



LEROY D. BACA, SHERIFF

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



A Tradition of Service

May 29, 2012

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

60 June 12, 2012

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

**APPROVE AMENDMENT NUMBER SIX
TO AGREEMENT NUMBER 75747 WITH DANIEL LEVITAN, M.D., INCORPORATED
FOR PROFESSIONAL MEDICAL SERVICES
(ALL DISTRICTS) (3 VOTES)**

SUBJECT

This Board letter seeks approval and execution of Amendment Number Six (Amendment) to Agreement Number 75747 (Agreement) with Daniel Levitan, M.D., Incorporated (Dr. Levitan), for the Los Angeles County Sheriff's Department (Department) to extend the term of the Agreement for professional medical services.

IT IS RECOMMENDED THAT YOUR BOARD:

Approve and instruct the Chairman of the Board to sign the attached Amendment to the Agreement with Dr. Levitan for the provision of continued professional medical services to inmates receiving End Stage Renal Dialysis (ESRD) treatment from DVA Healthcare Renal Care, Incorporated (DaVita). This Amendment will exercise the remaining six-month option period and extend the term of the Agreement for an additional one-year period from January 5, 2013, through January 4, 2014, at a cost of approximately \$53,334 for the additional year, not to exceed the Maximum Contract Sum.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended action will allow the Department to continue to provide professional medical care to inmates in the Department's custody receiving ESRD treatment for chronic renal failure. Under both Federal and State laws, the Department has the legal obligation to provide reasonable health care to its inmate population, which includes dialysis treatment for inmates with chronic renal failure.

Implementation of Strategic Plan Goals

The services provided under this Agreement support Los Angeles County's (County) Strategic Plan Goal 1, Operational Effectiveness. Inmates are provided necessary medical care for their chronic medical condition while allowing the Department to manage its medical services operation effectively and efficiently.

FISCAL IMPACT/FINANCING

The Department has included the cost for professional medical services in its current Fiscal Year 2011-12 operating budget. The Department is required to provide these services to inmates suffering from chronic renal failure; therefore, the Department will continue to allocate the necessary funds throughout the duration of this Agreement.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

On July 5, 2006, the County entered into an Agreement with Dr. Levitan to provide professional medical services to inmates receiving ESRD treatment from DaVita. The Agreement expires July 4, 2012, and has a six-month option period remaining.

The ESRD treatment process includes dialysis treatments, periodic examination of patients, and review of patient records by physicians who specialize in renal care. DaVita provides dialysis treatments only and does not employ staff physicians to provide professional medical services. Dr. Levitan, an independent medical corporation specializing in renal care, provides professional medical services to inmates receiving dialysis treatment from DaVita. State law (California Business and Professions Code Section 2400) relating to the corporate practice of medicine requires the County to enter into separate agreements with Dr. Levitan and DaVita for ESRD treatment service.

On July 5, 2006, the County also entered into Agreement Number 75746 with DaVita. In October 2009, the DaVita Agreement was amended to increase the number of option years by two years in exchange for a cost reduction; however, Dr. Levitan's Agreement was amended to increase the number of option years by only one year in exchange for a cost reduction. As such, once all options are exercised, DaVita's Agreement will expire on January 4, 2014, while Dr. Levitan's Agreement will expire on January 4, 2013. This Amendment will exercise the remaining six-month option period and extend Dr. Levitan's Agreement for an additional one-year period through January 4, 2014, to coincide with the expiration of Agreement Number 75746 with DaVita.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of this action will ensure that professional medical services continue to be provided by Dr. Levitan and allow the Department to continue providing dialysis treatment to inmates.

CONCLUSION

Upon approval by your Board, please return two adopted copies of this action and two adopted copies of the Amendment to the Department's Contracts Unit.

Sincerely,

A handwritten signature in blue ink that reads "Leroy D. Baca". The signature is written in a cursive style with a large initial "L".

LEROY D. BACA
Sheriff

LDB:SB:sb

Enclosures

**AMENDMENT NUMBER SIX TO AGREEMENT NO. 75747
BY AND BETWEEN COUNTY OF LOS ANGELES
AND DANIEL LEVITAN, M.D., INC.
FOR PROFESSIONAL MEDICAL SERVICES**

This Amendment Number Six (this "Amendment") to Agreement Number 75747 (the "Agreement") is entered into by and between County of Los Angeles ("County") and Daniel Levitan, M.D., Inc. ("Contractor"), effective upon execution by the Chairman of the County's Board of Supervisors.

