



# ORDINANCE No. 2532

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

### ORDINANCE REPLACING IN ITS ENTIRETY CHAPTER II, ARTICLE 11 OF THE NEVADA COUNTY ADMINISTRATIVE CODE

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

#### SECTION I:

##### **Findings and Declarations**

- A. Pursuant to Article XI, section 7 of the California Constitution, the County of Nevada ("County") may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its residents.
- B. Implementation of a County organized health system is authorized by Cal. Welf. & Inst. Code § 14087.54.

#### SECTION II:

1. Chapter II: "ADMINISTRATION" of the Nevada County Administrative Code is hereby revised and amended to read as shown in "Exhibit A" attached hereto and incorporated by reference.

#### SECTION III:

Severability. If any provision of these Articles or the application thereof to any person or circumstance is held invalid, the remainder of these Articles, including the application of such part or provision to other circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of these Articles are severable. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one (1) or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

#### SECTION IV:

This Ordinance shall be passed and adopted immediately after notice and a public hearing as required by statute, and shall take effect and be in force at the expiration of thirty (30) days from and after its passage, and shall become operative on the 7th day of December 2023, and before the expiration of fifteen (15) days after its passage a summary shall be published once, with the names of Supervisors voting for and against same in the Union, a newspaper of general circulation printed and published in the County of Nevada.

PASSED AND ADOPTED by a majority vote of the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 7th day of November, 2023, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward C. Scofield, Lisa Swarthout, Susan Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: 

  
Edward C. Scofield, Chair

**EXHIBIT A**  
**ADMINISTRATIVE CODE**  
**CHAPTER II: ADMINISTRATION**  
**ARTICLE 11: PARTNERSHIP HEALTHPLAN OF CALIFORNIA**  
**COMMISSION**

**Sections:**

<b>Sec. A-II 11.1</b>	<b><u>Intent Purpose</u></b>
<b>Sec. A-II 11.2</b>	<b>Authorization to Join Commission</b>
<b>Sec. A-II 11.3</b>	<b>Membership of Commission</b>
<b>Sec. A-II 11.4</b>	<b>Term of Office</b>
<b>Sec. A-II 11.5</b>	<b><u>Powers and Duties of Commission Committees</u></b>
<b><u>Sec. A-II 11.6</u></b>	<b><u>Obligations of Commission</u></b>
<b><u>Sec. A-II 11.7</u></b>	<b><u>Committees</u></b>
<b>Sec. A-II 11.68</b>	<b>Termination of Membership</b>

**Sec. A-II 11.1 Purpose Intent**

- A. Partnership HealthPlan of California Commission (“Commission”) is a multi-county commission that has created a Medi-Cal managed health care plan for Medi-Cal recipients. managed health care plan for Medi-Cal recipients. The purpose of this section is to authorize the County of Nevada to join the existing Commission. This will allow the implementation of a County organized health system in Nevada County as authorized by Cal. Welf. & Inst. Code § 14087.54.
- A.B. The Commission has a proven record of improving health care access to its members, who are Medi-Cal recipients, and improving Medi-Cal reimbursement rates to health care providers. The Commission links each member with a primary care provider and has been successful in reducing inappropriate use of emergency rooms, providing appropriate levels of inpatient care for its members, developing innovative case management programs and arranging for the provision of an enhanced level of local health care services.
- B.C. The Commission negotiated a contract with the California Department of Health Care Services, as specified in Welf. & Inst. Code § 14087.5, to arrange for the provision of health care services provided under Welf. & Inst. Code Chapter 7, Part 3, Division

9. The Commission is authorized to negotiate a contract with the California Department of Health Care Services to expand the Commission into the County of Nevada. This expansion is expected to occur on or about January 1, 2024, for the County of Nevada. The Commission will negotiate an exclusive contract with the California Department of Health Care Services (DHCS) authorizing the expansion of the Partnership HealthPlan of California into Nevada County. This expansion is expected to occur on or about January 1, 2024. (Ord. 2494 (08/24/2021), Ord. 2525 (06/13/2023))

