

Attachment A

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COUNTY OF SANTA BARBARA

June 25, 2024

Honorable Pauline Maxwell
Presiding Judge
Santa Barbara Superior Court
County Courthouse
1100 Anacapa Street
Santa Barbara, CA 93101

Reference: Response to Santa Barbara Civil Grand Jury report titled, "Wellpath Contract Services Provided to Santa Barbara County and the Sheriff's Office"

Judge Maxwell:

Please find attached the Santa Barbara County Board of Supervisors (Board) response to the above referenced Civil Grand Jury Report. As directed by the Grand Jury, all responses are provided in accordance with Section 933.05 of the California Penal Code (PC). Pursuant to PC Section 933 (c) and (d), responses are provided on behalf of the Board of Supervisors.

Sincerely,

Steve Lavagnino, Chair
Santa Barbara County Board of Supervisors

cc: Santa Barbara County Board of Supervisors
Bill Brown, Sheriff-Coroner

**Santa Barbara County Board of Supervisors
Response to the Santa Barbara County Grand Jury 2023-24 Report
“Wellpath Contract Services Provided to Santa Barbara County
and the Sheriff’s Office”**

Finding 1

Wellpath/Sheriff staffing shortfalls at the Santa Barbara County jails occurred frequently, which could lead to delayed healthcare provision to the inmates.

The Board of Supervisors agrees.

Recommendation 1a

The Sheriff’s Office shall include more healthcare positions in the upcoming 2024 contract.

This recommendation has been implemented. Additional healthcare positions have been requested and are anticipated to be included in the agreement amendment that will be brought by the Sheriff’s Office and the Probation Department to the Board of Supervisors.

Recommendation 1b

The Sheriff’s Office shall institute higher initial compensation to better assist recruitment of qualified healthcare staff in the upcoming 2024 contract.

This recommendation will not be implemented. Compensation, benefits, and employee incentives for a private contractor’s employees are not determined by the County or the contract administrators. It is anticipated that the upcoming agreement amendment will include an increase to salaries and benefits that is designed to account for cost-of-living increases. However, it will be up to Wellpath as the employer to ultimately determine how contract increases are applied across its organization. The County also plans to utilize other agreement terms to disincentivize staffing vacancies to encourage Wellpath to ensure all funded positions remain filled throughout the agreement term.

Recommendation 1c

The Sheriff’s Office shall negotiate for competitive incentive programs in the upcoming 2024 healthcare contract. These would include signing bonuses, retention bonuses, enhanced benefit packages, transportation allowances, or other housing assistance packages commensurate with the high housing costs in Santa Barbara County.

This recommendation will not be implemented. As stated above, compensation, benefits, and employee incentives for a private contractor’s employees are not determined

by the County or the contract administrators. The contract administrators, specifically the Sheriff's Office and Probation Department, focus on a generalized requirement that the contractor must provide a particular level of service, staffing, and structure. In order to successfully meet and maintain the required service and staffing levels, Wellpath will need to ensure that its employees are afforded competitive pay and benefits against the current and future job markets within their organization's policies.

Finding 2

A lack of accounting within the Sheriff's Office did not acknowledge Wellpath staffing shortfalls which exceeded the agreed upon 2% vacancy level for which credits should have been applied.

The Board of Supervisors agrees.

Recommendation 2d

The Board of Supervisors shall require Public Health Department resources to carefully oversee and regularly report on performance measures and Contractual Agreement adherence.

This recommendation will be implemented, in part. On March 19, 2024, the Board of Supervisors approved the Director of Public Health to establish and hire a 0.5 FTE Chief Correctional Health Medical Advisor and a 1.0 FTE Correctional Health Quality Care Improvement Coordinator to support the development and expansion of sustainable jail health services. These new resources will monitor the health services in the jails and independently assess compliance, as well as adequacy and appropriateness of care. The positions are anticipated to be onboarded in summer/fall 2024 and will work with system partners to establish regular performance reporting.

One caveat, however, is that while the above positions will oversee and report on performance measures, they will not oversee "contractual agreement adherence," as that responsibility rests with the Sheriff's Office and Probation Department as the Wellpath contract administrators. The Board of Supervisors has expressed willingness to transfer oversight of contract administration to the Public Health Department (PHD) as this would provide the most direct oversight monitoring by PHD. However, it is the Sheriff's position that this would inappropriately interfere with the elected Sheriff's sole and exclusive statutory authority to "keep and operate the county jail and the prisoners within it," as mandated by California Government Code §26605, by reassigning the primary responsibility for a core operational function of the jail to PHD. Under the California Code of Regulations, a "facility administrator" has responsibility to ensure the "provision of emergency and basic health care services to all incarcerated persons." (15 CCR §1200.) A facility administrator is defined as the "sheriff, chief of police, chief probation officer, or other official charged by law with the administration of a local detention facility." (15 CCR

§1006.) Since the Sheriff is the administrator for the jail, he believes he needs to oversee health care in jail facilities.

