathway Home – California Transition Center for Care of Combat Veterans: A residential treatment program providing holistic treatment program for veterans that have served our nation's Global War on Terrorism in areas of the world such as Afghanistan and Iraq. The program focuses on mental and physical health, resiliency, and overall functioning.

6. Describe any potential barriers to successful conduct of the proposed project and how you will overcome them.

Barriers include communications to veterans in rural areas of Stanislaus County because of transportation issues. We will provide successful outreach services through local media programs and outreach to community based senior centers, service clubs and other local agencies. By acquiring additional funding to provide staff to outreach into these communities, this will allow us to succeed in our goals.

7. Describe any prior experience that would demonstrate your ability to successfully implement and manage your proposed program.

This program will be implemented by the following experienced staff:

Carolyn Hebenstreich, Senior Certified Veterans Services Representative. Carolyn recently retired after 22 years with the department and now serves as outreach coordinator in a part-time capacity. Carolyn recently testified at a House Committee on Veteran Affairs hearing on April 5, 2012 regarding Vet Center and the Veterans Health Administration: Opportunities and Challenges. Text of her testimony can be found here: <http://veterans.house.gov/witness-testimony/carolyn-s-hebenstreich>

Manager, Jim Greer, Retired USN Mst. Chief. Jim has served as a Veteran Services Representative for Stanislaus County Veterans since 1992. Promoted to Manager 2012.

EXHIBIT A – ATTACHMENT 1
PROGRAM NARRATIVE

Carolyn will be responsible for all outreach and education activities throughout the county, including development of the mental health outreach and education strategy, providing presentations to organizations and veterans, providing assessments and referrals in the field, and supporting the efforts of the other program staff in assessment and referrals. She will maintain and establish relationships with mental health providers that serve veterans.

Jim will provide mental health outreach, assessment, and referrals to homeless and walk-in combat veterans into the Aging and Veterans Services Office.

Our Veterans Service Representatives are thoroughly trained and accredited by the United States Department of Veterans Affairs. Stanislaus County Department of Veterans Affairs Representatives are not employees of the federal government. They are county employees ready to assist with any veterans claim. They assist veterans in securing the maximum benefits. Representatives works closely with service officers from a veterans organization including: AMVETS, American Legion, California Department of Veterans Affairs, Disabled American Veterans, Military Order of the Purple Heart, Paralyzed Veterans of America, Veterans of Foreign Wars, and many other organizations that maintain staff at federal Veterans Affairs Regional Offices.

Representative assist veterans with:

- Compensation for service related disabilities
- Pension for veterans with non-service connected disabilities
- Education benefits and vocational rehabilitation (application and information)
- Medical treatment at VA Medical Centers (application and information)
- Home loan benefits (application for certificate of eligibility and program information)
- Government Life Insurance
- Burial benefits
- Pension for non-service related deaths
- Proceeds of government life insurance
- Military Survivor Benefit Plan (SBP)
- Medical benefits
- Educational benefits, including the California College Waiver Program

Representatives provide information and referral for:

- Agent Orange programs
- Alcoholism and drug treatment programs
- State of California Veterans benefits
- Veterans home loans
- Hospital care
- Outpatient medical and dental care
- Small Business Administration programs

EXHIBIT A – ATTACHMENT 1
PROGRAM NARRATIVE

- Employment and job search resources
- Mental health services

Our staff members previous years of services and Awards of Compensation/Pension benefits to all Stanislaus County Veterans also demonstrates our ability to succeed in this endeavor.

- 8. Describe your plan to continue the project after the funding period ends. Also, describe how program continuity will be maintained when there is a change in the operational environment (e.g., staff turnover, change in project leadership, etc.) to ensure stability over time.**

Once the ground work is laid in improving communications county wide, the Veteran population and County Veteran Services organizations will maintain the necessary assistance to ensure this project will last. Stanislaus County Department of Aging and Veterans Services is applying for continuation funding to renew the program for year 2 of the 3-year grant. Our costs this year as outlined in the 2014-15 budget (\$27,000) have increased slightly as we are designating all of Carolyn's time to this project. If we are not successful in our continuation application, we will work with our grant writing to secure funding to continue the program.

