



County of Santa Barbara BOARD OF SUPERVISORS

Minute Order

January 15, 2019

Present: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

BEHAVIORAL WELLNESS

File Reference No. 19-00050

RE: Consider recommendations regarding a Second Amendment with Vista Pacifica, Fiscal Year (FY) 2017-2019, as follows: (4/5 Vote Required)

a) Approve, ratify and authorize the Chair to execute the Second Amendment to the Agreement for Services of Independent Contractor with Vista Pacifica Enterprises, Inc. (not a local vendor), an Institution for Mental Disease and a Skilled Nursing Facility, to increase the FY 2018-2019 contract by \$316,000.00, for a total contract maximum amount not to exceed \$1,342,962.00 for the period July 1, 2017 through June 30, 2019;

b) Approve a Budget Revision Request No. 0006089 increasing appropriations of \$316,000.00 in Behavioral Wellness Mental Health Fund for services and supplies funded by unanticipated Medicare revenue; and

c) Determine that the recommended actions are not a "project" under the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15378(b)(4) since the recommended actions are government fiscal activities which do not involve commitment to any specific project which may result in potentially significant physical impact on the environment.

A motion was made by Supervisor Hartmann, seconded by Supervisor Adam, that this matter be Acted on as follows:

a) Approved, ratified and authorized; Chair to execute; and

b) and c) Approved

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Hart, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino



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: January 15, 2019
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors

FROM: Department Alice Gleghorn, PhD, 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: Vista Pacifica FY 17-19 Second Amendment

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, ratify and authorize the chair to execute the Second Amendment to the Agreement for Services of Independent Contractor with **Vista Pacifica Enterprises, Inc.** (not a local vendor), an Institution for Mental Disease and a Skilled Nursing Facility, to increase the FY 2018-2019 contract by **\$316,000**, for a total contract maximum amount not to exceed **\$1,342,962** for the period July 1, 2017 through June 30, 2019;
- B) Approve a Budget Revision Request (BJE #0006089) increasing appropriations of \$316,000 in Behavioral Wellness Mental Health Fund for services and supplies funded by unanticipated Medicare revenue; and
- C) Determine that the recommended actions are not a "project" under the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15378(b)(4) since the recommended actions are government fiscal activities which do not involve commitment to any specific project which may result in potentially significant physical impact on the environment.

Summary Text:

The above-referenced item is on the agenda to request an increase in Vista Pacifica Enterprises, Inc.'s ("VPE") FY 18-19 contract by \$316,000 for a total contract maximum not to exceed \$1,342,962 for the period July 1, 2017 through June 30, 2019. Approval of the recommended actions will allow Behavioral Wellness to continue to provide mandated mental health, substance use, and ancillary services. The Board previously authorized the County to enter into the First Amendment to the Agreement for Services of Independent Contractor on May 15, 2018 to increase the contract amount for FY 17-18 by \$113,662 and to extend the term of the Agreement to FY 18-19 for an additional \$300,000 for a total contract maximum not to exceed \$1,026,962 for the for the period July 1, 2017 through June 30, 2019.

The Department of Behavioral Wellness provides a continuum of mental health and substance use disorder services to Santa Barbara County residents, in part through contracted providers including Community-Based Organizations (CBOs). Contracts with facilities providing services at various levels of care are key to ensuring that the needs of clients are optimally met. Due to an increased demand for inpatient contracted long-term beds, Behavioral Wellness needs to amend Vista Pacifica's contract. This amendment will be funded by unanticipated Medicare Revenue.

Background:

Institutions for Mental Disease (IMD): Behavioral Wellness provides a continuum of services, including inpatient treatment services to best meet the needs of individuals with severe mental illness. 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. There are a limited number of these highly structured residential treatment services in California and none in Santa Barbara County. Due to limited bed availability at each IMD, Behavioral Wellness contracts with a number of IMDs throughout the State.

VPE has two California facilities: Vista Pacifica Center, located in Jurupa Valley, and Vista Pacifica Convalescent in Riverside. Vista Pacifica Center specializes in geropsychology and offers four levels of service for residents that require high levels of supervision such as those whose behavioral and medical needs include: being absent without leave, extremely verbally aggressive or threatening and abusive towards staff and peers. They also include behaviors such as being suicidal, destroying property, and having severe psychosis which requires frequent redirection, counseling, and behavior modification from staff. Vista Pacifica Convalescent specializes in Alzheimer's Care and offers three levels of care: Level A focuses on residents with chronic mental health diagnosis, with active delusions and hallucinations and/or mood swings. Level B focuses on residents with dual diagnoses of Dementia and chronic mental illness with active psychosis. Level C focuses on residents with chronic mental health illness who are not stable on medications.

In order to project the following year's contract amounts within the Department's budget constraints, Behavioral Wellness examines the current caseload and historical use of IMD facilities. For the first half of the current fiscal year, VPE has consistently held a caseload of 11-13 clients per month. The current funding projections are based on a caseload of 15 clients per month for the second half of the fiscal year.

