



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: August 16, 2022
Placement: Administrative
Estimated Time: N/A
Continued Item: No

If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Antonette Navarro, LMFT, Director
Director(s) Department of Behavioral Wellness, (805) 681-5220
Contact Info: Ole Behrendtsen, MD, Medical Director, (805) 681-5220
SUBJECT: Behavioral Wellness – Resolution for the Designation of Dignity Health dba Marian Regional Medical Center Crisis Stabilization Unit as Lanterman-Petris-Short (LPS) 5150 Facility and First Amendment to Agreement BC 21-084 for Fiscal Year (FY) 2021-2024

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. Adopt a Resolution designating **Dignity Health dba Marian Regional Medical Center** (Marian) (a local vendor) **Crisis Stabilization Unit** (CSU) as a Lanterman-Petris-Short Act (LPS) Welfare and Institutions Code section 5150 (5150) facility (Attachment A);
- B. Concur with the execution of a letter to the **California Department of Health Care Services** requesting approval of the County designation of **Dignity Health dba Marian Regional Medical Center Crisis Stabilization Unit** as an LPS 5150 facility that is substantially similar to the draft provided in Attachment B;
- C. Approve and authorize the Chair to execute the First Amendment to the Agreement with **Dignity Health dba Marian Regional Medical Center**, BC 21-084, to add LPS 5150 services and update language for compliance with county, state, and federal requirements, with no change to the Agreement maximum of **\$4,800,000** (\$1,600,000 annually), for the period of July 13, 2021 through June 30, 2024 (Attachment C);

- D. Delegate to the Director of the Department of Behavioral Wellness or designee the authority to provide County's written consent for Marian to subcontract its obligations under the Agreement per Section 18 of the Agreement; make immaterial changes to the Agreement per Section 26 of the Agreement; amend the staffing levels to reallocate between funding sources in the year-end cost settlement; and amend the program goals, outcomes, and measures per Exhibit E of the Agreement, all without altering the Maximum Contract Amount and without requiring formal amendment of the Agreement by the Board, subject to the Board's ability to rescind this delegated authority at any time; and
- E. Determine that the above actions are government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment, and are organizational or administrative activities of the government that will not result in direct or indirect physical changes in the environment and are therefore not a project under the California Environmental Quality Act (CEQA) pursuant to section 15378(b)(4) and (b)(5) of the CEQA Guidelines.

Summary Text: This item is on the agenda to request the Board of Supervisors (Board) to adopt a Resolution designating Marian as an LPS 5150 facility and concur with the execution of a letter to DHCS requesting approval of the County designation of the Marian CSU as an LPS 5150 facility.

In addition, BWell requests that the Board approve and authorize the Chair to execute the First Amendment to the Agreement (BC 21-084) with Marian to provide LPS 5150 services with no change to the Agreement maximum of \$4,800,000, inclusive of \$1,600,000 per year, for the period of July 13, 2021 through June 30, 2024. Also, BWell requests to delegate to the Director of BWell or designee the authority to provide County's written consent for Marian to subcontract its obligations under the Agreement per Section 18 of the Agreement; make immaterial changes to the Agreement per Section 26 of the Agreement; amend the staffing levels to reallocate between funding sources in the year-end cost settlement; and amend the program goals, outcomes, and measures per Exhibit E of the Agreement, all without altering the Maximum Contract Amount and without requiring formal amendment of the Agreement by the Board, subject to the Board's ability to rescind this delegated authority at any time.

Background:

On June 22, 2021, the Board approved the execution of a multi-year Services Agreement with Marian for 24-hour, 7-day per week hospital-based crisis stabilization unit services. The Marian CSU is located in Santa Maria. Due to California Department of Public Health (CDPH) licensure delays, the Marian CSU has not yet open, but, once it opens, it will serve adults who present in the emergency department, are medically stabilized, and would benefit from multidisciplinary mental health evaluation and crisis services for up to 23 hours and 59 minutes.

The CSU provides a safe, short-term, voluntary emergency treatment option for individuals experiencing a psychiatric emergency or mental health crisis. Also, the Marian CSU reduces the length of time clients who present at Marian's Emergency Department (ED) in a psychiatric emergency or mental health crisis must remain in the ED. By providing timely mental health crisis stabilization services, Marian will medically clear and transfer these clients to its 8-bed CSU for crisis stabilization services lasting less than 24 hours, in accordance with California Code of Regulations (CCR), Title 9, Section 1810.210.

This First Amendment to request a LPS 5150 designation of the Marian CSU by the County is a necessary step in allowing designated staff of the Marian CSU to provide evaluation and treatment to adults with mental health disorders who have been deemed a danger to themselves or others or are gravely disabled. In order to have the Marian CSU LPS 5150 program certified by DHCS, it must be approved as a

designated LPS 5150 facility by the Board. Pending Board approval, and certification from DHCS, it is anticipated that the Marian CSU LPS 5150 program will open in August 2022

County LPS-designated facilities are mental health treatment facilities that are designated by counties for the evaluation and treatment of persons detained as a result of a mental health disorder under Welfare and Institutions Code section 5150 et seq., approved by DHCS, and licensed as a health facility as defined in subdivision (a) or (b) of Section 1250 or 1250.2 of the Health and Safety Code or certified by DHCS to provide mental health treatment. A designated facility may include, but is not limited to, a licensed psychiatric hospital, a licensed psychiatric health facility, and a certified crisis stabilization unit.