Program continuity will be maintained through administration of the program by the Manager I in our organization. Outreach efforts will be assigned to Carolyn Hebenstreich, an experienced Veterans Services Representatives. Our collaborative team approach to the program will ensure that experienced outreach staff will be maintained regardless of who the person is in the position.

- 9. Provide a proposed per-veteran cost for this program. You should calculate this figure by: 1) taking the total proposed cost of the project over the year of funding; and 2) dividing this number by the total unduplicated number of persons you propose to serve. Justify that this per-person cost is providing high quality services that are cost effective. Describe your plan for maintaining and/or improving the provision of high quality services that are cost effective throughout subsequent years of funding, if so granted. You will be required to report the actual cost per veteran served in your annual report.**

\$27,000 grant/455 unduplicated veterans = \$59.34 per veteran

During our first year of funding (2013-14), we found that we were spending more time working with each individual veteran than we initially projected. Therefore, we have lowered the number of unduplicated veterans that we anticipate serving with CalVet funds to a more realistic caseload. The cost per veteran is still reasonable for the high quality mental health outreach, services, and support provided by the program. We have also increased the budgeted amount for Carolyn Hebenstreich to provide more

EXHIBIT A – ATTACHMENT 1
PROGRAM NARRATIVE

direct service in the program, as she is a proven leader in effective, efficient, and caring support to veterans.

Section D: Performance Assessment and Data

- 1. Document your ability to collect and report on the required performance measures on a quarterly and annual basis.**

We collect detailed data on all veterans served through our Vet Pro Data Management System. We will report on this data to determine our program progress to meeting our stated outcomes on a quarterly and annual basis.

- 2. Describe your plan for data collection, management, analysis and reporting.**

All data is entered into the Vet Pro system after each meeting with a veteran. All services provided, referrals made, and services accessed are recorded in this system.

Outreach and education activities will be counted by number of presentation made, to which groups, and how many were in attendance.

Mental health assessments made in the field will be identified and reported in the system.

Reports will be generated on a monthly basis and analyzed by the Manager I.

- 3. Specify and justify any additional measures or instruments you plan to use for your grant project.**

We will not require any other data collection system other than what the department currently uses.

- 4. Describe how data will be used to manage the project and assure continuous quality improvement, including consideration of behavioral health disparities.**

Data will be used to determine whether or not we are on track with providing education and outreach services to groups throughout the county. Adjustments will be made accordingly.

Tracking of assessment and timely access to services will be analyzed monthly to ensure that veterans referred to services are actually accessing services through a mental health provider and reporting improvement in their mental health outlook.

□ In addition to any narrative related to Performance Assessment and Data, applicants must provide a corresponding table listing all proposed performance measures, summarizing

**EXHIBIT A – ATTACHMENT 1
PROGRAM NARRATIVE**

where/how data will be collected for each performance measure, the goal for each performance measure (to be achieved by the end of the funding year), and provides space to report actual data at the end of each quarter and final (annual) result. This document must include the cost per veteran served data discussed in Section C. This table must be included as an attachment with each quarterly report. A sample is provided below.

Performance Metric	Data Source	Goal	Actual (Qtr 1)	Actual (Qtr 2)	Actual (Qtr 3)	Actual (Qtr 4)
1. Cost per Veteran Served	Actual project expenditure from county accounting reports, veterans served from case management files, outreach activities	\$59.34 per veteran				
2. Provide outreach and education on mental health to 300 unduplicated veterans residing in Stanislaus County during the 11 month grant	Number of presentations, number in attendance and how many are veterans. Sign-in Sheets	As a result, 300 veterans in Stanislaus County will increase their awareness of mental health issues resulting from combat and where they can go for help.				
3. Provide mental health assessments to 150 unduplicated veterans residing in Stanislaus County	Intake and Assessment Forms Vet Pro	As a result, 150 veterans needing mental health services and support will be referred to and access services to				

EXHIBIT A – ATTACHMENT 1
PROGRAM NARRATIVE

Performance Metric	Data Source	Goal	Actual (Qtr 1)	Actual (Qtr 2)	Actual (Qtr 3)	Actual (Qtr 4)
		improve their mental health and well-being				
4. Approximately 5 unduplicated veterans will be referred to Substance Abuse/Detox programs or to Homeless Veterans Re-integration Programs at VAMC Menlo Park, CA	Intake and Assessment Forms Vet Pro	As a result, 5 veterans will receive services to end their dependency on drugs and/or alcohol and receive treatment for mental illness.				