### **Sec. A-II 11.2 Authorization to Join Commission**

Pursuant to Welf. & Inst. Code § 14087.54, the Nevada County Board of Supervisors hereby authorizes the County of Nevada to join the Commission. Pursuant to Cal. Welf. & Inst. § 14087.54, the Nevada County Board of Supervisors hereby authorizes the County of Nevada to join the Commission. (Ord. 2494. (08/24/2021), Ord. 2525 (06/13/2023))

### **Sec. A-II 11.3 Membership of Commission**

A. The Commission shall be comprised of commissioners appointed by the Board of Supervisors of each member county. Unless and until the Commission, by formal action, establishes a different formula or system of membership, the Commission representation shall be based on the number of Medi-Cal beneficiaries enrolled in the HealthPlan in each county, as determined by the Partnership HealthPlan of California's established formula.

(1) 0-45,000 Medi-Cal beneficiaries within the county equals one Commission seat.

(2) 45,001-60,000 Medi-Cal beneficiaries within the county equals two Commission seats.

(3) 60,001+ Medi-Cal beneficiaries within the county equals three Commission seats.

B. Persons ~~The Commission members appointed to the Commission~~ by the Nevada County Board of Supervisors shall serve at the pleasure of the Board. The Nevada County Board of Supervisors shall follow its own Commissioner selection criteria set forth in this section but also acknowledges that the Commission encourages member counties to consider selecting Commissioners from the following settings: safety net providers (including providers at federally qualified health centers), behavioral health providers, regional center providers, local education authorities, dental providers, Indian Health Service facility providers, and hospital providers with special efforts to select candidates, as opportunity allows, who reflect the diversity of the community

and regions (including, but not limited to race, ethnicity, language, and disability status).

- ~~A. C. The Board of Commissioners meets bi-monthly on the 4th Wednesday of every even month from 10:00 AM to 2:00 PM, with the exception of the December meeting which will be held on the 1st Wednesday of the month. Meetings may be attended via video. Commissioners also participate in an annual full day strategic planning retreat on the last Wednesday in February, and shall include an employee of the County within Health and Human Services and may include the following:~~
- ~~B. Local healthcare and medical providers who provide services to Medi-Cal beneficiaries;~~
- ~~C. Medi-Cal beneficiaries;~~
- ~~D. Family members of Medi-Cal beneficiaries.~~

~~Individuals may be appointed to the Partnership Health Plan Commission by the Nevada County Board of Supervisors, with recommendations from the Nevada County Chief Executive Officer and the Nevada County Health and Human Services Agency Director. (Ord. 2494 (08/24/2021), Ord. 2525 (06/13/2023))~~

#### **Sec. A-II 11.4 Term of Office**

~~The term for the Commission members shall be for four (4)-year periods ~~two-year periods~~. Nothing herein shall prohibit a person from serving more than one term. Each Commission member shall remain in office at the conclusion of that member's term until a successor member has been selected and installed into office. An office shall become vacant if a Commissioner ceases functioning in the area from which appointed, or fails to attend three (3) Commission meetings in a row. ~~An office shall become vacant if a Commission member discontinues to live or work in the area from which appointed or fails to attend three meetings in a row of the Commission.~~ (Ord. 2494. (08/24/2021), Ord. 2525 (06/13/2023))~~

#### **Sec. A-II 11.5 Powers and Duties of Commission Committees**

Pursuant to the provisions of Welf. & Inst. Code § 14087.54 as it exists on the date of adoption of this ordinance, the Commission shall:

- A. Have the power to negotiate the exclusive contract with the California State Department of Health Care Services as specified in Welf. & Inst. Code § 14087.5, and to arrange for the provision of health care services provided under Chapter 7, Part 3, Division 9 of the Welf. & Inst. Code;
- B. Be considered an entity separate from the County of Nevada;
- C. File the statement required by Gov't Code § 53051;

- D. Have the power to acquire, possess, and dispose of real or personal property, including creating and/or acquiring affiliated or supporting entities, as may be necessary for the performance of its functions; to employ personnel, including health care providers in accordance with California law; to contract for services required to meet its obligations; and to sue or be sued; and
- E. Have all the rights, powers, duties, privileges, and immunities conferred by Article 2.8 of Chapter 7, Part 3, Division 9 of the Welf. & Inst. Code in addition to those previously specified in this section.

