



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: Sheriff and Probation
Department No.: 032 and 022
For Agenda Of: May 7, 2024
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors

FROM:

Contact Info: Bill Brown, Sheriff-Coroner (805) 681-4290 
Holly L. Benton, Chief Probation Officer (805) 803-8537
Ryan Sullivan, Custody Commander (Sheriff's Office) (805) 681-4326
Damon Fletcher, Deputy Administrative Director (Probation) (805) 882-3654

SUBJECT: Sixth Amendment to Agreement with California Forensic Medical Group (CFMG/Wellpath) for the provision of Medical and Mental Health Services

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve, ratify, and authorize the Chair to execute a Sixth Amendment to Agreement for Services with California Forensic Medical Group (CFMG/Wellpath) for healthcare services (medical and mental health services) at the Santa Barbara County Sheriff's Office jail facilities and only for medical services for Probation's juvenile facilities, to extend these services from April 1, 2024 to June 30, 2024, and an increase of up to \$3,861,259.60 for this 91-day contract extension period in a total amount not to exceed \$75,535,114.60 for the contract term; and
- b) Determine that the above action is a government fiscal activity or funding mechanism which does not involve any commitment to any specific project which may result in a potentially significant impact on the environment and are therefore not a project under the California Environmental Quality Act (CEQA) pursuant to section 15378(b)(4) of the CEQA guidelines and that the activity is not a "Project" subject to CEQA section 15378(b)(5), since the activity is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment.

Summary Text:

CFMG/Wellpath currently provides healthcare services (medical and mental health) to the incarcerated population in the Santa Barbara County Sheriff's Office correctional facilities, as well as medical services for youth held in the Probation Department's juvenile facilities. This sixth amendment extends the term of the agreement for three months from April 1, 2024 through June 30, 2024 with no cost increases above current monthly rates. County representatives from multiple departments and CFMG/Wellpath have been meeting regularly since January 2024 to negotiate an extension to the contract that may incorporate significant changes to the Statement of Work, staffing allocations, and cost reimbursement for services not rendered. These negotiations have taken longer than initially expected, therefore this sixth amendment is before your Board for consideration to allow for additional time as the County team continues to negotiate with CFMG/Wellpath on a longer renewal.

Background:

On February 28, 2017, the Board of Supervisors approved the Sheriff and the Probation Department to contract with CFMG for healthcare services (medical and mental health services) at the jail and for medical services only for Probation's juvenile facilities. In the original Board approval in 2017, the contract was approved as a five-year initial contract with three optional one-year renewals.

In October of 2018, CFMG joined with Correct Care Solutions (CCS). CFMG's parent company, Correctional Medical Group Companies (CMGC) became Wellpath. Although the newly formed parent company is known as Wellpath, CFMG and CCS operate as separate entities with shared policies and procedures. In California, only entities owned solely by physicians are permitted to practice medicine. For this reason, complex healthcare organizations in California typically are organized with a physician-owned entity to provide care, and a management company to manage the business aspects. In this case, CFMG is the professional medical corporation, and Wellpath (formerly CMGC) is the management organization. Thus, our agreement with CFMG remains intact and will remain with CFMG for this amended agreement even though CFMG is now referred to as Wellpath.

On May 19, 2020, a first amendment to the agreement was approved by the Board to include staffing and services to be offered at the Northern Branch Jail (NBJ), which, at the time, was still under construction. The provisions of that amendment were held until sixty (60) days from the occupation of the new jail. On October 13, 2021, CFMG/Wellpath was formally notified of the anticipated opening of the NBJ and they were authorized to begin hiring immediately.

In July 2020, the Board approved recommendations for a structured settlement of the class action litigation case *Murray et al. v. County of Santa Barbara*. This litigation stems from Disability Rights California's investigation of the Main Jail conditions beginning in April 2015 and subsequent litigation filing in December 2017. Those recommendations were shared with CFMG/Wellpath and on October 6, 2020, they requested that the County consider amending the agreement in order to provide them with additional staffing to fulfill requirements tentatively agreed to in the settlement. Negotiations began shortly after.

On August 18, 2020, a second amendment to the agreement was approved by the Board to include a State-funded Jail Based Competency Treatment program (JBCT). This program, now run by CFMG/Wellpath, was designed to help with expediting restoration treatment in our local jail. This has benefited the County by treating inmates that had been previously placed on the waiting list for treatment at the State Hospitals.

Due to the excessive overcrowding at the State Hospitals, the list for transport and treatment could be up to a year-long, causing our community members to further decompensate in the interim. To-date, the Sheriff's Office and CFMG/Wellpath's JBCT partnership has restored over 100 inmates to competency with an average of 59 days for restoration. The costs for this program are included in this extension.

On February 2, 2021, Central U.S. District Court Judge Wu entered a settlement agreement in the class action litigation. The structured settlement included Remedial Plans that required numerous service level enhancements and physical plant modernizations aimed at improving the conditions of confinement in the Santa Barbara County jails.

In August of 2022, a fourth amendment¹ to the agreement was approved by the Board to include 6.9 additional FTE, and a one-year extension to the agreement, exercising the first of three one-year extensions included in the original agreement. Negotiations for a further one-year extension with CFMG/Wellpath began in December 2022.

