





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: CEO
Department No.:
For Agenda Of: September 20, 2016
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Director(s) Contact Info: Mona Miyasato, County Executive Officer 
Terri Nisich, Assistant County Executive Officer (568-3400) 

SUBJECT: Designation of new members for the Psychiatric Health Facility Governing Board

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Adopt and authorize the Chair to execute the attached resolution designating PHF Governing Board Members to serve as Governing Body of the Psychiatric Health Facility (PHF), to oversee operations of the PHF including medical staff issues, quality of care and other programmatic concerns, superseding Resolution 16-205 adopted and authorized by the Board of Supervisors on August 30, 2016, and,
- b) Determine that the approval of the recommended action is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(5), since the recommended action is a government administrative activity which does not involve commitment to any specific project which may result in potentially significant physical impact on the environment.

Summary Text:

The County of Santa Barbara operates a Psychiatric Health Facility (PHF) for the care of individuals in need of psychiatric hospitalization. This newly created PHF Governing Body replaced the current Board of Supervisors oversight, to achieve sustainable governance infrastructure that will meet state and federal regulations. On August 30, 2016, the Board of Supervisors authorized the following membership of the PHF Governing Board: Assistant County Executive Officer of Health and Human Services, PHF Medical Director, Behavioral Wellness Director, Public Health Director, and one

Supervisor from the County of Santa Barbara Board of Supervisors (and alternate). On August 30, 2016, Fifth District Supervisor Steve Lavagnino was appointed by the Board of Supervisors to serve on the Governing Board and Second District Supervisor Janet Wolf was selected as the alternate. Based on a reassessment of needs of the Governing Board, as well as to allow operational or administrative communications with the PHF Medical Director and PHF CEO, this item revises the Governing Board Membership to include the Assistant Director of Support Services for General Services and the Chief Deputy of Custody Operations for the Sheriff's Department and removes the PHF Medical Director and PHF CEO from the Board. The PHF CEO and PHF Medical Director will however attend the PHF Board meetings to make presentations and address any questions.

Background:

The Santa Barbara County PHF is a 16-bed, locked inpatient psychiatric facility that provides comprehensive services to individuals in need of acute psychiatric care. The PHF is licensed by the State Department of Health Care Services (DHCS) as a "psychiatric health facility" and is eligible under Health and Safety Code section 1250.2(d) to participate as a hospital in the federal Medicare program if it meets all the federal conditions of participation. Participation in Medicare qualifies the facility for designation as a "Super-PHF," meaning that it can bill both Medicare and Medi-Cal for services provided to qualified client beneficiaries. To maintain its eligibility to participate in the Medicare program, the PHF is subject to inspection approximately every five years by the Federal Centers for Medicare and Medicaid Services (CMS). This inspection entails a review that the PHF has met the conditions for DHCS licensure as set forth in California regulations at Title 22 California Code of Regulations (CCR) Division 5, Chapter 9, and that it meets the conditions of participation for hospitals pursuant to federal regulations at 42 CFR Part 482. Both state and federal regulations require an effective governing body that is legally responsible for the conduct of the facility.

During the last CMS inspection in 2011, the PHF was cited for not clearly designating a governing body to provide this oversight. It was subsequently determined that the County Board of Supervisors was the Governing Body of the PHF and that the Board should provide regular and continuous oversight of the PHF operations. Following this determination and over the past five years, PHF through its CEO and Medical Director provided regular updates to the Board of Supervisors during regular Board meetings. These reports and updates addressed utilization of PHF beds, the challenges posed with individuals found incompetent to stand trial (ISTs) who were court ordered to the PHF, PHF fiscal updates, PHF staff updates, and PHF contracts with outside vendors. Despite these regular updates, CMS inspectors found during this recent inspection that these communications with the Governing Body were insufficient. The feedback provided this time was that the Governing Body must meet as often as necessary to discuss overall operational issues, including but not limited to, medical staff credentialing, patient's rights (including management of restrained and secluded patients and grievances), effectiveness of the infection control program and practices, contracted service providers, and the effectiveness of the Quality Assessment and Performance Improvement (QAPI) program. This PHF Governing Board will receive direct reports from the PHF Medical Staff's Medical Practice Committee, including updates on data from the QAPI program, medical staff issues, and quality of care; and the PHF Medical Director and PHF CEO will provide additional information on overall PHF operations. The PHF Governing Board will make annual reports to the full Board of Supervisors, which retains authority to set general policy on fiscal and personnel matters within the County.

