



County of Santa Barbara BOARD OF SUPERVISORS

Minute Order

December 13, 2016

Present: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Adam, and Supervisor Lavagnino

BEHAVIORAL WELLNESS

File Reference No. 16-00962

RE: Consider recommendations regarding Behavioral Wellness - Alcohol and Drug Program Amendments, as follows:

a) Approve and authorize the Director of the Department of Behavioral Wellness to execute amendments to the Department's Alcohol and Drug Program (ADP) agreements according to the amendment template, with no change to the maximum contract amounts, to comply with State Department of Health Care Services (DHCS) Substance Abuse Prevention and Treatment (SAPT) required contract language, for the following ADP providers:

- i) Casa Serena Fiscal Year (FY) 2016-2019 First Amendment;
- ii) Coast Valley Worship Center DBA Coast Valley Substance Abuse Treatment Center FY 2016-2017 Second Amendment;
- iii) Council on Alcoholism and Drug Abuse FY 2016-2017 First Amendment;
- iv) Family Services Agency FY 2016-2017 First Amendment;
- v) Good Samaritan Shelter, Inc. FY 2016-2017 Second Amendment;
- vi) Phoenix of Santa Barbara, DBA Crescent Health FY 2016-2017 First Amendment;
- vii) Sanctuary Psychiatric Centers of Santa Barbara FY 2016-2019 First Amendment;
- viii) Santa Maria Valley Youth and Family FY 2016-2017 First Amendment; and
- ix) Santa Ynez Valley People Helping People FY 2016-2017 First Amendment; and

b) Determine that these activities are exempt from California Environmental Quality Act (CEQA) review per CEQA Guidelines Section 15378(b)(5), as government organizational or administrative activities that do not involve commitment to a specific project that may result in a potentially significant physical impact on the environment.

A motion was made by Supervisor Farr, seconded by Supervisor Carbajal, that this matter be Acted on as follows:

- a) i) through ix) Approved and authorized; and
- b) Approved.

The motion carried by the following vote:

Ayes: 5 - Supervisor Carbajal, Supervisor Wolf, Supervisor Farr, Supervisor Adam, and Supervisor Lavagnino



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Behavioral Wellness
Department No.: 043
For Agenda Of: December 13, 2016
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Alice Gleghorn, Ph.D. Director
Director(s) Department of Behavioral Wellness, 684-5220
Contact Info: John Doyel, Alcohol and Drug Program (ADP) Manager
805-681-4907
SUBJECT: Behavioral Wellness - Alcohol and Drug Program Amendments

AG

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

Auditor-Controller Concurrence

As to form: Yes

- A. Approve and authorize the Director of the Department of Behavioral Wellness to execute amendments to the Department's Alcohol and Drug Program (ADP) agreements according to the attached amendment template, with no change to the maximum contract amounts, to comply with State Department of Health Care Services (DHCS) Substance Abuse Prevention and Treatment (SAPT) required contract language, for the following ADP providers:
1. Casa Serena FY 16-19 First Amendment
 2. Coast Valley Worship Center DBA Coast Valley Substance Abuse Treatment Center FY 16-17 Second Amendment
 3. Council on Alcoholism and Drug Abuse FY 16-17 First Amendment
 4. Family Services Agency FY 16-17 First Amendment
 5. Good Samaritan Shelter, Inc. FY 16-17 Second Amendment
 6. Phoenix of Santa Barbara, DBA Crescend Health FY 16-17 First Amendment
 7. Sanctuary Psychiatric Centers of Santa Barbara FY 16-19 First Amendment
 8. Santa Maria Valley Youth and Family FY 16-17 First Amendment
 9. Santa Ynez Valley People Helping People FY 16-17 First Amendment

- B. Determine that these activities are exempt from California Environmental Quality Act (CEQA) review per CEQA Guidelines Section 15378(b)(5), as government organizational or administrative activities that do not involve commitment to a specific project that may result in a potentially significant physical impact on the environment.

Summary Text:

The Santa Barbara County Department of Behavioral Wellness provides a continuum of mental health and substance use disorder services to Santa Barbara County residents, in part through contracted providers including Community-Based Organizations (CBOs). This item is on the agenda to update the ADP CBO agreements with enhanced agreement language. Approval of the recommended actions will allow Behavioral Wellness to update contract language in accordance with DHCS SAPT State Compliance requirements in a cohesive and streamlined manner to meet the deadline of December 31, 2016.

