



AGENDA REPORT

TO: Steven Falk
Interim City Administrator

FROM: Scott Means
Interim Director, Human
Services

SUBJECT: Multipurpose Senior Services
Program FY 2023-2024 Standard
Agreement

DATE: May 17, 2023

City Administrator Approval

Date: Jun 1, 2023

RECOMMENDATION

Staff Recommends That The City Council Adopt a Resolution:

1. Authorizing The City Administrator To Apply For And Accept A State Of California Standard Agreement In The Amount Of \$1,976,364 And Enter Into Agreement Number MS-2324-01 With The State Of California Department Of Aging (CDA) For The Multipurpose Senior Services Program (MSSP) For Fiscal Year (FY) 2023- 2024; And
2. Waiving The City's Competitive Procurement Process And Authorizing The City Administrator To Procure MSSP Related Goods And Award Professional Services Agreements To Bay Area Vital Link, Lifeline Systems, Community Care Services, And Home Instead, As Well As From Vendors That Are Yet To Be Selected, For Two-Year Agreements Within The Limits Of MSSP Funding; And
3. Waiving The Local And Small Local Business Enterprise Program (L/SLBE) Requirements For Bay Area Vital Link
4. Authorizing A Contribution From The General Purpose Fund In An Estimated Amount Of \$597,350 For Departmental And Central Services Overhead Charges As Direct Offset; And
5. Authorizing The City Administrator To Accept And Appropriate Any Additional Funds That Become Available From CDA Within The Agreement Terms For The Same Purposes In FY 2023-2024, And Amend The Standard Agreement With CDA To Increase The Amount

EXECUTIVE SUMMARY

Adoption of the proposed resolution will allow the City Administrator to apply for and accept funds from the State of California, Department of Aging for the Multipurpose Senior Service Program (MSSP) in the amount of \$1,976,364 for Fiscal Year (FY) 2023-2024. MSSP provides in-home supportive services to over 369 frail, low-income elderly individuals who are at risk of nursing home placement. Services include case management, the purchase of professional services, such as emergency response system installation and monitoring and respite for caregivers, goods including non-durable medical devices, and home accommodations necessary for health and safety. The resolution also authorizes a contribution from the General Purpose Fund in the amount equivalent to the Departmental and Central Services Overhead Charges estimated at \$597,350, as a direct offset.

BACKGROUND / LEGISLATIVE HISTORY

The City of Oakland's Human Services Department, (HSD) Aging and Adult Service Division, empowers seniors and adults with disabilities through life-enriching and life-sustaining programs and services such as MSSP. Oakland frail elders (age 65 and over) have multiple chronic disabilities that put them at risk of early death or institutionalization. MSSP provides culturally appropriate comprehensive case management services to keep Medicare eligible frail elders out of nursing homes, safe and independent in their own homes, increasing their quality of life when they are most vulnerable.

Enabling Legislation

In 1977, the California Legislature authorized the Multipurpose Senior Services Project as a four-year research and demonstration project. The objective of the project was to obtain information on cost-effective methods of preventing the inappropriate institutionalization of elderly persons.

The Torres-Felando Long Term Care Reform Act of 1982 (Chapter 1453) provided for the conditional continuation of MSSP beyond its sunset of June 30, 1983.

The program would thereafter be an ongoing program if it proved cost-effective, and the State could obtain federal authority to fund the program through a Medicaid Home and Community-Based Care Waiver. The authorizing State legislation is contained in California Welfare and Institution Code, Section 9560 et seq.

The City of Oakland, MSSP has the distinction of being CDA, MSSP Site 01. The first to receive a Standard Agreement to provide these cost-effective, life-sustaining services, in 1977.

In 2021 the Department of Health Care Services (DHCS) and the California Department of Aging (CDA) submitted an amendment of the Multipurpose Senior Services Program (MSSP) Waiver to the Centers for Medicare & Medicaid Services (CMS) for approval. Major changes to the MSSP Waiver include:

- Adding participant slots and corresponding funding effective January 1, 2022, due to changes in the State Governor's 2021-22 Budget. Effective July 1, 2022, the three-year appropriation that allowed for a rate increase for care management and care management support for the first three years of the Waiver cycle is permanent.
- Carving the MSSP program out of the 1115 Bridge to Reform Demonstration Waiver known as the Coordinated Care Initiative (CCI). Effective January 1, 2022, all MSSP sites operate under the Fee-For-Service (FFS) methodology.

The City of Oakland, MSSP maximum per month participant slots increased from 328 to 369. Oakland's, MSSP was not a part of CCI and has always operated as Fee-For-Service.

ANALYSIS AND POLICY ALTERNATIVES

The Citywide priorities advanced by this recommended policy action include **holistic community safety**, and **housing, economic, and cultural security**.