The PHF Governing Board composition presented to the Board of Supervisors for consideration on August 30, 2016, included one member from the Board of Supervisors and one alternate; the Assistant County Executive Officer for Health and Human Services; the PHF Medical Director; the PHF CEO; and the Director of the Public Health Department. The first meeting of the Governing Board occurred on September 9, 2016. However, due to several factors, it is necessary to amend the Governing Board Membership. The factors include: the need for the PHF Medical Director and PHF CEO to serve the capacity as staff and provide reports to the governing body for consideration, the need to ensure that the ongoing administration, management and leadership of the PHF can occur unimpeded by the responsibilities associated with the Governing Board, and the need for operational and administrative communications involving the PHF CEO and PHF Medical Director. Therefore, it is recommended that the PHF Medical Director and the PHF CEO not serve on the Governing Board, but rather staff the Governing Board. These positions will be replaced by the Assistant Director of Support Services for General Services, the Chief Deputy of Custody Operations with the Sheriffs' Department. Both General Services and the Sheriffs' Department have frequent and ongoing interactions with the PHF and are very familiar with the role, function, and needs of the facility, as well as the clients served.

Special Instructions:

Please send one copy of the Minute Order to: admhscontractsstaff@co.santa-barbara.ca.us.

Attachments:

Attachment A: Resolution Designating a PHF Governing Board

Attachment B: Resolution 16-205

Authored by:

Terri Nisich, Assistant CEO

cc:

County Executive Office

County Counsel

ATTACHMENT A

**RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

A RESOLUTION OF THE COUNTY OF)
SANTA BARBARA DESIGNATING A)
PHF GOVERNING BOARD AS THE) **RESOLUTION NO.** _____
GOVERNING BODY FOR THE)
COUNTY'S PSYCHIATRIC HEALTH FACILITY)

WHEREAS, the County of Santa Barbara operates a Psychiatric Health Facility (PHF), as defined under Health and Safety Code Section 1250.2, licensed by the California Department of Health Care Services (DHCS);

WHEREAS, the County's PHF is eligible under Health and Safety Code Section 1250.2(d) to participate as a hospital in the federal Medicare program if it meets all the federal conditions of participation;

WHEREAS, as a condition of participation in Medicare, a hospital facility requires an effective governing body that is legally responsible for the conduct of the PHF, including specified governance functions set forth in the Code of Federal Regulations, Title 42, Part 482.12;

WHEREAS, the California Code of Regulations, Title 22, Section 77011 defines a Governing Body as the persons or body in whom the authority and responsibility is vested for conduct of the facility;

WHEREAS, under Title 22, Section 77011, the Governing Body of a county-run facility may be the County Board of Supervisors or any committee or individual so designated by the Board, with the Board of Supervisors previously serving as the Governing Body;

WHEREAS, to achieve sustainable governance infrastructure, the Board of Supervisors hereby designates a new PHF Governing Board to serve as the Governing Body, to include the following individuals: Assistant County Executive Officer of Health and Human Services, Assistant Director of Support Services for General Services, Chief Deputy of Custody Operations for the Santa Barbara County Sheriffs' Department, Public Health Director, and one Supervisor from the County of Santa Barbara Board of Supervisors (and alternate);

WHEREAS, this Resolution supersedes Resolution No. 16-205, designating members of the PHF Governing Board;

WHEREAS, to maintain regular and continuous oversight of the PHF, the PHF Governing Board shall meet at least quarterly to receive updates and information from the PHF Medical Practice Committee, and to discuss and act on issues related to bylaws, medical staff, quality of care, resources, and facility operations;

WHEREAS, the PHF Governing Board shall make annual reports to the Board of Supervisors, which retains authority to set general policy on fiscal and personnel matters within the County, including financial management practices, labor relations, and conditions of employment, and the PHF Governing Board shall not adopt any policy, employ any practice, or take any action which is inconsistent with or alters the scope of the County Code, the Board of Supervisors' sovereign authority, or any County policy regarding fiscal or personnel issues;

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Santa Barbara designates a PHF Governing Board as the facility's Governing Body, which shall be responsible for regular and continuous oversight of the PHF, comprised of the following individuals: Assistant County Executive Officer of Health and Human Services, Assistant Director of Support Services for General Services, Chief Deputy of Custody Operations for the Santa Barbara County Sheriffs' Department, Public Health Director, and one Supervisor from the County of Santa Barbara Board of Supervisors (and alternate).