EXHIBIT B
BUDGET DETAIL AND PAYMENT PROVISIONS

1. The State agrees to make the following periodic payments:
 - A. The first payment shall be made upon approval of the contract in the amount of \$6,250.00.
 - B. The remaining three payments shall be made upon receipt of quarterly invoices by the Veterans Services Manager.
2. Future quarterly payments shall only be provided upon receipt of the quarterly invoice along with the appropriate reports specified in Exhibit A. Invoices shall include the County name, address and telephone number, and Agreement Number **14XS0012**. Invoices that do not contain, as a minimum, the above information may be denied and returned to the County.
3. See Exhibit B Attachment 1 for further budget detail regarding how the county will make use of the grant funding.
4. Quarterly invoices shall be submitted to the Contract Manager no later than the following dates:
 - A. February 28, 2014
 - B. June 1, 2014
 - C. October 31, 2014
5. All quarterly invoices shall be submitted as follows:
 - A. An original invoice to:

California Department of Veterans Affairs
Attention: Accounting, 4th Floor
1227 O Street
Sacramento, CA 95814
 - B. A copy of the original for approval of payment to:

Stewart MacKenzie, Veterans Services Manager
California Department of Veterans Affairs
1227 O Street, Room 105
Sacramento, CA 95814
6. **Budget Contingency Clause:** It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Agreement and Contractor shall not be obligated to perform any provisions of this Agreement.

If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either: cancel this Agreement with no liability occurring to the State, or offer an Agreement amendment to Contractor to reflect the reduced amount.

EXHIBIT B
BUDGET DETAIL AND PAYMENT PROVISIONS

7. Prompt Payment Clause: Payment will be made in accordance with and within the time specified in Government Code, Chapter 4.5 (commencing with section 927).

**EXHIBIT B ATTACHMENT 1
 BUDGET FORM**

**Appendix B – Budget Form
 Stanislaus County Department of Aging and Veterans Services
 Veterans Mental Health Outreach Program 2014-15
 Budget Form**

A. Personnel				
Position	Hourly Wage	FICA/Med. Supp. or Program	Mo. Yr. Serving in Program	Cost
Mgr I – Certified Veterans Rep (Greer)	\$24.50	16	11	\$4,312
Certified Veterans Representative (Hebenstreich)	\$20.00	65	11	\$14,300
			Total	\$18,612
B. fringe benefits				
Component	Rate	Annual Wage	Cost	
Retirement	21%	\$4,312	\$906	
FICA/MediCal (Greer)	7.65%	\$4,312	\$330	
FICA/MediCal (Hebenstreich)	1.45%	\$14,300	\$207	
Health Insurance (Greer)	2%	\$4,312	\$86	
Workers Compensation	0.93%	\$18,612	\$173	
Unemployment	0.68%	\$18,612	\$127	
			Total	\$1,829
C. Travel				
Location	Purpose	Rate/Mileage (Only)	Cost	
Within Stanislaus County	Outreach to Veterans and Organizations	\$0.56/mile for 1500 miles	\$840	
			Total	\$840
D. Supplies				
Item	Rate / Cost x Months		Cost	
Office Supplies	\$63.45/month x 11 months		\$698	
Outreach Brochures	\$1500/month x 1 month		\$1,500	
			Total	\$2,198
E. Contracting				
Name	Service	Rate / Cost/Individual or Individual x Days	Cost	
None				
			Total	\$0
F. Other				
Item	Rate		Cost	
Indirect Costs	15%		\$3,521	
			Total	\$3,521