MSSP is funded through a Standard Agreement with the California Department of Aging (CDA), which administers the federal 1915(c) Home & Community-Based Waiver to meet the needs of people who prefer to receive long-term care services and supports in their home and community. The goal of MSSP is to prevent or delay nursing placement and to provide community support and resources to seniors who are at risk of nursing home care and homelessness. The program promotes participant self-determination and fosters independent living for frail/disabled elders within the least restrictive environment and is a proven, cost-effective alternative to nursing home placement. Using a medical, and psychosocial model, the multidisciplinary team of MSSP nurses and social workers ensure seniors who are frail, and disabled are connected to social and health services and other community supports. The alternative to not providing these services is the inequity of premature death, nursing home placement and homelessness of our most vulnerable citizens – the oldest old, poorest poor and largest growing segment of the population. For 45 consecutive years, the City of Oakland's MSSP has prevented or delayed these consequences for thousands of Oakland residents. MSSP is essential to securing a safety net for frail/disabled elders of Oakland and ensures their ability to age in the least restrictive environment – their own home

WAIVER OF ADVERTISING AND BIDDING AND THE LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE PROGRAM (L/SLBE) REQUIREMENT

Oakland Municipal Code (OMC) sections 2.040.040(B) and 2.04.050 require advertising and competitive bidding for contracts for the purchase of services, supplies or combination required by the City. However, OMC section 2.04.050.I provides that the Council may waive advertising and competitive bidding requirements when calling for bids on a competitive basis is impracticable, unavailing or impossible, or when it is in the best interests of the City.

Oakland Municipal Code (OMC) sections [2.040.040\(B\)](#) and [2.04.051.A](#) require the City Administrator to conduct a request for proposals/qualifications ("RFP/Q") process for professional services contracts. However, OMC section [2.04.051.B](#) allows Council to waive the RFP/Q requirements upon a finding by the Council that it is in the best interest of the City to do so.

The CDA Standard Agreement funds include \$158,111 designated to purchase goods and services needed to protect the health and safety of frail elderly participants. Due to the unique circumstances of this program, obtaining goods and services through the City's normal, competitive process would limit the staff's ability to purchase in a cost-effective and timely manner. The CDA funds are used to buy personal care items, appliances, non-medical home equipment, and services such as respite. Due to the specialized nature of what is being purchased, there are a limited number of suppliers, often only a single supplier, who can meet the needs of the participants. The CDA mandates MSSP providers to purchase items in a timely manner *based on participant choice*, including brand and vendor. The City's bidding process timelines and vendor selection render it challenging to meet the requirements of the CDA Agreement. Therefore, as granted in prior years, the staff is requesting a waiver of the advertising and competitive bidding, as well as RFQ/P requirements for the purchase of services or supplies for MSSP participants. This will allow staff to meet the mandate that is a part of the 1915c Waiver application between CDA, CMS, and the City of Oakland's agreement, which states that individuals are given the choice among waiver services and providers. This approach is referred to as Freedom of Choice.

Staff proposes that the City waive the competitive procurement process for purchasing goods and services for MSSP participants and enter into Professional Service Agreements with local vendors which have a track record to ensure service delivery. This includes the following vendors per service type:

Communication/Emergency Response

Bay Area Vital Link - <https://vital-link.com/>

Lifeline Systems - <https://www.lifeline.com/>

Chore/Personal Care/Respite

Community Care Services - <https://www.communitycareservicesinc.com/>

Home Instead - <https://www.homeinstead.com/location/272>

Communication/Emergency Response maintains and monitors preexisting hardware that has been installed in client homes. It would not be fiscally viable to change these vendors through a Request for Proposals/Qualifications (RFP/Q) process because it would require the purchase and re-installation of equipment that has already been paid for with agreement funds. In addition, the transition period between monitoring and response agencies could potentially put the participant's health and safety at risk.

Chore/Personal Care/Respite services provided by local agencies deliver a continuum of care for frail seniors, whose in-home workers have established relationships with the clients equivalent to a primary medical care provider/patient relationship. In some instances, the agencies have hired family members, especially for monolingual non-English speaking clients. The agency has gone through a vendor process with those family members to reimburse them as care providers. This process allows clients, many dealing with cognitive issues such as dementia, to receive support from their own family members as in-home care providers.

Staff proposes that the City Council waive Local and Small Local Business Enterprise L/SLBE Program guidelines adopted by Ordinance No. 13647 C.M.S., for Bay Area Vital Link. Bay Area Vital Link is an Oakland based business, that is in the process of applying for the L/SLBE certificate but is not currently certified as a local or small local business under the Program guidelines. Bay Area Vital link is uniquely qualified to perform the services under this agreement

because it is the only local business that provides these services. Staff requests the waiver as a precaution in the event the certification process is not completed by contracting time.