In January 2023, the Sheriff's Office contracted with Avocet Enterprises to complete a health services staffing analysis as part of the *Murray et al. v. Santa Barbara County* Remedial Plan. A more comprehensive analysis was completed at the end of 2023 and into 2024 with the final report expected to be issued soon. Given the expiration of CFMG/Wellpath contract's extended term, the parties reached a tentative agreement to exercise a three-month extension with no increase to the monthly base compensation amount. The Sheriff's Office and CFMG/Wellpath are actively working to negotiate an extension through March 31, 2025, which may incorporate additional staffing enhancements that may be influenced by the recommendations of the completed staffing analysis conducted by Avocet.

Performance Measure:

CFMG/Wellpath provides essential health services to the incarcerated populations for both the Sheriff's Office and the Probation Department for the County of Santa Barbara. The measure of their performance is relative to CFMG/Wellpath maintaining their staffing to conduct services for which they are contracted. During this period of the contract, CFMG/Wellpath has provided the services outlined in the Statement of Work (Exhibit A of original contract from 2017) as well as added services contracted in the First, Second, Fourth and Fifth Amendments.

Contract Renewals and Performance Outcomes:

During the contract period, the contractor has provided contracted services to both the Sheriff's Office and Probation Department correctional facilities. The contract provides an allowance for missing 2% of shifts. Pursuant to Exhibit A, Section 17.2 Payment Reduction for Staffing Shortfalls of the Agreement for Services between the County of Santa Barbara, and California Forensic Medical Group, when the 2% margin of allowable missed shifts is exceeded, CFMG/Wellpath is required to reduce the monthly invoice by an amount equal to the hourly cost to the County for the clinical position hours not covered. Probation has consistently enforced this provision of the contract. The Sheriff's Office is working with County

¹ This third amendment was erroneously labeled the fourth amendment and is thus referred to here as the fourth amendment. Future amendments continue the numbering sequence accordingly.

partners and CFMG/Wellpath to accurately account for staffing shortfalls and obtain the proper credits associated with them in accordance with Exhibit A, Section 17.2 of the Agreement.

CFMG/Wellpath is required to provide the Board with an annual report and presentation to highlight their work performance and answer any questions or concerns. Specifically for the Sheriff’s Office, CFMG/Wellpath had fallen out of compliance in this area, but presented their 2022 Annual Report to the Board of Supervisors in December 2023. The Sheriff’s Office has requested that Wellpath deliver and be ready to submit their 2023 Annual Report for consideration to the Board of Supervisors as soon as possible. The Probation Department and CFMG/Wellpath have consistently been bringing their reports to the Board on a yearly basis, with the most recent report presented to the Board in August 2023.

The Sheriff’s Office and Probation Department are currently working to finalize a full extension of this contract that will go through the remainder of the renewal period permitted by the contract, to be followed by a request for proposal (RFP) process for health and mental health services within the jails and juvenile hall that is already in the planning stages.

Fiscal and Facilities Impacts:

Budgeted: Partially; pharmaceutical costs are currently trending higher than budgeted, and staff will return with budget solutions by year end, if necessary.

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund	\$ 3,861,259.60		
State			
Federal			
Fees			
Other:			
Total	\$ 3,861,259.60	\$ -	\$ -

Narrative:

The cost of this three-month extension, for the term of April 1, 2024 through June 30, 2024, is \$3,861,259.60, of which \$3,492,901.92 is for services to the Sheriff’s Office and \$368,357.68 is for services to the Probation Department. This includes estimated pharmaceutical costs, which are passed on to the County by Wellpath on a direct cost basis. The monthly base compensation amount for Wellpath’s services during this three-month extension is not increasing from the prior contract term.

Staffing studies are being completed to see what future needs there will be to comply with the County’s *Murray* settlement, and these needs will be considered within the longer extension currently in progress and the subsequent RFP process. Execution of this amendment will increase the total contract amount to \$75,535,114.60.

Attachments:

Sixth Amendment to Agreement with California Forensic Medical Group (CFMG/Wellpath) for the provision of Medical and Mental Healthcare Services

ATTACHMENT A: SIXTH AMENDMENT TO AGREEMENT FOR SERVICES OF INDEPENDENT CONTRACTOR

ATTACHMENT B: EXHIBIT E-1 STAFFING MATRICES – April 1, 2024, through June 30, 2024

ATTACHMENT C: EXHIBIT F-1 SALARY PLAN – April 1, 2024, through June 30, 2024

ATTACHMENT D: FIRST AMENDMENT TO AGREEMENT FOR SERVICES OF INDEPENDENT CONTRACTOR – May 19, 2020

ATTACHMENT E: SECOND AMENDMENT TO THE AGREEMENT FOR SERVICES OF INDEPENDENT CONTRACTOR – August 18, 2020

ATTACHMENT F: FOURTH AMENDMENT TO THE AGREEMENT OF SERVICES OF INDEPENDENT CONTRACTOR – August 16, 2022

ATTACHMENT G: FIFTH AMENDMENT TO THE AGREEMENT FOR SERVICES OF INDEPENDENT CONTRACTOR – September 12, 2023

Special Instructions:

Please scan and email to ane2825@sbsheriff.org and kdc3246@sbsheriff.org and send one (1) duplicate original Agreement, and a copy of the minute order to:

Sheriff Custody Health Services Unit
C/O Lieutenant Cassandra Marking,
Santa Barbara County Sheriff's Office,
4436 Calle Real, Santa Barbara, CA 93110

Authored by:

Ryan Sullivan, Commander, Custody Support Division
County of Santa Barbara Sheriff's Office