



**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 & County Executive Office
Department No.: 043 & 012
For Agenda Of: January 24, 2023
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
Mona Miyasato, County Executive Officer
County Executive Office, (805) 568-3404
Contact Info: John Doyel, MA, LAADC, Assistant Director, Behavioral
Wellness, (805) 681-5220
SUBJECT: Department of Behavioral Wellness – First Amendment to the Department of State Hospitals Pre-Trial Felony Mental Health Diversion Program Grant Agreement Fiscal Years (FY) 2020-2025

County Counsel Concurrence:

As to form:

Other Concurrence: Risk

As to form:

Auditor-Controller Concurrence:

As to form:

Other Concurrence: County Executive Office

As to form:

Recommended Actions:

That the Board of Supervisors:

- A. Approve, ratify, and authorize the County Executive Officer, or designee, to execute the First Amendment to the multi-year grant agreement with the **Department of State Hospitals (DSH)**, (No. 19-79011-000 A1), to increase the agreement amount by **\$2,218,000**, for a total grant amount of **\$4,862,500** for the County to secure appropriate placements and housing for certain Felony Mental Health Diversion (FMHD) clients and clients who are currently on the DSH Incompetent to Stand Trial (IST) waitlist, increase the overall number of clients, and extend the term of the agreement for 24 months for the period of **January 1, 2020 through December 31, 2024** (Attachment A);
- B. Delegate authority to the County Executive Officer, or designee, to accept subsequent reports pursuant to Exhibit A, Section 6.B of the DSH Grant Agreement (No. 19-79011-000 A1) and make immaterial amendments that do not change the amount or substantive terms of the DSH Grant Agreement; and

- C. Determine that the above actions are government fiscal activities or funding mechanisms which do not involve any commitment to any specific project which may result in a potentially significant physical 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.

Summary Text:

This item is on the agenda to request the Board of Supervisors (Board) to approve, ratify, and authorize the County Executive Officer, or designee, to execute the First Amendment to the multi-year grant agreement with the Department of State Hospitals (DSH), (No. 19-79011-000 A1), to increase the agreement amount by \$2,218,000, for a total grant amount of \$4,862,500, for the County to secure appropriate placements and housing for certain Felony Mental Health Diversion (FMHD) clients and clients who are currently on the DSH Incompetent to Stand Trial (IST) waitlist, increase the overall number of clients, and extend the term of the agreement for 24 months for the period of January 1, 2020 through December 31, 2024. This item also seeks delegation of authority to the County Executive Officer, or designee, to accept subsequent reports pursuant to Exhibit A, Section 6.B of the DSH Grant Agreement No. 19-79011-000 A1 and make immaterial amendments that do not change the amount or substantive terms of the DSH Grant Agreement.

Background: On January 28, 2020, the Board of Supervisors approved the Grant Agreement 19-79011-000 with DSH to accept \$2,644,500 for the period of January 1, 2020 and December 31, 2022 for the County to provide a Pre-Trial Mental Health Diversion Program. The DSH Diversion Program is a collaboration between DSH and county governments (CEO's Office, County departments of Behavioral Wellness, Public Defender, District Attorney, Probation and Sheriff; the Superior Court), community-based treatment providers; and housing providers to expand diversion programs for individuals with serious mental illness who face felony charges and could be determined Incompetent to Stand Trial (IST) and clients who are currently determined to be IST. Some individuals who are Incompetent to Stand Trial commit felonies that stem from serious mental illness. They have difficulty accessing mental health services and committing to treatment and often cycle repeatedly through the criminal justice system. The goal of the DSH Diversion Program is to provide these individuals, when deemed appropriate by the court, with long-term community mental health treatment and other services so as to avoid criminal charges and institutionalization.

This First Amendment to the Grant Agreement provides additional funds to expand diversion programs for individuals with serious mental illness who face felony charges and could be determined Incompetent to Stand Trial (IST) and adds a second category of diversion clients, clients who are currently on the DSH Incompetent to Stand Trial (IST) waitlist, to serve a greater number of unduplicated FMHD clients comprising of clients from two categories. It increases the number of clients from 18 to 22. Category 1 clients are FMHD clients found IST or likely to be found IST with a diagnosis of Schizophrenia, schizoaffective disorder, or bipolar disorder. The County is to serve 18 clients in Category 1 with a maximum of 7 clients eligible for housing if they are clients who are IST, meet the diagnosis in Category 1, and are currently on the DSH waitlist. Category 2 clients consist of FMHD clients found IST and ordered to DSH with any diagnosis allowed under Penal Code section 1001 et seq. with the County serving 4 clients. All 4 clients in this category are eligible for housing if they are currently on the DSH waitlist.

All Felony Mental Health Diversion clients must maintain participation in the Diversion program for a minimum of 30 days to be counted towards the County's target population goals required for distribution of funds, as outlined in Exhibit B, Budget Detail. If a participating Felony Mental Health Diversion client successfully completes the program in less than 30 days, the County may account for the Felony Mental Health Diversion client in the total reported to DSH for purposes of meeting target population goals required for distribution of funds.

