



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:** September 21, 2021  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

**TO:** Board of Supervisors  
**FROM:** Department Pamela Fisher, Psy.D., Acting Director  
Director(s) Department of Behavioral Wellness, (805) 681-5220  
Contact Info: Chris Ribeiro, Chief Financial Officer  
Department of Behavioral Wellness 805-681-5220  
**SUBJECT:** Behavioral Wellness - Institutions for Mental Disease - Vista Pacifica  
Enterprises, Inc. First Amended Agreement FY 20-23

**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, and authorize the Chair to execute a First Amended Agreement for Services of Independent Contractor with **Vista Pacifica Enterprises, Inc.**, a California corporation (not a local vendor) (BC 20-152), to add Restoration to Competency services and corresponding rates; amend the daily facility rates and rate setting provisions in accordance with AB 1629; allows the County to suspend, delay, or interrupt the services under the Agreement for convenience; updates language for continued compliance with federal and state requirements; reallocates funds between funding sources or programs; allows for rates other than the Per Diem Rates for special circumstances during the term of the Agreement, all with no change to the total maximum contract amount not to exceed **\$4,200,000**, inclusive of \$1,400,000 per fiscal year, for the period July 1, 2020 through June 30, 2023; and
- B. Delegate to the Director of the Department of Behavioral Wellness or designee the authority to make immaterial changes to the Agreements; suspend, delay, or interrupt the services under the Agreement for convenience per Section 41 of the Agreement; reallocate funds between funding sources or programs or agree to rates other than the Per Diem Rates for special circumstances during the term of the Agreements as long as there is no change to the Maximum Contract Amounts; and amend the Program Goals, Outcomes, and Measures in Exhibits E of the Agreements, all without requiring formal amendment thereto and subject to the Board’s authority to rescind this delegated authority at any time; and

- C. Determine that the above action is a government funding mechanism or other government fiscal activity, which does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment and is therefore not a project under the California Environmental Quality Act (CEQA) pursuant to section 15378(b)(4) of the CEQA Guidelines.

**Summary Text:**

The item is on the agenda to request the Board of Supervisors approve and authorize the Chair to execute a First Amended Agreement with Vista Pacifica Enterprises, Inc. (VPE) an Institution for Mental Disease (IMD) and Skilled Nursing Facility (SNF) for FYs 20-23 to add Restoration to Competency services and corresponding rates, amend the daily facility rates and rate setting provision in accordance with AB 1629, and makes other immaterial changes to the agreement or suspend, delay, or interrupt the services under the Agreement for convenience; reallocate funds between funding sources or programs or agree to rates other than the Per Diem Rates for special circumstances during the term of the Agreements as long as there is no change to the Maximum Contract Amounts; and amend the Program Goals, Outcomes, and Measures in Exhibits E of the Agreements, all without requiring formal amendment thereto and subject to the Board’s authority to rescind this delegated authority at any time; with no change to the total maximum contract amount not to exceed \$4,200,000 for FY 20-23 for FY 20-23.

**Background:**

BWell provides a continuum of specialty mental health services to Santa Barbara County residents, in part through contracted providers. IMDs are facilities including hospitals, nursing facilities, or other institutions of more than 16 beds that are primarily engaged in providing diagnosis, treatment, or care of persons with mental illness, including medical attention, nursing care, and related services. Due to the Federal IMD Exclusion, these services are not reimbursable by Medi-Cal for clients between the ages of 21 and 65. BWell contracts with IMDs that are licensed as Acute Psychiatric Hospitals, Skilled Nursing Facilities with Special Treatment Patches, and Mental Health Rehabilitation Centers to meet client’s specialty mental health needs.

On October 13, 2020 the Board approved the VPE contract renewal for FY 20-23 for VPE to provide IMD and SNF services. VPE’s IMD facility specializes in geropsychology and offers four levels of service for residents who require high levels of supervision with behavioral and medical needs. The First Amendment adds a new service level Restoration to Competency, a program designed to restore residents who have been deemed Incompetent to Stand Trial in misdemeanor cases to competency so that they may stand trial. Additionally, the First Amendment amends the daily facility rates and rate setting provisions in accordance with AB 1629 and makes other immaterial changes to the agreement. In response to the COVID-19 outbreak, the Department of Health Care Services (DHCS) temporarily provided an additional 10% reimbursement for Long Term Care (LTC) per diem rates effective March 1, 2020.

Approval of the amendment to the agreement will allow BWell to continue to provide mandated mental health and ancillary needed services to its clients all with no change to the maximum contract amount.

**Performance Outcomes:**

The average caseload for FY 20-21 was 16 County clients. As of June 2021, we have 11 clients placed with VPE: 6 at the Vista Pacifica IMD Center and 5 at the Vista Pacifica SNF Convalescent center.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

| <b><u>Funding Sources</u></b> | <b><u>FY 20-21 Cost</u></b> | <b><u>FY 21-22 Cost</u></b> | <b><u>FY 22-23 Cost</u></b> | <b><u>FY 20-23 Overall Cost</u></b> |
|-------------------------------|-----------------------------|-----------------------------|-----------------------------|-------------------------------------|
| General Fund                  |                             |                             |                             |                                     |
| State                         | \$ 1,400,000.00             | \$ 1,400,000.00             | \$1,400,000.00              |                                     |
| Federal                       |                             |                             |                             |                                     |
| Fees                          |                             |                             |                             |                                     |
| Other:                        |                             |                             |                             |                                     |
| <b>Total</b>                  | <b>\$ 1,400,000.00</b>      | <b>\$ 1,400,000.00</b>      | <b>\$1,400,000.00</b>       | <b>\$ 4,200,000.00</b>              |

Narrative: This amendment does not change the contract Maximum Contract Amount. The above-referenced contract is funded by State funds. DHCS will provide the 10% reimbursement increase for SNF/IMD per diem rates in connection with the COVID-19 outbreak and public health emergency. The funding is included in the FY 2021-2022 Approved Budget. Funds for FY 22-23 will be included the proposed budget and contingent on Board approval.

**Key Contract Risks:** As with any contract funded by the State, there is a risk of future audit disallowances and repayments through the State’s auditing process. The contracts include language requiring the contractors to repay any amounts disallowed in audit findings, minimizing financial risk to the County.

**Special Instructions:**

Please send one (1) complete copy of the executed Board Contract and one (1) minute order to Denise Morales at dmorales@sbcbswell.org and the BWell Contracts Division at [bwellcontractsstaff@co.santa-barbara.ca.us](mailto:bwellcontractsstaff@co.santa-barbara.ca.us).

**Attachments:**

- Attachment A: Vista Pacifica FY 20-23 BC 20-152 AM1
- Attachment B: Vista Pacifica FY 20-23 BC 20-152

**Authored by:**

D. Morales