- A. WHEREAS, on July 5, 2006, County and Contractor entered into the Agreement to provide Professional Medical Services to inmates receiving End-Stage Renal Dialysis (ESRD) Treatment Services from DVA Healthcare Renal Care, Incorporated pursuant to Agreement Number 75746; and
- B. WHEREAS, the Agreement had an initial two (2) year term with three (3) one year option periods and an additional six (6) months, in any increment; and
- C. WHEREAS, effective July 5, 2008, County and Contractor entered into Amendment Number One to exercise the first option year and extend the Agreement for one (1) year from July 5, 2008 through July 4, 2009; and
- D. WHEREAS, effective July 5, 2009, County and Contractor entered into Amendment Number Two to exercise the second option year and extend the Agreement for one (1) year from July 5, 2009 through July 4, 2010; and
- E. WHEREAS, effective October 1, 2009, County and Contractor entered into Amendment Number Three to reduce the total charges for services by ten percent (10%) in exchange for County's increase in the number of option years by one (1) additional option year; and
- F. WHEREAS, effective July 5, 2010, County and Contractor entered into Amendment Number Four to exercise the third option year and extend the Agreement for one (1) year from July 5, 2010 through July 4, 2011; and
- G. WHEREAS, effective July 5, 2011, County and Contractor entered into Amendment Number Five to exercise the fourth option year and extend the Agreement for one (1) year from July 5, 2011 through July 4, 2012; and
- H. WHEREAS, the Agreement is currently in its fourth option year and expires on July 4, 2012; and
- I. WHEREAS, the Agreement has an additional option period of six (6) months still remaining, in any increment, from July 5, 2012 through January 4, 2013; and

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FOR PROFESSIONAL MEDICAL SERVICES**

- J. WHEREAS, County and Contractor agree to extend the term of the Agreement for the remaining six (6) month option period plus an additional one (1) year period from January 5, 2013 through January 4, 2014 to coincide with the expiration of Agreement Number 75746 with DVA Healthcare Renal Care Incorporated for End-Stage Renal Dialysis Treatment Services.

NOW, THEREFORE, in consideration of the foregoing recitals, all of which are hereby incorporated as part of this Agreement, the mutual covenants set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, County and Contractor hereby agree to amend the Agreement as follows:

1. Paragraph 4.0, Term of Agreement, Subparagraph 4.1 and Subparagraph 4.2 only of the Agreement, are deleted in their entirety and replaced as follows to extend the term of the Agreement through January 4, 2014. All other subparagraphs of Paragraph 4.0, Term of Agreement, shall remain unchanged and in full force and effect.
 - 4.1 The term of the Agreement shall commence July 5, 2006 and shall terminate January 4, 2014, unless sooner terminated or extended, in whole or in part, as provided in this Agreement.
 - 4.2 The County maintains databases that track/monitor contractor performance history. Information entered into such databases may be used for a variety of purposes, including determining whether County will exercise a contract term extension option.
2. Except as expressly provided in this Amendment, all other terms, covenants, and conditions of the Agreement shall remain the same and in full force and effect.
3. Contractor represents and warrants that the person executing this Amendment for Contractor is an authorized agent who has actual authority to bind Contractor to each and every item, condition, and obligation of this Amendment and that all requirements of Contractor have been fulfilled to provide such actual authority.

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AND DANIEL LEVITAN, M.D., INC.
FOR PROFESSIONAL MEDICAL SERVICES**

IN WITNESS WHEREOF, the County of Los Angeles, by order of its Board of Supervisors, has caused this Amendment Number Six to be executed on its behalf by the Chairman of said Board and attested by the Executive Officer-Clerk of the Board of Supervisors thereof, and Contractor has executed this Amendment Number Six, or caused it to be duly executed by its duly authorized officer.

COUNTY OF LOS ANGELES

ATTEST:

SACHI A. HAMAI
Executive Officer
Los Angeles County
Board of Supervisors

By: *Sachi A. Hamai*
Chairman, Board of Supervisors

By: *Lachelle Ami Sherman*
Deputy JUN 12 2012

DANIEL LEVITAN, M.D., INC.



By: *Daniel Levitan, M.D.*
Daniel Levitan, M.D.

APPROVED AS TO FORM:
JOHN F. KRATTLI
Acting County Counsel

By: *Michele Jackson*
Michele Jackson
Deputy County Counsel

I hereby certify that pursuant to Section 26103 of the Government Code, delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

By: *Lachelle Ami Sherman*
Deputy JUN 12 2012

ADOPTED
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

60 JUN 12 2012

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

75747 Supplement No. 1