

Response to 2024 Grand Jury Report

County Executive Office

Wellpath Contract Services
Provided to Santa Barbara
County and the Sheriff's Office



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Introduction

- On April 16, 2024, the 2023-24 Santa Barbara County Grand Jury distributed a report entitled “Wellpath Contract Services Provided to Santa Barbara County and the Sheriff’s Office.”
- The report focused on the Wellpath contract as it pertains to the Sheriff’s Office detention facilities.
- The Board of Supervisors is required to respond to the Grand Jury reports in writing within 90 days.
- The Sheriff was also required to respond to this report and as an elected department head, his written response was required within 60 days.



Staffing Vacancies

Background

- On May 7, 2024, the Board approved a 3-month extension to Wellpath contract through June 30, 2024
- Remaining 9-month extension through March 31, 2025 anticipated to be on today's Board agenda, to include additional healthcare staffing positions, as well as payment credits for missed shifts above a 2% margin and liquidated damages for positions vacant longer than 30 days
- County partners are working with Health Management Associates (HMA) to develop Request for Proposals (RFP) for healthcare services ahead of March 31, 2025 contract expiration
 - RFP will incorporate CalAIM and remedial plan requirements

Findings and Recommendations

Finding 1: Wellpath/Sheriff staffing shortfalls at the Santa Barbara County jails occurred frequently, which could lead to delayed healthcare provision to the inmates.

Agree.

Recommendation 1a: The Sheriff's Office shall include more healthcare positions in the upcoming 2024 contract.

Has been implemented. Additional healthcare positions are anticipated to be included in the upcoming amendment.

Recommendation 1b: The Sheriff's Office shall institute higher initial compensation to better assist recruitment of qualified healthcare staff in the upcoming amendment.

Will not be implemented. The upcoming contract will include an increase designated for salary and benefits, but only Wellpath as the employer can determine how that increase is applied across its organization. The agreement will, however, include other terms to disincentivize staffing vacancies.

Recommendation 1c: The Sheriff's Office shall negotiate for competitive incentive programs in the upcoming 2024 healthcare contract. These would include signing bonuses, retention bonuses, enhanced benefit packages, transportation allowances, or other housing assistance packages commensurate with the high housing costs in Santa Barbara County.

Will not be implemented. Defining pay and benefits falls under the purview of Wellpath as the employer. However, the contract will include requirements for Wellpath to provide a particular level of service, staffing, and structure. To do so successfully, Wellpath will need to provide sufficiently competitive pay and benefits to recruit and retain employees and thereby meet its contractual obligations.



Staffing Credits and Contract Monitoring

Background

- Wellpath's current contract requires payment reductions when staffing shortfalls exceed 2% allowable margin of missed hours
 - Sheriff's Office has not previously required Wellpath to apply credits for missed shifts as per the contract provisions
 - CEO's Office and Sheriff staff are working with Wellpath to apply credits retroactively for FY 2023-24
- On March 19, 2024, the Board approved two new medical positions in Public Health Department (PHD) to monitor jail healthcare services
 - Positions currently under recruitment; will be onboarded in summer/fall 2024
 - New staff will work with partners to enhance regular performance reporting
- Enforcement of contractual adherence rests with Sheriff and Probation
- Board could transfer contract administration to PHD; however, Sheriff asserts this would interfere with his sole and exclusive statutory authority to “keep and operate” the “jail and prisoners” per CA Gov Code §26605
- PHD's focus will be clinical standards, adequacy and outcomes

Contract Monitoring

- PHD and BWell have reviewed Wellpath services for past 7 years
- Recently, PHD and BWell enhanced their quarterly monitoring tools and incorporated additional clinical elements
- Most recent PHD review found:
 - 15 – areas in compliance and 9 – needs improvement
 - Needs improvement areas unresolved from prior review: timeliness of initial health assessments at North Branch Jail (NBJ), timeliness of tuberculosis skin tests, and ordering of an electrocardiogram (EKG) for hypertension patients at the initial chronic care visit at South Branch Jail (SBJ)
- Most recent BWell review found:
 - 29 – areas in compliance and 7 – needs improvement
 - Needs improvement areas unresolved from prior review: completing full intake screenings, restrictive housing checks in the NBJ, safety cell checks, and post-safety cell follow-ups

Findings and Recommendations

Finding 2: A lack of accounting within the Sheriff's Office did not acknowledge Wellpath staffing shortfalls which exceeded the agreed upon 2% vacancy level for which credits should have been applied.

Agree.