Performance Outcomes:

For the first half of the current fiscal year, VPE has consistently held a caseload of 11-13 clients per month. Behavioral Wellness has recently placed 2 new clients at this facility; therefore the current funding projections are based on a caseload of 15 clients per month for the second half of the fiscal year.

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis:

<u>Funding Sources</u>	<u>FY 17-18</u>	<u>FY 18-19</u>	<u>Total Contract Amount</u>
General Fund			
State	\$ 726,962.00	\$ 616,000.00	
Federal			
Fees			
Other:			
Total	\$ 726,962.00	\$ 616,000.00	\$ 1,342,962.00

Narrative: The above referenced contracts are funded by State funds.

Key Contract Risks:

There is risk that the number of contracted IMD and IMD-alternative beds may increase beyond what the Department has projected. In this case, the Department will return to the Board of Supervisors to request an increase to the contract maximum where needed.

Special Instructions:

Please send one (1) complete copy of each executed contract and one (1) minute order to: qilopez@co.santa-barbara.ca.us.

Attachments:

- Attachment A: Vista Pacifica FY 17-19 AM 2
- Attachment B: Vista Pacifica FY 17-19 AM 1
- Attachment C: Vista Pacifica FY 17-18 PO to BC
- Attachment D: BRR 0006089

Authored by:

Q.Lopez

SECOND AMENDMENT 17-19

TO AGREEMENT FOR SERVICES OF INDEPENDENT CONTRACTOR

THIS SECOND AMENDMENT to the Agreement for Services of Independent Contractor (hereafter Second Amended Contract), referenced as number BC 18-152, by and between the County of Santa Barbara (County) and Vista Pacifica Enterprises, Inc. (Contractor), for the continued provision of services specified herein.

WHEREAS, Contractor represents that it is specially trained, skilled, experienced, and competent to perform the special services required by County and County desires to retain the services of Contractor pursuant to the terms, covenants, and conditions herein set forth; and

Whereas, the Second Amended Contract incorporates the terms and conditions set forth in the contract approved by the County Board of Supervisors in December 2017 and the First Amendment approved by the County Board of Supervisors in May 2018, except as modified by this Second Amended Contract (hereinafter collectively referred to as the "Agreement").

Whereas, County anticipates that Contractor will provide, at the request of the County, a greater number of services than contemplated by the original Agreement, and will incur expenses beyond the value of this Agreement. This amendment adds funds in the amount of \$316,000 for Fiscal Year 18-19 to the prior Contract Maximum Amount of \$1,026,962 so as to compensate Contractor for additional services to be rendered under this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

- I. **Delete Section 2, Maximum Contract Amount, from Exhibit B, Financial Provisions, and replace with the following:**
 2. **MAXIMUM CONTRACT AMOUNT.**

The Maximum Contract Amount of this Agreement shall not exceed \$726,962 for Fiscal Year 2017-2018 and \$616,000 for Fiscal Year 2018-2019. Notwithstanding any other provision of this Agreement, in no event shall County pay Contractor more than this Maximum Contract Amount for Contractor's performance hereunder without a properly executed amendment.

- II. **Delete Section 3, Per diem Rate, from Exhibit B, Financial Provisions, and replace with the following:**
 3. **PER DIEM RATE.**

County agrees to reimburse Contractor at a Per Diem Rate during the term of this Agreement, as specified in Exhibit B-1. "Per Diem Rate" means a daily rate paid for reimbursable IMD Services for a client for the day of admission and each day that services are provided excluding the day of discharge. The Per Diem Rate shall be inclusive of all services defined in this Agreement, except for transportation services on the day of admission and discharge to and from the Contractor's facility. Other rates for special circumstances, besides those listed in Exhibit B-1, may be agreed to in writing by the Behavioral Wellness Director and the individual program's administrator.

SECOND AMENDMENT 17-19

Contractor shall be reimbursed for a day of service, at the Per Diem Rate, when the client meets admission and/or continued stay criteria, documentation requirements, treatment and discharge planning requirements, as described in Exhibit A, and occupies a bed at 12:00 midnight. A day of service may also be reimbursed by County if the client is admitted and discharged during the same 24-hour period provided that such admission and discharge is not within 24 hours of a prior discharge, as approved by County.

Except as approved by the California Department of Health Care Services pursuant to Title 9 CCR § 1810.438, the rate for the services described herein shall be the rate established by the State Department of Health Care Services in accordance with Title 22 CCR, §§ 51510, 51511, 51511.1, and 51535, and 51535.1.

