

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

November 15, 2022

FROM

GEORGINA YOSHIOKA, Interim Director, Department of Behavioral Health

SUBJECT

Grant Award from the California Department of Health Care Services and Subcontractor Agreement with Advocates for Human Potential, Inc., for Community Mobile Crisis and Non-Crisis Services

RECOMMENDATION(S)

1. Accept award (**County Contract No. 22-1096**) from the California Department of Health Care Services for the Community Mobile Crisis and Non-Crisis Services grant, in the amount of \$7,703,122, for the period of September 15, 2021 through June 30, 2025.
2. Approve Subcontractor **Agreement No. 22-1097** with Advocates for Human Potential, Inc. (Agreement No. 7460-CA) on behalf of the California Department of Health Care Services, for the Community Mobile Crisis and Non-Crisis Services grant funding to establish or enhance existing Crisis Care Mobile Units, including non-standard terms, in the amount of \$7,703,122, for the period of September 15, 2021 through June 30, 2025.
3. Authorize the Assistant Executive Officer of Department Operations, Deputy Executive Officer of Human Services, or the Director of the Department of Behavioral Health as the County Mental Health Director, to execute and submit any subsequent non-substantive amendments for the Community Mobile Crisis and Non-Crisis Services grant award and Subcontractor Agreement, as required by the State of California Mental Health Services Oversight and Accountability Commission, on behalf of the County, subject to review by County Counsel.
4. Direct the Assistant Executive Officer of Department Operations, Deputy Executive Officer of Human Services, or the Director of the Department of Behavioral Health as the County Mental Health Director, to transmit all documents and amendments in relation to the Community Mobile Crisis and Non-Crisis Services grant award and Subcontractor Agreement to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: Georgina Yoshioka, Interim Director, 388-0801)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Promote the Countywide Vision.

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

This item does not impact Discretionary General Funding (Net County Cost). The Subcontractor Agreement (SA) with the Advocates for Human Potential, Inc. (AHP), on behalf of the California Department of Health Care Services (DHCS), which provides the funding for the Mobile Crisis Unit services in the amount of \$7,703,122, does not require a local match.

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Adequate appropriation and revenue have been included in the Department of Behavioral Health's (DBH) 2022-23 budget and will be included in future recommended budgets.

BACKGROUND INFORMATION

DBH Community Crisis Services (CCS) Community Crisis Response Teams (CCRT) provide field-based crisis services seven days per week, 365 days per year from 7 a.m. to 10 p.m. Teams are dispatched into the field, when safe and appropriate for the reported crisis, to provide one-on-one crisis intervention where the consumer is experiencing the crisis. When a field response is unavailable or unnecessary, CCRT also provide telephonic, texting, and video conferencing for crisis, referral, and linkage support. Currently, when fully staffed, CCRT employ a team of nine response staff per morning shift (two shifts) and evening shift (two shifts).

The Community Mobile Crisis and Non-Crisis Services grant is allowing the development of the DBH CCS' Crisis Contact Center (CCC) and expansion of CCRT to provide San Bernardino County residents with one phone number to access behavioral health crisis support. Social Worker IIs will answer the calls, thereby reducing hold time, eliminating call transfers, and decreasing response times for field-based crisis calls. Once fully implemented, calls received during normal business hours will automatically roll to the next available mental health professional without delay, and CCC supervisors will be able to monitor calls in real time, which will increase service quality. Calls received outside of normal business hours are provided with information on how to reach after-hours services or can leave a message to be returned the next business day. With the implementation of specialized software, call data will be automatically tracked which will improve data integrity and increase the number of answered incoming calls, as calls are currently missed outside of normal business hours.

Once fully staffed, CCRT will have 10 field response staff per shift responding to calls seven days per week, 365 days per year. This totals four additional grant-funded field response staff (one additional responder for each of the two morning shifts and one additional responder for each of the two evening shifts) with a goal of reducing the average response time from 38 minutes to under 20 minutes.

In 2021-22, CCRT served a total of 6,241 unduplicated consumers, at a cost per consumer of \$379; in 2022-23, CCRT is projected to serve 6,553 unduplicated consumers, with an estimated cost per consumer of \$392. Of the total consumers served, CCRT provided 2,564 field responses in 2021-22 and is projected to provide 2,941 field responses in 2022-23.