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2016, by the following vote:

AYES:

NOES:

ABSENT:

COUNTY OF SANTA BARBARA

By: _____
PETER ADAM
CHAIR, BOARD OF SUPERVISORS

ATTEST:
MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By: _____
Deputy

APPROVED AS TO FORM
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: _____
Deputy County Counsel

APPROVED AS TO ACCOUNTING FORM:
THEODORE A. FALLATI, CPA
AUDITOR-CONTROLLER

By: _____
Deputy

ATTACHMENT B

**RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

A RESOLUTION OF THE COUNTY OF)
SANTA BARBARA DESIGNATING A)
PHF GOVERNING BOARD AS THE) **RESOLUTION NO.** 16-205
GOVERNING BODY FOR THE)
COUNTY'S PSYCHIATRIC HEALTH FACILITY)

WHEREAS, the County of Santa Barbara operates a Psychiatric Health Facility (PHF), as defined under Health and Safety Code Section 1250.2, licensed by the California Department of Health Care Services (DHCS);

WHEREAS, the County's PHF is eligible under Health and Safety Code Section 1250.2(d) to participate as a hospital in the federal Medicare program if it meets all the federal conditions of participation;

WHEREAS, as a condition of participation in Medicare, a hospital facility requires an effective governing body that is legally responsible for the conduct of the PHF, including specified governance functions set forth in the Code of Federal Regulations, Title 42, Part 482.12;

WHEREAS, the California Code of Regulations, Title 22, Section 77011 defines a Governing Body as the persons or body in whom the authority and responsibility is vested for conduct of the facility;

WHEREAS, under Title 22, Section 77011, the Governing Body of a county-run facility may be the County Board of Supervisors or any committee or individual so designated by the Board, with the Board of Supervisors presently serving as the Governing Body;

WHEREAS, to achieve sustainable governance infrastructure, the Board of Supervisors hereby designates a new PHF Governing Board to serve as the Governing Body, to include the following individuals: Assistant County Executive Officer of Health and Human Services, PHF Medical Director, Behavioral Wellness Director, Public Health Director, and one Supervisor from the County of Santa Barbara Board of Supervisors (and alternate);

WHEREAS, to maintain regular and continuous oversight of the PHF, the PHF Governing Board shall meet quarterly to receive updates and information from the PHF Medical Practice Committee, and to discuss and act on issues related to bylaws, medical staff, quality of care, resources, and facility operations;

WHEREAS, the PHF Governing Board shall make annual reports to the Board of Supervisors, which retains authority to set general policy on fiscal and personnel matters within the County, including financial management practices, labor relations, and conditions of employment, and the PHF Governing Board shall not adopt any policy, employ any practice, or take any action which is inconsistent with or alters the scope of the County Code, the Board of Supervisors' sovereign authority, or any County policy regarding fiscal or personnel issues;

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Santa Barbara designates a PHF Governing Board as the facility's Governing Body, which shall be responsible for regular and continuous oversight of the PHF, comprised of the following individuals: Assistant County Executive Officer of Health and Human Services, PHF Medical Director, Behavioral Wellness Director, Public Health Director, and one Supervisor from the County of Santa Barbara Board of Supervisors (and alternate).

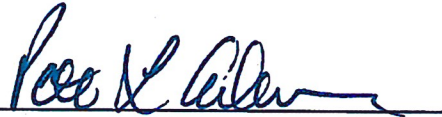
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara,
State of California, this 30th day of August, 2016, by the following vote:

AYES: Supervisor Carbajal, Wolf, Farr, Adam & Lavagnino

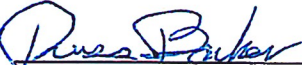
NOES: None

ABSENT: None

COUNTY OF SANTA BARBARA

By: 
PETER ADAM
CHAIR, BOARD OF SUPERVISORS

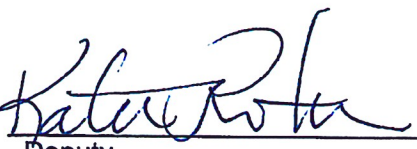
ATTEST:
MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By: 
Deputy

APPROVED AS TO FORM
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: 
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APPROVED AS TO ACCOUNTING FORM:
THEODORE A. FALLATI, CPA
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