



SUMMARY REPORT

Agenda Date: 9/19/2023

To: Sonoma County Board of Supervisors
Department or Agency Name(s): Sheriff's Office
Staff Name and Phone Number: Sharon Post, 565-1119
Vote Requirement: Majority
Supervisorial District(s): Countywide

Title:
Behavioral Health Services Agreement for Incarcerated Adults

Recommended Action:
Authorize the Chair or the Chair's designee to execute an Agreement with California Forensic Medical Group, Inc., to provide behavioral health services to incarcerated persons for the period October 1, 2023, through June 30, 2028, with two one-year options to extend with future Board approval. The estimated value of the Agreement, for five years and two optional extensions, is approximately \$44,776,080.

Executive Summary:
The Sheriff is required to provide mandated behavioral health care services to incarcerated persons under the California Code of Regulations, Title 15 and the State and Federal Constitutions. These services are also required to maintain compliance with the National Commission on Correctional Health Care (NCCHC). As a result of a Request for Proposal process for Behavioral Health Services for Incarcerated Adults, the Sheriff is recommending the County enter into the proposed Agreement with California Forensic Medical Group, Inc. to provide these services. Annual BH contract services costs over the last 5 years have averaged \$5,134,177 per year, which represents 7% of the Sheriff's Office total Detention Budget. When coupled with medical services (not covered in this agreement) the total average is \$12,500,000 per year, or 19% of the total Detention Division budget. These costs reflect pre-pandemic pricing. The scope of the proposed Agreement with CFMG/Wellpath covers behavioral health services for incarcerated adults in the Sheriff's existing detention facilities, but it does not assume provision of services within a potential new Behavioral Health Housing Unit facility.

Discussion:
Background

Adult detention facilities are required to provide healthcare services to incarcerated persons. The Sheriff provides these services under two separate contracts: one for medical and dental services, and the other for behavioral health services. The medical/dental agreement was awarded through a competitive process to California Forensic Medical Group, Inc. (CFMG) in 2021. CFMG has also been providing behavioral health care services to Sonoma County's incarcerated adults since 2017 and is the current provider of services. The County's existing contract with CFMG will end on June 30, 2024. Wellpath, LLC, as the management service organization, provides services to CFMG such as general accounting, license filing, regulatory compliance, assistance in responding to claims and litigation, payroll, invoice preparation, risk management, and human resources.

RFP and Selection Process

On August 19, 2022, an RFP was distributed via the County Purchasing RFP distribution system, to hundreds of recipients who opted to receive this category of notifications, including six known to the Sheriff's Office as potential providers of behavioral health care services to incarcerated persons. Bidders were given eight weeks to submit proposals. Three responses were received by the October 14, 2022, deadline. In consultation with County Purchasing, and following established County guidelines, it was determined that two were non-responsive: the first because it submitted a dollar amount without a proposal, and the second because it failed to provide information on the cost of services as required by the RFP. Therefore, the RFP process yielded only one valid proposal, from CFMG and Wellpath, the current providers in Sonoma County. The proposal was comprehensive and met or exceeded all County requirements. The RFP evaluation process continued per County guidelines, and the proposed Agreement was negotiated. The RFP evaluation committee included members of the Sheriff's Office and County Department of Health Services.

Proposed Agreement

The proposed Agreement includes all the provisions outlined in the RFP for the delivery of behavioral health services to incarcerated individuals, in compliance with the California Code of Regulations, Title 15 Minimum Standards for Local Detention Facilities; and the National Commission on Correctional Health Care (NCCHC) Standards for Health Services in Jails. The proposed Agreement is for an initial term of 4.75 years (the term end date aligns with the fiscal year), with two one-year options to extend. The provision for annual increases for the second year through the fifth year of the Agreement, uses two measures. The first is the annual increase that applies to all National Union of Healthcare Workers (NUHW) positions. The County shall pay annual increases per documented rates in the Contractor's agreement with NUHW. For all other costs not included in the NUHW labor agreement, the annual increase shall be determined by the inflationary rate equal to the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index (CPI) rate increase using the Medical Care Component for the West Urban Region, All Urban Consumers, or a minimum of 3%. The increase for the two optional years, should both parties choose to exercise the option, will be based on the same criteria with the understanding that the parties will meet in good faith to determine whether the required compensation should increase by an additional amount based on an increase in the prevailing wages for behavioral health staff in the local area.