**EXHIBIT B ATTACHMENT 1
 BUDGET FORM**

Totals			
Section A: Personnel	\$18,612	Section D: Supplies	\$2,198
Section B: Fringe Benefits	\$1,829	Section E: Contracting	\$0
Section C: Travel	\$840	Section F: Other	\$3,521
			Total Requesting \$27,000

Appendix C – Budget Narrative

**Stanislaus County Department of Aging and Veterans Services
 Veterans Mental Health Outreach Program**

Budget Narrative

Section A: Personnel

All salaries for program staff are calculated for staff members that will be assigned to the outreach program at their actual hourly rate. Each staff member will outreach to combat veterans for assessment and inform them of mental health services and supports as appropriate. Manager I, Jim Greer, will oversee the Certified Veterans Services Representative, Carolyn Hebenstreich, who will be responsible for all outreach and education activities throughout the county, including development of the mental health outreach and education strategy, providing presentations to organizations and veterans, providing assessments and referrals in the field, and supporting the efforts of the other program staff in assessment and referrals. She will maintain and establish relationships with mental health providers that serve veterans. Jim, as a Certified Veterans Services Representative, will provide mental health outreach, assessment, and referrals to homeless and walk-in combat veterans into the Aging and Veterans Services Office.

Section B: Fringe Benefits

All fringe benefit rates are based upon current rates for each identified staff member. **Note:** Carolyn Hebenstreich has elected not to receive Retirement or Health Insurance benefits.

Section C: Travel

Travel to/from the Department of Aging and Veterans Services to outreach sites throughout Stanislaus County by the Certified Veterans Representative. Calculated at 1500 miles per year at 56 cents per mile. Outreach sites include senior centers, service and civic clubs, homeless shelters, veterans services providers, and other community-based organizations that serve adults.

Section D: Supplies

Office Supplies include pens, paper, handouts, assessment forms, folders, envelopes, postage, etc to be used for the program. A Mental Health for Combat Veterans Outreach Brochure will be developed providing information about mental health needs of combat veterans, reducing the stigma, signs and symptoms of depression/PTSD and other mental health issues, how to access mental health services through local veterans services organizations, and referrals. The brochures will be distributed during outreach events and presentations and will be available at key sites throughout the county.

EXHIBIT B ATTACHMENT 1
BUDGET FORM

Section 6 - Contingency
None
Section 7 - Indirect
Indirect Costs for rent, administrative overhead, utilities, etc. for Stanislaus County Department of Aging and Veterans Services calculated at 15% of direct costs of the program. $\square \$23,479 \times 15\% = \$3,521$

EXHIBIT C
GENERAL TERMS AND CONDITIONS

PLEASE NOTE: This page will not be included with the final agreement. The General Terms and Conditions will be included in the agreement by reference to Internet site www.ols.dgs.ca.gov/Standard+Language/default.htm

EXHIBIT D
SPECIAL TERMS AND CONDITIONS

1. EXCISE TAX:

The State of California is exempt from Federal Excise Taxes, and no payment will be made for any taxes levied on employees' wages. The State will pay for any applicable State of California or local sales or use taxes on the services rendered or equipment or parts supplied pursuant to this Contract. California may pay any applicable sales or use tax imposed by another state.

2. STATUTORY AND REGULATORY PROVISIONS

A. This Contract shall be governed and construed in accordance with all applicable statutory and regulatory provisions including, but not limited to:

- 1) Title XVIII of the Federal Social Security Act
- 2) Title XIX of the Federal Social Security Act
- 3) Chapters 7 and 8 (commencing with Section 14000), Part 3, Division 9, Welfare and Institutions Code
- 4) Division 3, Title 22, California Code of Regulations (CCR)
- 5) Health and Safety Code Section 1340 et seq.
- 6) All applicable Federal provisions which regulate the administration of health care programs and budget revisions, as contained in the Code of Federal Regulations (CFR), Title 42, and Title 45, Part 74, Title 42 United States Code, Sections 1395 et seq. and 1396 et seq.
- 7) Sub-chapter 13 (commencing with Section 6800), Chapter 4, Part 1, Title 17, CCR; and
- 8) All other applicable laws and regulations.