- III. Delete Exhibit B-1, Schedule of Rates and Contract Maximum, and replace with the following:**

SECOND AMENDMENT 17-19

**EXHIBIT B-1 MH
DEPARTMENT OF BEHAVIORAL WELLNESS
SCHEDULE OF RATES AND CONTRACT MAXIMUM**

CONTRACTOR NAME: Vista Pacifica Enterprises, Inc. **FISCAL YEAR:** 2017-2019

Service Level	Basic Daily Rate	Enhanced	Maximum Daily Rate*
VISTA PACIFICA CENTER			
SNF-STP-IMD Level A	\$198.20	\$60.00	\$258.20
SNF-STP-IMD Level B	\$198.20	\$130.00	\$328.20
SNF-STP-IMD Level C	\$198.20	\$170.00	\$368.20
SNF-STP-IMD Level D	\$198.20	\$100.00	\$298.20
SNF-STP-IMD Level D-Stand Alone Rate	\$198.20	\$150.00	\$348.20
VISTA PACIFICA CONVALESCENT			
SNF Level A		\$60.00	\$60.00
SNF Level B		\$130.00	\$130.00
SNF Level C		\$170.00	\$170.00
Total Maximum Contract Amount FY 17-18			\$726,962
Total Maximum Contract Amount FY 18-19			\$616,000

CONTRACTOR SIGNATURE: _____

STAFF ANALYST SIGNATURE: Quiana Lopez

FISCAL SERVICES SIGNATURE: Chae Bay

*Or as otherwise published by the State Department of Healthcare Services. Upon notification of updated rates from DHCS, Contractor shall notify County of the new rates and its intent to adopt the new rates.

IV. All other terms remain in full force and effect.

SECOND AMENDMENT 17-19

**EXHIBIT B-1 MH
DEPARTMENT OF BEHAVIORAL WELLNESS
SCHEDULE OF RATES AND CONTRACT MAXIMUM**

CONTRACTOR NAME: Vista Pacifica Enterprises, Inc.

FISCAL YEAR: 2017-2019

Service Level	Basic Daily Rate	Enhanced	Maximum Daily Rate*
VISTA PACIFICA CENTER			
SNF-STP-IMD Level A	\$198.20	\$60.00	\$258.20
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SNF Level A		\$60.00	\$60.00
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SNF Level C		\$170.00	\$170.00
Total Maximum Contract Amount FY 17-18			\$726,962
Total Maximum Contract Amount FY 18-19			\$616,000

CONTRACTOR SIGNATURE: _____



STAFF ANALYST SIGNATURE: _____

FISCAL SERVICES SIGNATURE: _____

*Or as otherwise published by the State Department of Healthcare Services. Upon notification of updated rates from DHCS, Contractor shall notify County of the new rates and its intent to adopt the new rates.

IV. All other terms remain in full force and effect.

SECOND AMENDMENT 17-19

SIGNATURE PAGE

Second Amendment to Agreement for Services of Independent Contractor between the County of Santa Barbara and Vista Pacifica Enterprises, Inc.

IN WITNESS WHEREOF, the parties have executed this Second Amendment to be effective on the date executed by County.

COUNTY OF SANTA BARBARA

By: _____

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS

Date: _____

ATTEST:

MONA MIYASATO,
COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By: _____

Deputy Clerk

Date: _____

CONTRACTOR

VISTA PACIFICA ENTERPRISES, INC.

By: 

Name: Cheryl Turnerville

Title: President

Date: 12/17/18

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL

By _____

Deputy County Counsel

APPROVED AS TO ACCOUNTING FORM:

BETSY M. SCHAFFER, CPA
AUDITOR-CONTROLLER

By _____

Deputy

APPROVED AS TO FORM :

DEPARTMENT OF BEHAVIORAL WELLNESS
ALICE GLEGHORN, PH.D. DIRECTOR

By _____

Director

APPROVED AS TO INSURANCE FORM:

RAY AROMATORIO
RISK MANAGER

By: _____

Risk Management

A-5.


SECOND AMENDMENT 17-19

SIGNATURE PAGE

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IN WITNESS WHEREOF, the parties have executed this Second Amendment to be effective on the date executed by County.

COUNTY OF SANTA BARBARA

By: 
STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS

Date: 1-17-19

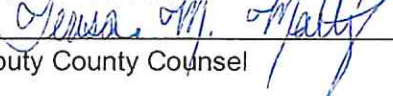
ATTEST:
MONA MIYASATO,
COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By: 
Deputy Clerk
Date: 1-15-19

CONTRACTOR
VISTA PACIFICA ENTERPRISES, INC.

By: _____
Name: _____
Title: _____
Date: _____


APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: 
Deputy County Counsel

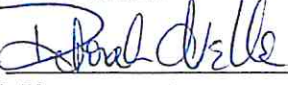
APPROVED AS TO ACCOUNTING FORM:
BETSY M. SCHAFFER, CPA
AUDITOR-CONTROLLER

By: 
Deputy

APPROVED AS TO FORM :
DEPARTMENT OF BEHAVIORAL WELLNESS
ALICE GLEGHORN, PH.D. DIRECTOR

By: 
Director

APPROVED AS TO INSURANCE FORM:
RAY AROMATORIO
RISK MANAGER

By: 
Risk Management