On August 23, 2021, the County Administrative Office approved submission of the grant application to DHCS for the Mobile Crisis Unit and Non-Crisis Services funding, in the amount of \$7,703,122, for the period of September 15, 2021 through June 30, 2025.

On October 4, 2021, DBH received a Notice of Conditional Award from DHCS. The award was conditional pending revised budgets and justification to demonstrate that infrastructure and direct services funds will be used only to support CCRT teams.

On November 10, 2021, DHCS issued a Notice of Award with a request to complete a survey. DBH completed and submitted the non-legally binding survey in order to continue in the process toward a final award contingent upon a fully executed agreement with AHP as the Community Mobile Crisis and Non-Crisis Services Administrative Entity.

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On February 25, 2022, DBH was notified of the award and received the SA from AHP, in the amount of \$7,703,122, for the period of September 15, 2021 through June 30, 2025. DHCS has contracted with AHP to administer the Community Mobile Crisis and Non-Crisis Services grant funds and manage the grant reporting activities through the use of the SA with DBH for the contract period of September 15, 2021 through June 30, 2025.

The SA with AHP includes terms that differ from the standard County contract and omits certain County standard contract terms. While the County attempted to negotiate certain contract terms to meet County standards, DHCS would not agree to certain standard terms. The non-standard terms include the following:

1. The SA can only be terminated for cause by AHP or by either party upon a material breach of the SA.
 - The County standard clause allows the County the right to terminate for convenience with 30 days' notice.
 - Potential Impact: The County has no option to terminate the SA for any reason other than a material breach by AHP. If the County fails to comply with certain terms of the SA and fails to remedy such failure, AHP may terminate the SA. The SA also allows AHP to make unilateral changes to certain provisions of the SA upon ten days' notice without County's consent. And, in certain instances, in the event of a dispute, the County must continue to perform the work despite a dispute. The County may incur additional expenses with no ability to pursue recourse against AHP.
2. Disputes are subject to binding arbitration with venue in Massachusetts at the option of AHP and the prevailing party is also entitled to costs and reasonable attorneys' fees.
 - The County standard clause allows for non-binding arbitration with each party to bear its own costs. The County standard contract also requires venue for disputes in Superior Court of California, County of San Bernardino, San Bernardino District.
 - Potential Impact: Having a venue in Massachusetts along with potential payment of attorneys' fees and costs may result in additional expenses.
3. The County is required to defend, indemnify and hold harmless AHP and DHCS against certain third-party claims.
 - The County standard contract does not include any indemnification or defense by the County of a contractor.
 - Potential Impact: By agreeing to indemnify AHP and DHCS, the County could be contractually waiving the protection of sovereign immunity. Claims that may otherwise be barred against the County, time limited, or expense limited could be brought against AHP and DHCS without such limitations and the County could be responsible to defend and reimburse AHP and DHCS for costs, expenses, and damages, which could exceed the total SA amount.

DBH recommends approval of the SA with AHP, including the non-standard terms, to allow DBH to implement the CCC, and improve and expand CCRT services.

This item is being presented at this time as this is the first Board of Supervisors date available for presentation following the required extended negotiations with AHP and DHCS of the SA

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which was received in February, 2022. A revised SA incorporating additional DHCS modifications was received in June, 2022 which required additional extended negotiations with AHP. Approval of this item at this time has no fiscal impact on the program or services.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by Behavioral Health Contracts (Ellayna Hoatson, Contracts Supervisor, 388-0858) on October 13, 2022; Risk Management (Victor Tordesillas, Director, 386-8623) on May 3, 2022; County Counsel (Dawn Martin, Deputy County Counsel, 387-5455) on October 6, 2022; Finance (Christopher Lange, Administrative Analyst, 386-8393) on October 25, 2022; and County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0238) on October 31, 2022.

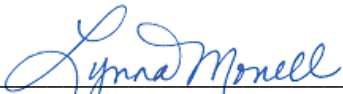
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Janice Rutherford
Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Curt Hagman, Joe Baca, Jr.
Absent: Dawn Rowe

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: November 15, 2022



cc: DBH- Lindenberg w/agree for sign
Contractor- C/O DBH w/agree
File- w/agree
LA 11/16/2022