



**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-Coroner and Probation  
**Department No.:** 032 and 022  
**For Agenda Of:** June 25, 2024  
**Placement:** Departmental  
**Estimated Time:** 45 Minutes  
**Continued Item:** No  
**If Yes, date from:** N/A  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Bill Brown, Sheriff-Coroner (805) 681-4290 *BB*  
Directors Holly L. Benton, Chief Probation Officer (805) 803-8537 *DF*  
Contact Info: Ryan Sullivan, Custody Commander (Sheriff's Office) (805) 681-4326  
Damon Fletcher, Chief Financial and Administrative Officer (Probation) (805) 882-3654

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

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**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 Seventh 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 July 1, 2024 to March 31, 2025, and increase the not to exceed amount by \$13,232,153.75 for this 9-month contract extension period in a total amount not to exceed \$88,767,268.35 for the contract term; and
- b) Determine that the above action 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 facility. This seventh amendment extends the term of the Agreement for nine months from July 1, 2024 through March 31, 2025. County representatives from multiple departments and CFMG/Wellpath have met regularly since January 2024 to negotiate this extension to the contract that incorporates significant changes to the Statement of Work, staffing allocations, and cost reimbursement for services not rendered. These negotiations were complex and required significant staff time and effort to accomplish. The Sheriff's Office and Probation have also been working with County partners to ensure that cost reimbursements for services not rendered are recouped appropriately.

**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) and 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 (hereinafter 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 (Murray)*. 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. The structured settlement recommendations in the *Murray* litigation were shared with Wellpath. On October 6, 2020, CMFG/Wellpath requested that the County consider amending their Agreement to increase staffing in order to fulfill requirements tentatively agreed to in the *Murray* settlement. Staffing negotiations with Wellpath began shortly thereafter.

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 California Health and Recovery Solutions, P.C. (CHRS), a division of Wellpath, was designed to help with expediting

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restoration treatment in our local jail. Due to the excessive overcrowding at the State Hospitals, transport and treatment of inmates resulted in long delays. The JBCT program has benefited the County by treating inmates that had been previously placed on the waiting list for treatment at the State Hospitals. To-date, the Sheriff's Office and Wellpath's JBCT partnership has restored 140 inmates to competency with an average of 62 days for restoration. The costs for the JBCT program were previously included in the second, fourth, fifth and sixth amendments to the Agreement. For this contract period, the JBCT program costs and associated revenues will be considered by your Board in a separate agreement.

In 2020, the Sheriff's Office and Wellpath combined the health and mental health services provided at the jail facilities with JBCT services. Wellpath requested the removal of JBCT services from this Agreement as services are provided by their subsidiary, CHRIS. An agreement for JBCT services is expected to return to your Board in July 2024.

On February 2, 2021, Central U.S. District Court Judge Wu entered a settlement agreement in the *Murray* 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 amendment<sup>1</sup> 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.

In January 2023, the Sheriff's Office contracted with Avocet Enterprises, LLC (Avocet) to complete a health services staffing analysis as part of the *Murray* Remedial Plan. A more comprehensive analysis was completed by Avocet at the end of 2023 and into 2024 with the final report expected to be issued soon.

In July 2023, the Sheriff's Office opened behavioral health units (BHUs) within the jail facilities to comply with provisions in the *Murray* settlement related to treatment of inmates with behavioral health needs. These units provide a requisite amount of group treatment programming as well as individual counseling and treatment planning. BHUs in both jail facilities now serve up to 88 inmates.

In September 2023, a fifth amendment to the Agreement was approved by the Board that provided a 5% CPI increase with no staffing modifications.

In May 2024, a sixth amendment to the Agreement was approved by the Board that extended the term of the Agreement for three months with no increase to the base compensation amount. The term of that amendment is set to expire on June 30, 2024.

