



**Contra
Costa
County**

To: Board of Supervisors
From: William Walker, M.D., Health Services Director
Date: February 14, 2017

Subject: Payments for Services Provided by Jon Whalen, M.D.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Auditor-Controller, or his designee, to pay \$80,000 to Jon Whalen, M.D. for outpatient psychiatric and administrative services, for the period November 1, 2016 through January 31, 2017.

FISCAL IMPACT:

50% Mental Health Realignment Funds and 50% Federal Financial Participation.

BACKGROUND:

Jon Whalen, M.D., provides mental health outpatient psychiatric services to minors and is the Mental Health Director for Behavioral Health Division. On December 8, 2015, the Board of Supervisors approved Contract #24-403-14, (as amended by Contract Amendment #24-403-15) with Jon Whalen, M.D., for the provision of professional outpatient psychiatric services, including acting on behalf of the County as the Mental Health Director for Behavioral Health, for the period from February 1, 2016 through January 31, 2017. Dr. Whalen took an interim position with the County as Mental Health Director after the departure of Dr. Ross Andelman. During this interim period, Jon Whalen, M.D., was called to provide weekend services and holiday hours to cover for other doctors.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/14/2017** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 14, 2017

David Twa, County Administrator and Clerk of the Board of Supervisors

By: Rolanda Hartfield, Deputy

Contact: Cynthia Belon
925-957-5201

BACKGROUND: (CONT'D)

Due to an administrative oversight, the contract payment limit was depleted and this payment is necessary for County to reimburse him for services provided through January 31, 2017.

Jon Whalen, M.D. continued to provide professional outpatient psychiatric services and work as the Behavioral Health Mental Health Director. Behavioral Health Services Division Administration has therefore determined that Jon Whalen, M.D. is entitled to payment for the reasonable value of their services under the equitable relief theory of quantum meruit. That theory provides that where a person has been asked to provide services without a valid contract, and the provider does so to the benefit of the recipient, the provider is entitled to recover the reasonable value of those services.

CONSEQUENCE OF NEGATIVE ACTION:

Jon Whalen, M.D. will not be paid outpatient psychiatric services, including acting on behalf of the County as the Mental Health Director of Contra Costa County.