B. Any provision of this Contract in conflict with the applicable laws and regulations is hereby amended to conform to the provisions of those laws and regulations. Such amendment of the Contract shall be effective on the effective date of the statutes or regulations necessitating it, and shall be binding on the parties even though the amendment may not have been reduced to writing and formally agreed upon and executed by the parties. If, due to amendment in laws or regulations, Contractor is unable or unwilling to comply with the provisions of the amendment(s), State or Contractor may terminate this Contract in accordance with the Termination provision of this Contract.

3. EXAMINATION AND AUDIT

A. Contractor shall allow the State and its related entities, the Comptroller General of the United States, Department of Justice (DOJ), and the Bureau of Medi-Cal Fraud, or their duly authorized representatives, to inspect or otherwise evaluate the quality, appropriateness, and timeliness of services performed under this Contract, and to inspect, evaluate, and audit any and all books, records, and facilities maintained by the Contractor and Subcontractors pertaining to services under this Contract at any time during normal business hours.

B. Contractor shall be subject to the examination and audit of the State Auditor for a period of three (3) years after final payment under this Contract in accordance with *Government*

EXHIBIT D
SPECIAL TERMS AND CONDITIONS

Code, Section 85467.7. The examination and audit shall be confined to those matters directly connected with the performance of the contract, including, but not limited to, the costs of administering the Contract.

- C. Books and records include, but are not limited to, all physical records originated or prepared pursuant to the performance under this Contract, including working papers, reports, financial records, and books of account, Medical Records, prescriptions files, Subcontracts, and any other documentation pertaining to medical and non-medical services for residents of the Home. Upon request, at any time during the term of this Contract, the Contractor shall furnish any record or copy.

4. **RESOLUTION OF DISPUTES:**

The Contractor may dispute and appeal a decision or action by the State arising out of the interpretation or administration of this Contract. A written dispute notice shall be submitted to the Contract Manager within thirty (30) calendar days from the date the Contractor receives notice of the decision or action in dispute.

The Contractor's dispute notice shall state, on the basis of the most accurate information then available to the Contractor, the following:

- A. That it is a dispute pursuant to this Section.
- B. The date, nature, and circumstances of the conduct, which is the subject of dispute.
- C. The names, telephone numbers, function, and activity of each contractor, subcontractor, State official, or employee involved in or knowledgeable about the conduct.
- D. The identification of any documents and the substance of any oral communications involved in the conduct. Copies of all identified documents shall be attached.
- E. The reason why the Contractor is disputing the conduct.
- F. The cost impact to the Contractor directly attributable to the alleged conduct, if any.
- G. The Contractor's desired remedy.
- H. The State and the Contractor agree to try to resolve all contractual issues by negotiation and mutual Contract at the Contract Manager level. The parties recognize that the implementation of this policy depends on open-mindedness, and the need for both sides to present adequate supporting information on matters in question. The Contract Manager in a written decision stating the factual basis for the decision will decide any disputes concerning performance of this Contract. Before issuance of the Contract Manager's decision, informal discussions between the parties by the individuals who have not participated substantially in the matter in dispute will be considered by the parties in efforts to reach mutual Contract.
- I. The Contract Manager will render a decision or request additional substantiating documentation from the Contractor within thirty (30) days of receipt of the Contractor's appeal. A copy of the decision will be provided to the Contractor. The decision shall be final and conclusive unless, within thirty (30) days from the date of the decision, the Contractor files a written appeal addressed to the Undersecretary, California Department of Veterans Affairs.
- J. The Undersecretary's decision shall be final and conclusive unless the decision is arbitrary, capricious, grossly erroneous or if any determination of fact is unsupported by substantiating evidence. The Undersecretary's decision will be in writing and may

EXHIBIT D
SPECIAL TERMS AND CONDITIONS

encompass facts, interpretations of the Contract, and determination or application of law. The Contractor may, prior to the Undersecretary's decision, present oral or documentary evidence, and arguments in support of the Contractor's appeal. The decision will either:

- 1) Find in favor of the Contractor, in which case the Undersecretary may:
 - a. Countermand the earlier conduct which caused the Contractor to file a dispute; or
 - b. Reaffirm the conduct and, if there is a cost impact sufficient to constitute a change in obligations pursuant to the payment provisions, direct the State to comply with that Section.
- 2) Deny the Contractor's dispute and, where necessary, direct the manner of future performance; or
- 3) Request additional substantiating documentation in the event the information in the Contractor's dispute or appeal is inadequate to permit a decision to be made under paragraphs (1) or (2) above, and will advise the Contractor as to what additional information is required, and establish how that information will be furnished. The Contractor shall have thirty (30) days to respond to the Undersecretary's request for further information. Upon receipt of this additional requested information, the Undersecretary will have thirty (30) days to respond with a decision. Failure to supply additional information required by the Undersecretary within the time period specified above shall constitute waiver by the Contractor of all claims.
- 4) Attorney's fees and costs for any dispute or subsequent trial shall be borne by the respective parties. Both parties waive trial by jury, and any trial in superior or municipal court shall be by a judge alone. Any litigation arising out of this Contract shall be conducted in a California Court pursuant to California law.
- 5) Contractor shall continue with the responsibilities under this Contract during any dispute.

5. AGENCY LIABILITY:

The Contractor warrants by execution of this Contract, that no person or selling agency has been employed or retained to solicit or secure this Contract upon Contract or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty, the State shall, in addition to other remedies provided by law, have the right to annul this Contract without liability, paying only for the value of the work actually performed, or otherwise recover the full amount of such commission, percentage, brokerage, or contingent fee.

6. POTENTIAL SUBCONTRACTORS:

EXHIBIT D
SPECIAL TERMS AND CONDITIONS

Nothing contained in this Contract or otherwise shall create any contractual relation between the State and any subcontractors, and no subcontract shall relieve the Contractor of its responsibilities and obligations hereunder. The Contractor agrees to be as fully responsible to the State for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by any of them, as it is for the acts and omissions of persons directly employed by the Contractor.

The Contractor's obligation to pay its subcontractors is an independent obligation from the State's obligation to make payments to the Contractor. As a result, the State shall have no obligation to pay or enforce the payment of any moneys to any subcontractor.

7. **RIGHT TO TERMINATE**

- A. The State reserves the right to terminate this Contract subject to thirty (30) days written notice to the Contractor. Contractor may submit a written request to terminate this Contract only if the State should substantially fail to perform its responsibilities as provided herein. However, the Contract can be immediately terminated for cause. The term "for cause" shall mean that the Contractor fails to meet the terms, conditions, and/or responsibilities of the contract. In this instance, the contract termination shall be effective as of the date indicated on the State's notification to the Contractor.
- B. This Contract may be suspended or cancelled without notice, at the option of the Contractor, if the Contractor or State's premises or equipment are destroyed by fire or other catastrophe, or so substantially damaged that it is impractical to continue service, or in the event the Contractor is unable to render service as a result of any action by any governmental authority.

8. **FORCE MAJEURE:**

Neither party shall be liable to the other for any delay in or failure of performance, nor shall any such delay in or failure of performance constitute default, if such delay or failure is caused by "Force Majeure." As used in this section, "Force Majeure" is defined as follows: Acts of war and acts of god such as earthquakes, floods, and other natural disasters such that performance is impossible.

9. **HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) STANDARDS FOR PRIVACY OF INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION**

For the purpose of this contract, contractor shall comply with the federal Health Insurance Portability and Accountability Act (HIPAA), as well as State and Federal requirements for privacy protection. The definitions and obligations required by the HIPAA Standards for Privacy of Individually Identified Health Information (U.S.C. 1320d et seq.), and implementing regulations including but not limited to 45 Code of Federal Regulations parts 142, 160, 162, and 164, hereinafter referred to as the Privacy Rule, remain enforce and applicable for access to protected health information, including electronic protected health information.