



SUMMARY REPORT

Agenda Date: 4/16/2019

To: Board of Supervisors of Sonoma County
Department or Agency Name(s): Department of Health Services
Staff Name and Phone Number: Jenny Symons, 565-4720
Vote Requirement: Majority
Supervisory District(s): Countywide

Title:

Patients' Rights Advocate Services Agreement

Recommended Actions:

Authorize the Director of Health Services to execute the second amendment to an agreement with The SmithWaters Group to provide Patients' Rights Advocate services, increasing the amount by \$50,000 to reflect increased costs associated with the provision of services, resulting in a new total not-to-exceed amount of \$150,000 through June 30, 2019.

Executive Summary:

The County Mental Health Plan, under contract with the California Department of Health Services and according to state law, is mandated to provide Patients' Rights Advocate services. These services include providing education regarding legal rights and processes, advocacy, and representation in hearings to individuals hospitalized involuntarily. The hearings include probable cause hearings under California Welfare and Institutions Code sections 5250 and 5270, and "Riese" or medication capacity hearings. The probable cause hearings determine whether an individual can be required, against their wishes, to remain in a designated secure facility. The Riese hearings determine whether the individual has the capacity to refuse medications. There are strict and specific requirements associated with the administration of these legal processes, including timeliness.

The Department entered into an agreement with The SmithWaters Group to provide patient's rights advocacy services in November 2018. Due to the volume of services being required of the contractor, additional funding is necessary for the provision of services through the term of the agreement. This item requests approval to add \$50,000 to the current agreement, resulting in a new contract maximum of \$150,000.

Discussion:

The County Mental Health Plan, under contract with the California Department of Health Services and according to state law, is mandated to provide Patients' Right Advocate services. These services include providing education regarding legal rights and processes, advocacy, and representation in hearings to individuals hospitalized involuntarily. The hearings include probable cause hearings under California Welfare and Institutions Code sections 5250 and 5270, and "Riese" or medication capacity hearings. The probable cause hearings determine whether an individual can be required, against their wishes, to remain in a designated secure facility. The Riese hearings determine whether the individual has the capacity to refuse medications. There are strict and specific requirements associated with the administration of these legal

processes, including timeliness. In addition, the Patients' Rights Advocate for each county is responsible for the following: 1) receiving, reviewing, and responding to all complaints from clients, staff, and/or community members; 2) holding periodic community meetings with various stakeholder groups to provide education regarding mental health law and the rights of those involved with the public system of care; 3) conducting audits of programs and services as needed based on the nature and volume of complaints; and 4) providing the Department quarterly and annual reports regarding patients' rights activities. Patients' Rights Advocates also provide consultation with Department staff.

With the opening of Aurora Psychiatric Hospital's 95 bed facility in Santa Rosa, the number of hearings increased dramatically and has remained high. The agreement with the SmithWaters Group provides a resource to the Department that ensures consistent, timely coverage of the County's obligation, and to meet federal and state requirements and mitigate the risk of adverse findings by regulators. Approximately 1,290 hearings are conducted annually, including 1,110 5250 hearings, 100 5270 hearings, and 80 Riese hearings.

When seeking to contract for these services, the Department could find only one provider (The SmithWaters Group) that operated in the North Bay Region. As a result, the Sonoma County Purchasing Agent approved a single source waiver for this agreement on October 26, 2018.

The SmithWaters Group has more than 50 years of experience in providing Patients' Rights Advocate services. In addition, two adjacent counties (Napa and Lake) have contracted with The SmithWaters Group to provide patients' rights advocacy services.

Prior Board Actions:

None

FISCAL SUMMARY

Expenditures	FY 18-19 Adopted	FY19-20 Projected	FY 20-21 Projected
Budgeted Expenses	50,000		
Additional Appropriation Requested			
Total Expenditures	50,000	0	0
Funding Sources			
General Fund/WA GF			
State/Federal	18,790		
Fees/Other	31,210		
Use of Fund Balance			
Contingencies			
Total Sources	50,000	0	0

Narrative Explanation of Fiscal Impacts:

Funding for the amendment with The SmithWaters Group is from realignment and reimbursement from Aurora Behavioral Healthcare for out of county clients who are at Aurora's facility. The reimbursement rate for Aurora, based on year-to-date information, is approximately 62%, resulting in approximately \$31,210 of funding from Aurora, with the balance (\$18,790) being funded by realignment. All funding/expenditures are

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included in the Fiscal Year 2018-2019 budget.

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

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Amendment to agreement with The SmithWaters Group

Related Items "On File" with the Clerk of the Board:

None