PHD monitoring staff will help to measure standards agreed upon by the contract administrators and Wellpath, and regularly provide feedback on level of compliance.

Finding 3

There is an absence of Wellpath 24/7 mental health providers at both County Jail sites.

The Board of Supervisors agrees.

Recommendation 3c

The Board of Supervisors shall ensure the presence of a Behavioral Wellness crisis team adjacent to the jail facility ensuring the presence of trained crisis response team members in the nighttime hours (11 p.m. – 7 a.m.) to be initiated by the end of December 2024.

This recommendation will be implemented. In fall 2023, Behavioral Wellness (BWell) evaluated the ability to provide crisis teams in the jails during the nighttime hours, in conjunction with rolling out the new Medi-Cal mobile crisis benefit, which launched on December 31, 2023. Due to staffing constraints and other challenges with this model, in April 2024, BWell began providing crisis staff at the jails during evening rounds as an interim step. BWell staff meet with Wellpath staff to review shift reports in the Electronic Health Record for individuals placed in safety cells. BWell also issued a Request for Proposals (RFP) in April 2024 to pursue securing contracted staff to ensure crisis response availability in the nighttime hours in addition to fully complying with other new requirements under the mobile crisis benefit.

Additionally, on May 16, 2023, the Board of Supervisors approved engaging KPMG to assess the County’s crisis services operating model, including strategy, program delivery, operations and performance, program costs, and resource alignment. On September 19, 2023, KPMG issued its final report on the County’s behavioral health crisis services operating model, identifying opportunities for BWell that would result in a more efficient and effective crisis operational service for County residents. On June 4, 2024, the Board of Supervisors approved an amendment for KPMG to expand the depth of review for BWell to support the implementation of opportunities as identified by BWell leadership, including recommendations related to the Mobile Crisis Team, crisis workers, and crisis clinics. Once the RFP is awarded, KPMG will work with BWell and the contracted provider to ensure successful implementation of the nighttime crisis response model as well as related mobile crisis benefit requirements. Contracted staff should be on board before the end of the 2024 calendar year.

Finding 4

The annual Wellpath report to the Board of Supervisors has routinely been delayed.

The Board of Supervisors disagrees partially. Wellpath is contractually required to provide the Board with an annual report and presentation on their work performance for that year, and to answer any questions or concerns from the Board or the public. Wellpath has remained compliant with timely annual reports as it pertains to the juvenile detention facilities, which is Probation's portion of the contract. However, for the Sheriff's Office, Wellpath has fallen out of compliance in this area. Wellpath's 2022 Annual Report was presented to the Board of Supervisors in December 2023. The Sheriff's Office has requested that Wellpath submit a 2023 Annual Report for consideration and presentation to the Board of Supervisors as soon as possible.

Recommendation 4a

The Board of Supervisors shall immediately insist on the timely generation and submission of annual reports.

This recommendation has been implemented. On several occasions in Board of Supervisors public hearings, members of the Board have requested and emphasized the importance of the timely generation and submission of annual reports by Wellpath. As it pertains to the Sheriff's Office side of the contract, responsibility to enforce the contract, including production of annual reports, rests with the Sheriff as contract administrator.

As stated above, the Board of Supervisors recently approved the addition of dedicated clinical staff within PHD that will be assigned at the jails/juvenile hall to provide healthcare oversight and compliance monitoring. It was agreed that with the increased level of monitoring and compliance resources provided by PHD, the Sheriff's Office and Probation would continue to be responsible for the Wellpath contract administration, while working in close partnership with PHD staff toward the ultimate goal of improving the provision of medical and mental health services within the County jail and juvenile hall facilities. PHD is currently recruiting for these positions, and once they are onboarded, the Board of Supervisors will have the ability to direct these PHD staff to report out on Wellpath performance in addition to receiving reports via the Sheriff's Office or Probation Department.

As discussed in the prior response, the delay of annual reports has been limited to the Sheriff's Office side of the Wellpath contract.

Recommendation 4b

The Jury recommends that the Board of Supervisors impose penalties in payments when annual reporting extends beyond the 60-day end of the contract year.

This recommendation will not be implemented. As contract administrators, the Sheriff's Office and the Probation Department are the entities responsible for ensuring contract adherence, and there are sufficient contract provisions to require timely annual reporting to them. Wellpath as the vendor cannot control when an annual report is brought to the

Board of Supervisors, only when it is submitted to the contract administrators. In the event the delay is caused by Wellpath, the contract administrators have the ability to independently bring a report to the Board that incorporates review of performance measures by Public Health and Behavioral Wellness. If they do not, Public Health and/or Behavioral Wellness may provide reviews to the Board directly.