#### **Sec. A-II 11.6 Obligations of Commission**

Pursuant to the provisions of Welf. & Inst. Code § 14087.54(d) as it exists on the date of adoption of the ordinance codified in this chapter, any obligations of the Commission, statutory, contractual, or otherwise, shall be the obligations solely of the Commission and shall not be the obligations of the County of Nevada. The Commission shall do business as Partnership HealthPlan of California.

#### **Sec. A-II 11.7 Committees**

The Commission may establish advisory committees from time to time for any purpose that will be beneficial in accomplishing the work of the Commission. ~~In collaboration with Partnership Health Plan, the County may establish a local managed care committee that may include any members of the Commission, and that would inform the County members on the Partnership HealthPlan Commission, on behalf of Nevada County, of local health needs, priorities and issues. Individuals on this local committee shall be nominated by Nevada County Health and Human Services Director or designee. (Ord. 2494. (08/24/2021))~~ (Ord. 2494 (08/24/2021), Ord. 2525 (06/13/2023))

#### **Sec. A-II 11.8~~6~~ Termination of Membership**

The Commission shall continue to represent Nevada County until such time as the Nevada County Board of Supervisors terminates the representation. To terminate the representation, the Nevada County Board of Supervisors, or its designee, shall provide a ninety (90)-days' notice to other member participating counties and the California State Department of Health Care Services, as specified in Cal. Welf. & Inst. Code § 14087.54(g). (Ord. 2494 (08/24/2021), Ord. 2525 (06/13/2023))

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**Sections:**

<b>Sec. A-II 11.1</b>	<b>Intent</b>
<b>Sec. A-II 11.2</b>	<b>Authorization to Join Commission</b>
<b>Sec. A-II 11.3</b>	<b>Membership of Commission</b>
<b>Sec. A-II 11.4</b>	<b>Term of Office</b>
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<b>Sec. A-II 11.7</b>	<b>Committees</b>
<b>Sec. A-II 11.8</b>	<b>Termination of Membership</b>
<b>Sec. A-II 11.1</b>	<b>Intent</b>

A. Partnership HealthPlan of California Commission (“Commission”) is a multi-county commission that has created a Medi-Cal managed health care plan for Medi-Cal recipients. The purpose of this section is to authorize the County of Nevada to join the existing Commission. This will allow the implementation of a County organized health system in Nevada County as authorized by Cal. Welf. & Inst. Code § 14087.54.

B. The Commission has a proven record of improving health care access to its members, who are Medi-Cal recipients, and improving Medi-Cal reimbursement rates to health care providers. The Commission links each member with a primary care provider and has been successful in reducing inappropriate use of emergency rooms, providing appropriate levels of inpatient care for its members, developing innovative case management programs and arranging for the provision of an enhanced level of local health care services.

C. The Commission negotiated a contract with the California Department of Health Care Services, as specified in Welf. & Inst. Code § 14087.5, to arrange for the provision of health care services provided under Welf. & Inst. Code Chapter 7, Part 3,

Division 9. The Commission is authorized to negotiate a contract with the California Department of Health Care Services to expand the Commission into the County of Nevada. This expansion is expected to occur on or about January 1, 2024, for the County of Nevada. (Ord. 2494 (08/24/2021), Ord. 2525 (06/13/2023))

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B. Be considered an entity separate from the County of Nevada;

C. File the statement required by Gov't Code § 53051;

D. Have the power to acquire, possess, and dispose of real or personal property, including creating and/or acquiring affiliated or supporting entities, as may be necessary for the performance of its functions; to employ personnel, including health care providers in accordance with California law; to contract for services required to meet its obligations; and to sue or be sued; and

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