Given the upcoming June 30<sup>th</sup> expiration of the current extension, the parties reached a tentative agreement to exercise a nine-month extension to the Agreement through March 31, 2025, with additional staffing

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<sup>1</sup> This amendment was erroneously labeled the fourth amendment and should have been labeled as the third amendment. For clarity, this board letter will continue referring to this amendment as the fourth amendment. Future amendments continue the numbering sequence accordingly.

positions allocated, significant revisions to the Statement of Work, and more extensive cost reimbursement language.

The original contract and subsequent amendments included services at both the Juvenile Justice Center (JJC) and the Los Prietos Boys Camp (LPBC) operated by the Probation Department. In February 2024, the final youth exited the LPBC program, thus, the present amendment reflects services only being provided at the JJC. The amendment includes an increase to nursing staff hours at the JJC to provide consistent daily coverage.

### **Performance Measure:**

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 Wellpath maintaining their staffing to conduct services for which they are contracted. During this period of the contract, 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, Fifth and Sixth Amendments.

The Sheriff's Office commissioned an analysis of healthcare staffing that began in 2023 with Avocet. Avocet's initial report was provided to the County in spring 2023 with several recommendations intended to improve care. Avocet returned to re-evaluate staffing levels in late 2023. The Avocet staffing analysis is in the process of being finalized and the Sheriff's Office will work with County partners to consider the full recommendations necessary to comply with the County's *Murray* settlement, and these needs will be considered within the upcoming request for proposals (RFP) process, discussed further below. Based on the draft report, the Sheriff's Office negotiated for an enhancement of staffing levels and selected positions that were well supported by the Avocet report in order to improve compliance with the County's *Murray* settlement. Additional staffing enhancements identified within the Avocet report will be considered following the finalization of the report when the County issues an RFP for healthcare services.

In the present amendment, 16.6 FTE positions are being added and 2 FTE positions are being removed. The 16.6 new positions were added to help achieve compliance with the County's *Murray* settlement. Those positions are:

- Northern Branch Jail:
  - o 4.2 FTE Licensed Vocational Nurses during daytime and overnight hours to ensure medication delivery times comply with *Murray* Remedial Plan requirements as well as allow the Medication Assisted Treatment (MAT) program to expand, ensure that the pharmacy and medical equipment are inspected and maintained, and to assist the Registered Nurses with patient care.
  - o 1.0 FTE Medical Assistant to schedule all patient outside appointments and to assist with administration of clinical labs, vaccines, and other treatments to allow nursing staff to focus on higher level clinical needs.
  - o 1.0 FTE Nurse Practitioner to examine patients within timeframes established in the *Murray* Remedial Plan and to support expansion of the MAT program by conducting visits with individuals on the waiting list or eligible for the program.

- 1.0 FTE Facility Coordinator to coordinate health and mental health care visits at the Northern Branch Jail to increase efficiency and monitor and triage patient wait times to improve care.
- 1.0 Discharge Planner to assist the County's discharge planning efforts by coordinating prescription medication renewals and scheduling appointments with community health and mental health providers prior to an individual's release from custody.
- 1.0 FTE Substance Use Disorder Counselor to provide individuals on the MAT program with individual and group substance use counseling.
- 0.4 FTE Medical Records Clerk to assist with obtaining records from community providers to assist with patient care and discharge planning efforts.
- 0.5 FTE Mental Health Professional to provide individual treatment plans and individual counseling to patients in BHUs.
- 2.0 FTE Licensed Psych Technicians to supplement mental health coverage, respond to crises, and monitor patients in observation, safety and/or restrictive housing cells as well as assist with BHUs.
- 0.1 FTE Registered Nurse to supplement the 0.9 FTE previously identified Psychological Registered Nurse in order to allow for one full time equivalent position to support routine, required health appraisals of patients.
- Main Jail:
  - 1.0 Discharge Planner to assist the County's discharge planning efforts by coordinating prescription medication renewals and scheduling appointments with community health and mental health providers prior to an individual's release from custody.
  - 1.0 FTE Mental Health Professional to provide individual treatment plans and individual counseling to patients in BHUs.
  - 1.0 FTE Medical Assistant to schedule all patient outside appointments and to assist with administration of clinical labs, vaccines, and other treatments to allow nursing staff to focus on higher level clinical needs.
  - 1.4 FTE Licensed Vocational Nurses to ensure medication delivery times comply with *Murray* Remedial Plan requirements as well as allow the MAT program to expand, ensure that the pharmacy and medical equipment are inspected and maintained, and assist Registered Nurses with patient care.