Background:

DHCS is responsible for monitoring requirements of the SAPT Block Grant and the terms of the State-County contracts operated by the Santa Barbara County Department of Behavioral Wellness. In May 2016 the DHCS County Monitoring Unit conducted a routine comprehensive review of Behavioral Wellness ADP FY 15-16 contracts. The review was based on discussions with County Staff, supporting documentation and compliance with state requirements.

In June 2016, Behavioral Wellness received a comprehensive report of the contract compliance review that identified Program, Fiscal and Contract areas requiring corrective actions. The following two contract clauses were cited for needing corrective action: Non Discrimination and Institutional Safeguarding for Religious Providers and Trafficking Victims Protection Act (TVPA) of 2000. Behavioral Wellness, with feedback from County Counsel, determined that enhanced language was needed to meet the State Compliance requirement. Behavioral Wellness submitted a timely Corrective Action Plan (CAP) on July 2016 detailing the steps to be taken to correct the two contract clauses and provided a date of December 31, 2016 to correct all of the ADP SAPT Board Contracts.

In accordance with Non Discrimination and Institutional Safeguarding for Religious Providers the Regulatory Requirements ADP Bulletin 04-5, "Counties should implement processes and procedures as necessary to comply with the provisions of Title 42 of the Code of Federal Regulations, Part 54. Under Part 54, counties are required to identify religious providers." The enhanced contract language outlines the steps for CBOs to identify as a religious provider. Under Part 54, a religious provider can be funded if applicable requirements are met, as long as funds are not used for religious program content (worship, proselytizing, or religious instruction).

For Trafficking Victims Protection Act of 2000 (TVPA), 22 U.S. Code § 7104 (g) states, "Any grant, contract, or cooperative agreement...shall include a condition that authorizes the department or agency to terminate the grant, contract, or cooperative agreement, or take any of the other remedial actions" if the grantee or any subgrantee violates the TVPA by engaging in trafficking of persons or using forced labor in performing the contract. Language was added to clearly identify what is required for compliance and references Behavioral Wellness' Policy and Procedure in the event a CBO does not comply with the law.

With the approval of the Board, Behavioral Wellness will update each of the ADP CBO agreements listed above with an amendment substantially similar to Attachment A, but personalized for each contractor. This will allow Behavioral Wellness to amend the contracts without needing to bring all nine individual contracts to the Board. The approval of the recommended actions will allow Behavioral Wellness to correct and to address the DHCS compliance requirements by the deadline in an efficient manner. Program and Fiscal staff have already addressed several of the other cited items and will continue to address the remaining compliance items prior to the deadline.

Fiscal and Facilities Impacts:

Budgeted: There are no budget impacts.

Fiscal Analysis:

Narrative: No funds are expended by Behavioral Wellness.

Key Contract Risks:

There is a risk of non-compliance. However, APD created policies and procedures to monitor CBO compliance.

Special Instructions:

Please return one (1) Minute Order to dmorales@co.santa-barbara.ca.us

Attachments:

Attachment A: ADP State Contract Compliance Amendment Template

Authored by:

D.Morales

FIRST AMENDMENT FY 16-19

TO AGREEMENT FOR SERVICES OF INDEPENDENT CONTRACTOR

This is an amendment (hereafter referred to as the ("First Amended Contract") to the Agreement for Services of Independent Contractor, referenced as number BC 17-050, by and between the **County of Santa Barbara** (County) and **Sanctuary Psychiatric Centers of Santa Barbara, Inc.** (Contractor), wherein Contractor agrees to provide and County agrees to accept the services specified herein.