Behavioral healthcare services have expanded over time in response to increased regulations and the needs of the incarcerated population. Services in the jail facilities include Title 15 incarcerated persons behavioral healthcare, suicide prevention, pre-release services, and restoration to competency services for qualifying incarcerated persons. Title 15 behavioral health services include clinical care provided by clinicians and psychiatric staff. Incarcerated persons programming services include both individual and group therapy. Pre-release services and discharge planning provide preparation for release from custody and serve to connect individuals with community services (health care, counseling, housing, employment, drug treatment). Restorative treatment services designed to restore to competency to individuals charged with felony offenses and found by the courts to be Incompetent to Stand Trial (IST) are provided through the Sheriff's Jail-Based Competency Treatment (JBCT) Program. Restoration includes treatment and education services that enable the individuals to participate in their own defense.

Effective July 1, 2023, the cost for services under the current Agreement is \$5,350,155 per year. This includes a 2.5% CPI increase for the new fiscal year over FY 22-23, based on the Bureau of Labor of Statistics index

specified in the current contract. The cost for the proposed Agreement (effective October 1, 2023) will increase by 3.7% for the remainder of the fiscal year. In other words, the monthly expense in FY 22-23 was \$434,972 (\$5,219,664/year). July 1, 2023, the monthly cost increased by 2.5% to \$445,846. Effective October 1, 2023, and through the remainder of FY 23-24, the monthly cost under the proposed Agreement will increase by 3.7% to \$462,428, minus Contractor staff vacancy credits as described below. The total cost for FY 23-24, calculated using one rate for the first quarter, and a higher rate for the remaining three quarters is \$5,499,390, minus credits. A portion of this expense is offset by revenue received through the JBCT restoration services delivered at the Main Adult Detention Facility (MADF) per the Sheriff's Agreement with the Department of State Hospitals, for which the Sheriff expects to receive up to \$2,928,183 this fiscal year, for a contract total not-to-exceed \$14,698,939 in revenue from the State for the term July 1, 2022, through June 30, 2027. Additionally, a portion of the behavioral healthcare services (estimated at \$841,018 in FY 23-24) is funded by 2011 State Realignment funds as approved by the County's Community Corrections Partnership.

The cost of the proposed Agreement may be further reduced as a result of the new Work Post Credit clause that provides a credit to the County on a monthly basis, for vacant Contractor shifts. This is a new clause that was included in the behavioral health services RFP in response to the Board's concerns during the medical services negotiations. The cost of the credit will be determined by taking the average hourly pay rate of the job class assigned to the Work Post shift, plus an additional 50% to approximate the cost of benefits for the job class assigned, for the hours the post is vacant. The Sheriff's Office hopes CFMG/Wellpath will be able to staff all positions, but is realistic in acknowledging the national shortage of behavioral health providers, and recognizes that this challenge may persist for the long-term. For extended vacancies, the County and Contractor may choose to use salary savings from Contractor vacancies to reinvest in Contractor recruitment efforts. The proposed Agreement allows the Contractor to utilize (with prior authorization from Sheriff's Office Administrative Lieutenant or Watch Commander) a tele-mental health platform as a contingency plan to provide staffing coverage when needed, by an on-call mental health professional at no additional cost to the County.

The proposed Agreement also contains the liquidated damages clause requested by the Board of Supervisors during the 2021 medical/dental contract negotiations. Liquidated damages are an estimate of an intangible loss to the County as a result of a contractor not performing. It is a provision that allows for the payment of a specified sum should a contractor be in breach of contract.

Strategic Plan:

N/A

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

No

Prior Board Actions:

Since approximately 1983, the Board has approved expenditures for Sheriff's Behavioral Healthcare Services for incarcerated persons, through the annual adoption of the Sheriff's Office Budget.

FISCAL SUMMARY

Expenditures	FY23-24 Adopted	FY24-25 Projected	FY25-26 Projected
Budgeted Expenses	\$5,499,390	\$5,826,587	\$6,117,916
Additional Appropriation Requested			
Total Expenditures	\$5,499,390	\$5,826,587	\$6,117,916
Funding Sources			
General Fund/WA GF	\$3,245,038	\$3,521,774	\$3,768,529
State/Federal	\$2,254,352	\$2,304,813	\$2,349,387
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	\$5,499,390	\$5,826,587	\$6,117,916

Narrative Explanation of Fiscal Impacts:

The cost of the proposed Agreement is included in the Sheriff’s FY 23-24 Adopted Budget. The FY 23-24 expenses above were calculated using the rate for services under the current Agreement for the first quarter, and the new rate under the proposed Agreement for the final three quarters. The Agreement includes two programs: behavioral health services, and Penal Code 1370 felony restoration to competency services (Jail-Based Competency Treatment, or JBCT Program). A portion of the behavioral healthcare services (estimated at \$841,018 in FY 23-24) is funded by the County’s Community Corrections Partnership. The JBCT Program is funded by the CA Dept. of State Hospitals (\$1,413,334).

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Proposed Agreement for Behavioral Health Services for Incarcerated Adults

Related Items “On File” with the Clerk of the Board:

N/A