FISCAL IMPACT

Without MSSP, potentially 369 frail elderly /disabled Oakland residents per month are immediately at risk of nursing home placement or homelessness, adding further strain to our healthcare and social service issues. In addition, fourteen current City of Oakland staff positions would be lost.

MSSP is a Medicaid Waiver, fee-for-service, reimbursement agreement program. To bill MediCal and collect the full \$1,976,364, City must serve 100 percent of the participant capacity, which is 369 participants per month. This mandate requires adequate staff to meet the caseload ratio of 40 participants to 1 Case Manager. Oakland MSSP continues to struggle with hiring staff and currently needs 3 additional Case Managers to meet the target goal. Should the MSSP program not meet the target, then it will need further city support to cover the gap between the actual cost and the amount reimbursed from CDA.

The resolution requests contributions of General Purpose Funds for the Departmental, and Central Services Overhead costs in the amount of \$597,350 as a direct offset.

This ongoing agreement is funded by Title XIX, Social Security Act Funds, and the State of California. This funding will be included in the City's FY 2023- 2025 Biennial Budget and appropriated in the Department of Health and Human Services Fund (2128), Multipurpose Senior Services Program Organization (75231), Empowering Seniors & People with Disability Program (YS14), and MSSP FY23-24 Admin Project/Award (1006715/24317), MSSP FY23-24 Case Management Project/Award (1006716/24317), and MSSP FY23-24 Waived Services Project/Award (1006717/24317).

The annual MSSP per-slot rate is \$5,356 per year. Compared to the San Francisco Bay Area annual nursing home rate of \$182,500, MSSP remains a significant cost saving for taxpayers and provides a more community-centered set of services.

1. AMOUNT OF STANDARD AGREEMENT RECOMMENDATION/COST OF PROJECT

Project Delivery	\$1,818,253
Professional Services	<u>\$158,111</u>
TOTAL PROJECT COSTS	\$1,976,364

2. COST ELEMENTS OF AGREEMENT/CONTRACT

Professional Services Contracts/Purchases	\$158,111
Management/Support/Administration Salaries & Benefits	\$556,031
Case Management Salaries & Benefits	\$1,234,811
Operating Costs	<u>\$27,411</u>

TOTAL AGREEMENT/CONTRACT AMOUNT	\$1,976,364
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3. COST ELEMENTS OF GENERAL PURPOSE FUND CONTRIBUTION

Departmental and Central Services Overhead Costs	\$597,350
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TOTAL GENERAL PURPOSE FUND CONTRIBUTION AMOUNT	\$597,350
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SOURCE OF FUNDING:

California Department of Aging, and City of Oakland, General Purpose funds. Historically, the Standard Agreement does not cover the Departmental, and Central Services Overhead charges that the City assigns to every project as a part of the citywide overhead costs. This resolution would authorize the allocated total for the Agreement of \$597,350 to be covered through a direct offset contribution from the General Purpose Fund (GPF) 1010.

PUBLIC OUTREACH / INTEREST

The MSSP Site Director/Senior Services Supervisor works closely with internal and external parties, including the Multipurpose Senior Services Program Association, CDA Program Analyst, Alameda County Senior Services Coalition, Health Care Services, Hospice, City of Fremont – Aging and Family Services, Center for Elders Independence and community-based organizations serving the elder population. Referrals come from hospital discharge planners, public health nurses, County Adult Protective Services (APS) nurses and social workers, MSSP staff case findings, community outreach presentations, and word-of-mouth. The number of referrals as of the end of the third quarter of 2023 was twenty-one. The average number of days on the waitlist at the end of the second quarter was 59.

The Human Services Department receives hundreds of calls from the public inquiring about services for seniors. Particularly, family, friends, and neighbors that are concerned about declining elders that need case management.

The MSSP referral form is a fillable pdf document available at:
<https://cao-94612.s3.amazonaws.com/documents/MSSP-Client-Referral-Form.pdf>.

COORDINATION

This report and legislation have been reviewed by the Office of the City Attorney and the Budget Bureau.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

Performance measurements are tracked, including the number of clients served, the number of services arranged or delivered, waitlist statistics, and the percentage of clients reporting satisfaction.

Client satisfaction surveys are sent on an annual basis as mandated by the CDA. In FY 2021-2022, a total of 303 current and former clients were sent surveys (former clients that had moved out of the area or had passed away were excluded). Of these, 142 clients - 47% of the total responded. The results show 95% believe the services provided by MSSP assist them in remaining independent, 90% rated their experience with the staff and services as excellent or good, 4% rated their experience with the staff and services as satisfactory, and 6% left this question blank. When asked if their case manager understood their problems enough to help them 97% responded "Yes." When asked if they would recommend MSSP to other people they know who need services to remain at home, 92% of respondents said "Yes".