Whereas, this First Amended Contract incorporates the terms and conditions set forth in the contract approved by the County Board of Supervisors in June 2016, except as modified by this First Amended Contract;

Whereas, the County is updating Exhibit A to enhance language in Exhibit A, Alcohol and Drug Program (ADP) Statement of Work, State Compliance Section of the Agreement to comply with State requirements, for ADP services to be rendered under this Agreement through June 30, 2019;

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

I. In Exhibit A - Alcohol and Drug Program (ADP) Statement of Work, Section 15 - State Contract Compliance, delete Section I, Nondiscrimination and Institutional Safeguards for Religious Providers and replace with the following,

I. Nondiscrimination and Institutional Safeguards for Religious Providers

In order to comply with the provisions of Title 42, USC, Section 300x-65 and Title 42 CFR Part 54, Contractor is required to submit to the County ADP Program Manager, the "Survey on Ensuring Equal Opportunity for Applicants" form, available from ADP Program Director, to identify if the organization is a religious provider. Contractor shall not use funds provided through this contract for inherently religious activities, such as worship, religious instruction, or proselytization. If Contractor conducts such activities, it must offer them separately, in time or location, from the programs or services for which it receives funds from the Department. Contractor may not discriminate against a client or prospective client on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to actively participate in a religious practice. Contractors identifying as religious organizations shall establish a referral process to a reasonably accessible alternative program for clients who may object to the religious nature of the Contractor's program. Referrals that were made due to the religious nature of the Contractor's program shall be submitted within three (3) days to the County.

II. In Exhibit A - Alcohol and Drug Program (ADP) Statement of Work, Section 15 - State Contract Compliance, delete Section N, Trafficking Victims Protection Act of 2000 (TVPA) and replace with the following:

N. Trafficking Victims Protection Act of 2000 (TVPA)

Contractor shall comply with Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. Section 7104(g), as amended by Section 1702). The County has the authority to terminate the agreement without penalty within thirty (30) days or to take any other remedial action authorized under 22 U.S.C. Section 7104b(c), if the Contractor: (a) Engages in severe forms of trafficking in persons during the period of time that the contract is in effect; (b) Procures a commercial sex act during the period of time that the contract is in

FIRST AMENDMENT FY 16-19

effect; or (c) Uses forced labor in the performance of the contract or subcontracts under the contract, in accordance with TVPA of 2000 and in accordance with Behavioral Wellness Policy and Procedure found at <http://www.countyofsb.org/behavioral-wellness/policies>. Contractor must inform County immediately of any information Contractor receives from any source alleging a violation of a prohibition in this paragraph. For full text of the award term, go to: <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title22-section7104d&num=0&edition=prelim>

III. All others Terms and Conditions remain in full force and effect.


FIRST AMENDMENT 2016-2019

SIGNATURE PAGE

First Amendment to Agreement for Services of Independent Contractor between the County of Santa Barbara and **Sanctuary Psychiatric Centers of Santa Barbara, Inc.**

IN WITNESS WHEREOF, the parties have executed this First Amendment to be effective on the date executed by County.

COUNTY OF SANTA BARBARA:

By: 
ALICE GLEGHORN, PH.D.,
DIRECTOR
DEPARTMENT OF BEHAVIORAL
WELLNESS

Date: 12/14/16

CONTRACTOR:

**Sanctuary Psychiatric Centers of Santa
Barbara, Inc.**

By: _____
Authorized Representative

Name: _____

Title: _____

Date: _____

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: 
Deputy County Counsel

APPROVED AS TO ACCOUNTING FORM:

THEODORE A. FALLATI, CPA
AUDITOR-CONTROLLER

By: 
Deputy

APPROVED AS TO INSURANCE FORM:

RAY AROMATORIO
RISK MANAGEMENT

By: 
Risk Management

FIRST AMENDMENT 2016-2019

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IN WITNESS WHEREOF, the parties have executed this First Amendment to be effective on the date executed by County.

COUNTY OF SANTA BARBARA:

By: _____
ALICE GLEGHORN, PH.D.,
DIRECTOR
DEPARTMENT OF BEHAVIORAL
WELLNESS

Date: _____

CONTRACTOR:

**Sanctuary Psychiatric Centers of Santa
Barbara, Inc.**

By: _____
Authorized Representative
Name: Barry Schoer
Title: President & CEO
Date: 12-19-16

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: _____
Deputy County Counsel

APPROVED AS TO ACCOUNTING FORM:

THEODORE A. FALLATI, CPA
AUDITOR-CONTROLLER

By: _____
Deputy

APPROVED AS TO INSURANCE FORM:

RAY AROMATORIO
RISK MANAGEMENT

By: _____
Risk Management