Also, with the additional funds, the County is supposed to secure appropriate placements and housing for diversion clients found IST who are currently on the DSH IST waitlist and provide housing that is in the most appropriate level of care, which may include, but is not limited to, short-term facilities, such as Institutes of Mental Disease (IMDs) or Mental Health Rehabilitation Centers (MHRCs), residential housing with clinically enhanced services, board and care homes, or other appropriate residential facilities.

The County Executive Office has directed the Department of Behavioral Wellness (BWell) to manage the administration and compliance of the contract and be identified as the Contract Manager. Approval of the recommended actions will allow the County to help divert individuals who are currently on the DSH IST waitlist into a Residential Treatment Program instead of jail and to secure appropriate placements and housing for certain FMHD clients, increase the overall number of clients, and extend the term of the agreement for 24-months.

Performance Measure:

The County is expected to provide all services, including any and all required reports, in a timely manner in accordance with criteria articulated in the Agreement's Statement of Work. Specifically, fund disbursement is tied to meeting population goal outcomes pursuant to the DSH Grant Agreement. The project team anticipates no difficulty in meeting the targets.

County will be required to report data and outcomes to the DSH for all diversion program participants including the following data elements:

1. The number of individuals that the court ordered to post-booking diversion and the length of time for which the defendant has been ordered to diversion;
2. The number of individuals originally declared IST on felony charges that the court ultimately ordered to diversion;
3. The number of individuals participating in diversion;
4. The name, social security number, date of birth, and demographics of each individual participating in diversion;
5. The length of time in diversion for each participating individual;
6. The types of services and supports provided to each individual participating in diversion;
7. The number of days each individual was in jail prior to placement in diversion;
8. The number of days that each individual spent in each level of care facility;
9. The diagnoses of each individual participating in diversion;
10. The nature of the charges for each individual participating in diversion;
11. The number of individuals who completed diversion; and
12. The name, social security number, and birthdate of each individual who did not complete diversion and the reasons for not completing diversion.

County shall not disclose data or documents or disseminate the contents of the final or any preliminary report without written permission of DSH, as permitted by law. The County will otherwise comply with the California Public Records Act (Government Code sections 6250 et seq.) and privacy laws regarding medical and personal information.

Contract Renewals and Performance Outcomes:

The Count has accomplished the following program goals through September 30, 2022:

1. Established a comprehensive and streamlined referral and eligibility determination process with Public Defender:
 - a. 65 individuals have been referred thus far:
 - i. 36 were found ineligible due to not meeting statutory requirements (e.g., no qualifying diagnosis, DSH/JBCT on current case number) or mismatch between current needs and available community resources.
 - ii. 11 withdrew interest or opted for another program prior to eligibility determination.
 - iii. 18 were evaluated by eligibility assessors using the START tool.
 - iv. 15 were recommended and subsequently accepted into the program; 3 were not recommended.
2. 15 individuals have been accepted into the program and participated for at least 30 days.
3. 4 clients have been discharged: 2 clients have successfully completed the program and were successfully diverted; 1 termination due to AWOL; and 1 termination due to moving out of county.
4. The Life House (Safe and Stable Housing) has served 7 clients (4 currently active, 2 transitioned to permanent housing, and 1 terminated due to AWOL).
5. All quarterly data reports have been submitted to DSH on time.

Fiscal and Facilities Impacts:

Budgeted: No.

Fiscal Analysis:

Funding Sources	FY 2022/23	FY 2023/24	FY 2024/25
Federal			
State - DSH Grant	\$ 834,000	\$ 834,000	\$ 550,000
County			
Total	\$ 834,000	\$ 834,000	\$ 550,000
Grand Total			\$ 2,218,000

Narrative: This Board letter seeks authorization for the County Executive Officer to sign the First Amendment to the Grant Agreement No. 19-79011-000 A1 with DSH accepting additional DSH grant funds in the amount of \$2,218,000. Matching Funds were required for Category 1 Diversion funds but not for housing, and the County has already provided the matching funds for Category 1 clients. The additional funds do not require matching funds for housing or Category 2 funds. BWell will complete a Budget Revision at a later time if needed.

Key Contract Risks:

In order for the County to receive funds, it must meet target population goals defined as a Mental Health Diversion Client participating in the program for a minimum 30 days or completing the program within 30 days. The project team anticipates no difficulty in meeting the targets. The contract requires the County to provide all services to Diversion Clients including medical care. If County is unable to serve the proposed number of clients due to actual client costs exceeding the level of funds available, the contract may be amended by DSH. The contract also includes a budget contingency clause which absolves the State from liability to pay funds or other consideration under the Agreement if funds are not budgeted for the program in which case the County may cease providing services under the Agreement. The County may also cancel the contract upon 50 days' written notice to DSH.

Special Instructions:

Please return one (1) Minute Order to Denise Morales at dmorales@sbcbswell.org and to BWell Contracts Division bwellcontractsstaff@sbcbswell.org.

Attachments:

Attachment A: DSH Grant Agreement 19-79011-000 A1 FY 20-25

Attachment B: DSH Grant Agreement 19-79011-000 FY 20-23

Authored by:

D. Morales