Recommendation 2d: The Board of Supervisors shall require Public Health Department resources to carefully oversee and regularly report on performance measures and Contractual Agreement adherence.

Will be implemented, in part. The Board recently approved new PHD medical staff resources to monitor the health services in the jails and independently assess compliance, adequacy, and appropriateness of care. They will not oversee "contractual agreement adherence," as that responsibility rests with the Sheriff and Probation.



Overnight Mental Health Coverage

Background

- KPMG engaged in May 2023 to assess County's crisis services
- New Medi-Cal mobile crisis benefit launched December 31, 2023
- BWell's crisis services teams began conducting evening rounds at both jail facilities in April 2024 to identify individuals in crisis
 - Due to labor challenges, crisis staff not stationed at the jail as initially anticipated
- BWell issued RFP in April 2024 for contracted staff to ensure nighttime crisis response availability
- KPMG agreement amended in June 2024 to support implementation of nighttime crisis response model and mobile crisis benefit requirements

Findings and Recommendations

Finding 3: There is an absence of Wellpath 24/7 mental health providers at both County Jail sites.

Agree.

Recommendation 3c: The Board of Supervisors shall ensure the presence of a Behavioral Wellness crisis adjacent to the jail facility ensuring the presence of trained crisis response team members in the nighttime hours (11 p.m. – 7 a.m.) to be initiated by the end of December 2024.

Will be implemented. BWell is currently providing crisis staff at the jails during evening rounds as an interim step. BWell also issued an RFP to pursue securing contracted staff for crisis response availability in the nighttime hours. Once the RFP is awarded, KPMG will work with BWell and contracted provider to ensure successful implementation. Contracted provider should be on board by December 2024.



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Annual Reporting

Background

- Wellpath's contract requires an annual report on performance be presented to the Board of Supervisors
- For Probation: annual reports have been presented timely
- For Sheriff's Office:
 - 2023 annual report – not yet presented, requested of Wellpath
 - 2022 annual report – presented December 2023
 - 2021 annual report – not completed
- Board has repeatedly emphasized importance of timely annual reporting
- Sheriff and Probation are responsible for ensuring contract adherence, including annual reporting
- In conjunction with the newly allocated staff, PHD's role in reporting to the Board will allow for additional assessment and reporting

Findings and Recommendations

Finding 4: The annual Wellpath report to the Board of Supervisors has been routinely delayed.

Disagree partially. This finding is accurate as it pertains to reporting for the Sheriff's Office facilities. Reporting for Probation Department facilities has been timely.

Recommendation 4a: The Board of Supervisors shall immediately insist on the timely generation and submission of annual reports.

Has been implemented. While the Board has repeatedly insisted on timely reporting in several public hearings, the responsibility ultimately rests with the contract administrators (Sheriff and Probation). New PHD monitoring staff will be able to report to the Board independently of Wellpath annual reports.

Recommendation 4b: The Jury recommends that the Board of Supervisors impose penalties in payments when annual reporting extends beyond the 60-day end of the contract year.

Will not be implemented. Wellpath cannot control when annual reports are brought to the Board; only when they are submitted to the contract administrators. If the delay is caused by Wellpath, contract administrators can independently report to the Board on review of performance measures by PHD and BWell. PHD/BWell can also provide reports to the BOS.



Related Justice System Improvements

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- Sheriff's Office incorporating new data elements onto data dashboard
- Criminal justice partners developing programs to support diversion
 - Launched "READY" pilot program in North County in January 2024 to provide early representation at or before arraignment, with hopes to expand countywide
 - Launching Rapid Diversion pilot program in North County in June 2024, with hopes to expand countywide
 - Expanding Alternative Sentencing with goal of 50% program increase
- CalAIM implementation will expand Medi-Cal healthcare and re-entry services to individuals in custody
- County's Sequential Intercept Map (SIM) continues to be updated to reflect how individuals with behavioral health challenges interact with the criminal justice system and assist in identifying gaps



Questions?

Recommended Actions

- a) Consider and adopt the responses in Attachment A as the Board of Supervisors' response to the 2023-24 Grand Jury report entitled "Wellpath Contract Services Provided to Santa Barbara County and the Sheriff's Office";
- b) Authorize the Chair to sign the letter included in Attachment A, and forward the letter and responses to the Presiding Judge of Santa Barbara County Superior Court;
- c) Receive and file staff's report related to Justice System Improvements; and
- d) Determine pursuant to CEQA Guidelines 15378(b)(5) that the above actions are not a project subject to CEQA review, because they are government administrative activities that do not result in direct or indirect physical changes to the environment.