An internal peer review is conducted semiannually and reported to CDA. CDA conducts an external program Utilization Review biennially. The last CDA program review was conducted May 2, 2022, through May 6, 2022. No corrective actions were required.

The contracted service providers are assessed quarterly for satisfaction with services provided as mandated by the CDA. Case Managers from MSSP report any challenges they have with any services or complaints from clients. Staff work to resolve any issues or challenges and the results are reported to the California State Department of Aging as part of a more comprehensive quarterly report.

Informal feedback from clients in the form of phone calls, thank you cards and letters expressing satisfaction with the service is also tracked.

SUSTAINABLE OPPORTUNITIES

Economic: MSSP contractors, who are Oakland-based business operators, employ Oakland residents who provide the necessary services to frail elder program participants. MSSP will continue to invest in the Oakland community by purchasing services and equipment for frail seniors from Oakland-based businesses.

Environmental: There are no environmental impacts associated with this policy recommendation.

Race & Equity: The average age of the City of Oakland MSSP participants is 81.50. Eighty-seven percent are ethnic/racial minorities, 100 percent are low-income, and participants disproportionately utilize hospital emergency rooms or become nursing home patients due to a lack of knowledge of the healthcare system and inability to coordinate their own care.

Services provided by MSSP make it easier for seniors who are frail and disabled to access services to which they are entitled. The social and health services provided by MSSP improve the quality of life for seniors who are frail and homebound, who are socially disadvantaged and at-risk of placement into nursing homes. Nurse and Social Work staff provide culturally sensitive Case Management service. The program currently has language certified staff who speak Spanish, Cantonese, and Mandarin. All of the MSSP forms and documents are translated in the following languages:

- Arabic
- Armenian
- Chinese (Simplified and Traditional)
- Farsi
- Korean
- Russian

- Tagalog
- Vietnamese

The MSSP also serves other non-English monolingual elders through the City of Oakland, Equal Access Language Line interpreter service.

As of April 1, 2023, **267** unduplicated clients who are Oakland residents were served in FY 2022-2023. MSSP served **49** clients who live outside of Oakland for a total of **316** clients. The gender, racial, and zip code breakdown for City of Oakland participants are shown in **Table 1** below.

Table 1

MSSP Unduplicated Client Counts as of April 1, 2023											
Zip Code	Total Count	Race								Sex	
		Asian/ Pacific Isla	African American	Latino	White	Native American	Indian	Middle Eastern	Declined	M	F
Homeless	0	0	0	0	0	0	0	0	0	0	0
94601	72	23	5	40	4	0	0	0	0	26	46
94602	11	4	2	1	4	0	0	0	0	3	8
94603	13	0	12	1	0	0	0	0	0	4	9
94605	16	1	8	3	4	0	0	0	0	5	11
94606	19	8	3	0	7	1	0	0	0	3	16
94607	45	30	13	0	2	0	0	0	0	13	32
94608 Oakland only	9	0	9	0	0	0	0	0	0	1	8
94609	8	7	1	0	0	0	0	0	0	4	4
94610	7	1	3	0	2	1	0	0	0	2	5
94611	17	10	3	1	3	0	0	0	0	5	12
94612	36	32	3	0	1	0	0	0	0	11	25
94618	1	0	0	0	0	0	0	1	0	1	0
94619	3	2	0	1	0	0	0	0	0	0	3
94621	10	1	6	2	1	0	0	0	0	1	9
Totals	267	119	68	49	28	2	0	1	0	79	188
	100%	45%	25%	18%	10%	.007%	0.00%	.003%	0.00%	30.00%	70.00%

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution:

1. Authorizing The City Administrator To Apply For And Accept A State Of California Standard Agreement In The Amount Of \$1,976,364 And Enter Into Agreement Number MS-2324-01 With The State Of California Department Of Aging (CDA) For The Multipurpose Senior Services Program (MSSP) For Fiscal Year (FY) 2023- 2024; And
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5. Authorizing The City Administrator To Accept And Appropriate Any Additional Funds That Become Available From CDA Within The Agreement Terms For The Same Purposes In FY 2023-2024, And Amend The Standard Agreement With CDA To Increase The Amount

For questions regarding this report, please contact Hakeim McGee, Acting Aging and Adult Services Manager at (510) 238-62311.

Respectfully submitted,



SCOTT MEANS

Interim Director, Human Services Department

Prepared by:
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