Approval of the recommended actions, will allow BWELL and Marian CSU the ability to provide services to clients, who meet medical necessity for crisis services, who are both voluntary and serve clients who are involuntary, under the 5150 designation, for up to 23 hours and 59 minutes. This allow BWELL to expand service and access to care in North County. There will be continuity of care between the emergency department physicians, nurses, and mental health crisis clinical and support staff as well as aftercare connectivity with the County Mental Health Plan providers and Managed Care Plan so that all clients, , will be successfully connected to healthcare follow-up.

Performance Measure:

The Program will be measured according to the following goals and outcomes:

Crisis Stabilization Unit Program Evaluation		
*This percentage is for Year 1, FY 21-22. It will be reviewed in future years with the goal of increasing the percentage of clients who discharge to a lower level of care.		
Program Goals	Outcomes	CSU (all outcomes are in %)
1. Assist clients in their mental health recovery process and with developing the skills necessary to lead independent, healthy and productive lives in the community.	A. Of those who discharged: Number (%) of clients who transition to a higher level of care (e.g., inpatient admission)	≤40
	B. Of those who discharged: Number (%) of clients who transition to a lower level of care (e.g., outpatient care)	≥60*
2. Assess client need for mental health (and/or substance use) services and community support services.	A. Outpatient Mental Health	≥90
	B. Substance Use Disorder Services	≥90
	C. Primary Care Physician	≥90
	D. Domestic Violence	≥90
	E. Elder or Dependent Adult Abuse	≥90
3. Provide client linkage to appropriate mental health (and/or substance abuse) services and community support services as demonstrated in discharge plan.	A. Outpatient Mental Health	≥90
	B. Substance Use Disorder Services	≥90
	C. Primary Care Physician	≥90
	D. Domestic Violence	≥90
	E. Dependent/elder Abuse	≥90

Contract Renewals and Performance Outcomes:

Due to California Department of Public Health (CDPH) licensure delays, Marian has yet to open the CSU. They need BWell to finalize site certification once Marian received the CDPH CSU licensure. However, Marian has been working on licensing the facility, and on staff recruitment.

Fiscal and Facilities Impacts:

There is no fiscal impact for this request.

Fiscal Analysis:

<u>Funding Sources</u>	<u>2021-2022 FY Cost:</u>	<u>2022-2023 FY Cost:</u>	<u>2023-2024 FY Cost:</u>
General Fund Discretionary Fund			
Balance	\$800,000		
State			
Federal: Medi-Cal	\$800,000	\$800,000	\$800,000
MHSA Growth/Other Local Funds		\$800,000	\$800,000
Total	\$ 1,600,000	\$ 1,600,000	\$ 1,600,000
Grand Total			\$ 4,800,000.00

Narrative: Costs incurred for crisis stabilization and LPS 5150 services provided to Medi-Cal beneficiaries under this Agreement are eligible for reimbursement with 50% federal financial participation through the Medi-Cal program; BWell is responsible for the non-federal share of costs. BWell will use funds set aside in General County Programs for BWell operations for the non-federal share of costs in FY 22-23. This will allow Behavioral Wellness to identify other appropriate ongoing sources to fund the non-federal share of costs in FY 2023-2024.

Key Contract Risks:

The County’s Contractor Risk Assessment tool calculates that the proposed agreement with Marian presents a high risk. With the addition of the LPS 5150 services also creates high risk for the County. Some of the higher risk categories include the contract size (over \$500,000), the funding source (cost-reimbursed through Medi-Cal funds), Marian is using a subcontractor some of their psychiatric services, and that this agreement is with a new provider. However, in order to mitigate these potential risks, the contract is a limited term pilot with clear performance outcomes, as referenced above.

BWell Quality Care Management will initiate regular monitoring and feedback of service provision to ensure all elements of CSU operations align with Mental Health Plan (MHP) rules and regulations. The contract is cost-reimbursed with a contract maximum to ensure the billing mechanisms are utilized in accordance with MHP financial standards. Additionally, BWell staff will coordinate trainings and meet frequently with Marian to initiate this new program in order to mitigate programmatic risks in this new endeavor. The County may terminate the agreement for convenience, cause, or non-appropriation of funds. Marian may also terminate the agreement for convenience by providing 120 days’ notice to the County or for non-payment by County.

Special Instructions:

Please return one (1) Minute Order and one (1) complete copy of the Agreement to Denise Morales at dmorales@sbcbwell.org and the BWell Contracts Team at bwellcontractsstaff@sbcbwell.org.

Attachments:

Attachment A: Dignity Health MRMC LPS Designation Resolution

Attachment B: Dignity Health MRMC DHCS LPS Certification Letter Draft

Attachment C: Dignity Health MRMC FY 21-24 BC 21-084 AM1

Attachment D: Dignity Health MRMC FY 21-24 BC 21-084

Authored by:

D. Morales