The two positions being removed from the Agreement include 1.0 FTE Certified Nursing Assistant and 1.0 FTE Administrative Assistant. The duties of these two positions will be performed by positions that are included in the enhancements above.

**Contract Renewals and Performance Outcomes:**

During the current contract period, Wellpath 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 of the Agreement, when the 2% margin of allowable missed shifts is exceeded, Wellpath is required to issue a credit to the monthly invoice to the County in the amount equal to the hourly rate plus benefits for the hours not covered. Probation has consistently enforced this provision of the contract. In recent months, the Sheriff's Office has worked with County partners and Wellpath to accurately account for staffing shortfalls and obtain the proper credits associated in accordance with Exhibit A, Section 17.2 of the Agreement. Credits for several months of staffing shortfalls

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have already been calculated and the Sheriff's Office expects credits for the prior contract year (Year 7) to be finalized before fiscal year-end close. The present amendment also provides for liquidated damages for staffing vacancies left unfilled for more than 30 days. Beginning on the 31<sup>st</sup> day a vacancy is unfilled, Wellpath will pay liquidated damages of \$200 per position for each day a vacancy remains unfilled.

Wellpath is required to provide the Board with an annual report and presentation to highlight their work performance and answer any questions or concerns. For the Sheriff's Office specifically, Wellpath fell out of compliance in this area but presented the 2022 Annual Report to the Board of Supervisors in December 2023. The Sheriff's Office, as directed by your Board, has requested that Wellpath deliver their 2023 Annual Report to the Sheriff's Office as soon as possible. That report is anticipated to be considered by your Board in July 2024. The Probation Department and Wellpath have consistently brought their reports to the Board on a yearly basis, with the most recent report presented to the Board in August 2023 for calendar year 2022. The 2023 Annual Report for Probation will be brought to the Board on August 20, 2024.

The Sheriff's Office and Probation Department are currently working with County partners and a consultant on a RFP process for health and mental health services within the jails to initiate a new agreement with the selected vendor upon the expiration of this Agreement. The Sheriff's Office and Probation intend to bring the award of the RFP back to your Board in early 2025, with services expected to begin on April 1, 2025.

**Fiscal and Facilities Impacts:**

Budgeted: Yes.

**Fiscal Analysis:** ["Double Click to see Funding Source Instructions"](#)

Healthcare Services	Year 7	3-Month Status Quo Extension	9-Month Amendment	Year 8 Total	Year 7 to Year 8 Increase/Decrease
	(April 1, 2023 – March 31, 2024)	(April 1, 2024 – June 30, 2024)	(July 1, 2024 – March 31, 2025)	(April 1, 2024 – March 31, 2025)	
Main Jail	\$7,685,970.00	\$2,174,063.18	\$6,208,292.35	\$8,382,355.53	\$696,385.53
State-funded JBCT	\$1,010,282.70	\$0.00	\$0.00	\$0.00	-\$1,010,282.70
NBJ	\$3,553,433.98	\$888,358.51	\$2,864,357.22	\$3,752,715.73	\$199,281.75
Pharmaceuticals	\$978,315.00	\$425,000.00	\$1,182,609.00	\$1,607,609.00	\$629,294.00
EMR	\$21,921.00	\$5,480.25	\$16,440.75	\$21,921.00	\$0.00
New Staff Positions	\$0.00	\$0.00	\$1,799,653.92	\$1,799,653.92	\$1,799,653.92
<b>Sheriff Total</b>	<b>\$13,249,922.68</b>	<b>\$3,492,901.94</b>	<b>\$12,071,353.24</b>	<b>\$15,564,255.18</b>	<b>\$2,314,332.50</b>
Juvenile Facilities	\$1,410,729.00	\$352,682.25	\$1,099,079.26	\$1,451,761.51	\$41,032.51
Pharmaceuticals	\$60,406.70	\$15,101.68	\$60,000.00	\$75,101.68	\$14,694.98
EMR	\$2,295.00	\$573.75	\$1,721.25	\$2,295.00	\$0.00
<b>Probation Total</b>	<b>\$1,473,430.70</b>	<b>\$368,357.68</b>	<b>\$1,160,800.51</b>	<b>\$1,529,158.19</b>	<b>\$55,727.49</b>
<b>Healthcare Services Total</b>	<b>\$14,723,353.38</b>	<b>\$3,861,259.62</b>	<b>\$13,232,153.75</b>	<b>\$17,093,413.37</b>	<b>\$2,370,059.99</b>

<b>Funding Sources</b>	<b>Current FY Cost:</b>	<b>Annualized On-going Cost:</b>	<b>Total One-Time Project Cost</b>
General Fund	\$ 12,781,703.75		
State			
Federal			
Fees			
Other:	\$ 450,450.00		
<b>Total</b>	<b>\$ 13,232,153.75</b>	<b>\$ -</b>	<b>\$ -</b>

**Narrative:**

The not-to-exceed cost of this nine-month extension, Year 8, for the term of July 1, 2024 through March 31, 2025, is \$13,232,153.75, of which \$12,071,353.24 is for services to the Sheriff's Office and

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\$1,160,800.51 is for services to the Probation Department. This includes estimated pharmaceutical costs, which are passed through to the County by Wellpath on a direct cost basis.

The cost changes for the nine-month remainder of Year 8 include:

- 4% increase in Labor and Other Direct costs
- 3% increase in Services and Supplies costs
- Flat increase of \$671,575 in General & Administrative costs
- Removal of JBCT program costs, which will be handled through a separate agreement with Wellpath as discussed above
- Increase of \$643,988.68 on an annualized basis for pharmaceuticals, to account for the overall increase in pharmaceutical costs and usage. Long-term injectable medications for psychiatric patients and those suffering from other chronic illnesses such as psoriatic arthritis, HIV, and Hepatitis B and C are typically only available in non-generic form and are accompanied by the requisite premium cost to the County.
- \$1,799,653.91 for 16.6 new positions, detailed above, with consideration of recommendations contained in the Avocet staffing analysis draft report the County received.

Execution of this amendment will increase the total contract amount to \$88,767,268.35. Funding for this nine-month extension to provide services through March 31, 2025 is included within the Sheriff's Office FY 2024-25 Adopted Budget, and \$600,600 has been allocated from Opioid Settlement funding to support jail MAT program costs as approved by your Board on June 18, 2024 (prorated above to \$450,450 for this nine-month extension term). Additional funding will likely be required for services beginning April 1, 2025 and a budget revision for the remainder of FY 2024-25 will be brought to your Board once proposals to the upcoming RFP are received, and a vendor and service costs are identified.

**Attachments:**

Attachment A: Seventh Amendment to Agreement for Services of Independent Contractor

Attachment B: First, Second, Fourth, Fifth, and Sixth Amendments to Agreement for Services of Independent Contractor

Attachment C: Exhibit E-2 Staffing Matrices – July 1, 2024, through March 31, 2025

Attachment D: Exhibit F-2 Salary Plan – July 1, 2024, through March 31, 2025

Attachment E: Amended Exhibit A – Seventh Amendment - Statement of Work

**Special Instructions:**

Please scan and email to [clm3991@sbsheriff.org](mailto:clm3991@sbsheriff.org) and [rms3882@sbsheriff.org](mailto:rms3882@sbsheriff.org) one (1) duplicate original Agreement, and mail a copy of the minute order to:

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

**Authored by:**

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