

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

June 23, 2020

FROM

JOHN McMAHON, Sheriff/Coroner/Public Administrator

SUBJECT

Amendment to Contract with Liberty Healthcare Corporation for Mental Health Services

RECOMMENDATION(S)

1. Approve **Amendment No. 6 to Contract No. 16-08** with Liberty Healthcare Corporation for the provision of comprehensive mental health and programming services in the County's detention facilities, increasing the contract amount by \$27,464,933, from \$46,169,272 to a new total amount not to exceed \$73,634,205, and extending the term for one additional year, for a total contract period of January 12, 2016 to January 11, 2022.
2. Authorize the Sheriff/Coroner/Public Administrator, Undersheriff, Assistant Sheriff, or Captain of the Bureau of Administration, to execute change orders to the contract, as needed, subject to review by County Counsel, as long as the total aggregate amount of such change orders does not exceed the maximum contract amount of \$73,634,205 and the change orders do not amend the contract term.
3. Direct the Sheriff/Coroner/Public Administrator, Undersheriff, Assistant Sheriff, or Captain of the Bureau of Administration, to transmit all change orders to Contract No. 16-08 to the Clerk of the Board of Supervisors within 30 days of execution
(Presenter: John Ades, Captain, 387-0640)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

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

FINANCIAL IMPACT

Approval of this item will result in the use of additional ongoing Discretionary General Funding (Net County Cost) in an amount not to exceed \$2.4 million for the provision of comprehensive mental health and programming services in the County's detention facilities. The total contract increase of \$27,464,933 includes funding for 40.60 additional full time equivalent positions (FTEs), including shift and location differentials, in the amount of \$8.3 million to continue to address the consent decree between the Sheriff/Coroner Public Administrator (Department) and the Prison Law Office (PLO). The Department has been allocated an additional \$5.0 million in Discretionary General Funding (Net County Cost) as part of the 2020-21 Recommended Budget, bringing the total amount of ongoing Discretionary General Funding (Net County Cost) in support of this contract to \$14.0 million, including the recommended \$2.4 million above. Costs not funded by Discretionary General Funding (Net County Cost) are primarily funded by Public Safety Realignment (AB 109) revenue. Budget adjustments are not requested at this time, but will be included in a future quarterly budget report presented to the Board of Supervisors (Board) for approval.

BACKGROUND INFORMATION

Title 15, California Code of Regulations, Article 11 identifies the Department's responsibility for providing medical, mental health and dental care for correctional patients. Correctional mental health services are defined as actions taken for the mental well-being of the inmate population, including a range of diagnostic, treatment, and follow-up services with the goals of improving clinical outcomes and stabilizing patients to their highest level of wellness so they may successfully integrate into the community upon release.

Comprehensive mental healthcare includes Crisis Stabilization, Step Down, Residential Treatment Unit-type housing and medication management. The Department partners with the Department of Behavioral Health (DBH) for mental health assessments of arrestees with the Triage Engagement and Support Team (TEST) prior to custody, with the goal of diversion instead of incarceration. Furthermore, both departments have collaborated since 2016 for the Corrections To A Safer Community (CTASC) program, with recent meetings and goals to have DBH staff working on discharge planning at the West Valley Detention Center for all seriously mentally ill (SMI) patients in specialized correctional housing.

The Department has contracted with Liberty Healthcare Corporation (Liberty) for the provision of comprehensive mental health and programming services in the County's detention facilities since 2016. Due to the number of incarcerated patients with mental health needs increasing to more than 25% (approximately 1,500 inmates) of the Department's current inmate population, the Department recommends amending the contract with Liberty, effective July 1, 2020, to increase the number of FTEs provided from 62.75 to 103.35 as follows: Psychiatrist from 9.75 to 11.53 FTEs; Mental Health Clinicians from 29 to 50 FTEs; Mental Health RNs from 16 to 24 FTEs; Nurse Practitioner from 1 to 6.82 FTEs; Office Specialist from 1 to 2 FTEs; and Clinical Team Leader from 3 to 6 FTEs. Depending on the assignment, positions may be eligible to receive shift and/or location differential pay (for those working at the High Desert Detention Center in Adelanto). Amending the contract to increase staffing is another step in adequately addressing the mental health obligations to inmates incarcerated with the County's detention facilities. Approval of Recommendation No. 2 will allow the Sheriff/Coroner/Public Administrator to make changes to the number of FTEs, if necessary, to address changes in the workload. Any such change orders will not cause to exceed the maximum contract amount of \$73,634,205 nor amend the contract term.

PROCUREMENT

On January 12, 2016 (Item No. 43), as a result of a competitive process, the Board approved Contract No. 16-08 with Liberty at a cost not to exceed \$3,047,314 for the period of January 12, 2016 through January 11, 2017, with the option to extend the term for two additional one-year periods for the provision of comprehensive mental health and programming services in the County's detention facilities.

Subsequently, the Board approved five amendments to Contract No. 16-08 with Liberty as follows:

Amendment No. 1 (August 23, 2016; Item No. 78): increased the level of mental health services by an additional 11.75 FTE positions, from 13 FTEs to 24.75 FTEs; provided cost of living increases; increased the contract amount by \$14,161,308; and amended the contract from a one-year term to a three-year term for a new contract period of January 12, 2016 through January 11, 2019, with two one-year options to extend the term.

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Amendment No. 2 (March 28, 2017; Item No. 55): increased the number of staff provided by 15 FTE, from 24.75 FTEs to 39.75 FTEs, and increased the contract amount by \$4,682,952, with no change to the contract period of January 12, 2016 through January 11, 2019.

Amendment No. 3 (December 18, 2018; Item No. 74): extended the term of the contract by one year from January 12, 2019 through January 11, 2020; provided for cost of living increases; and increased the total contract amount by \$9,415,761 from \$21,891,574 to \$31,307,335.

Amendment No. 4 (August 20, 2019; Item No. 60): increased the number of Mental Health Registered Nurse (RN) positions from 10 FTEs to 13 FTEs, increasing the total staffing levels provided by Liberty from 39.75 to 42.75 FTEs; increased the total contract amount by \$10,355,759 from \$31,307,335 to \$41,663,094; and extended the term through January 11, 2021.

Amendment No. 5 (January 7, 2020; Item No. 33): increased the number of staff by 20 FTEs from 42.75 to 62.75 FTEs; and increased the total contract amount by \$4,506,178, from \$41,663,094 to \$46,169,272, with no change to the contract period ending January 11, 2021.

Due to the ongoing effort to increase the number of personnel to maintain adequate mental health services for inmates within the County's detention facilities, the Department recommends adding the additional staffing and extending the contract for one additional year through January 11, 2022. This will provide continuity of service and address timing constraints associated with the County's mandate to provide these services. The Department will begin a formal procurement process early next year and anticipates a new contract for mental health services will be presented to the Board for approval prior to January 2022.

The recommended contract may be terminated by either party upon 120 days written notice.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Richard D. Luczak, Deputy County Counsel, 387-5455) on May 14, 2020; Purchasing Department (Laurie Rozko, Director, 387-2074) on May 13, 2020; Finance (Carolina Mendoza, Administrative Analyst, 387-0294) on June 5, 2020; and County Finance and Administration (Kelly Welty, Deputy Executive Officer, 387-5423) on June 17, 2020.

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Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

Moved: Josie Gonzales Seconded: Robert A. Lovingood
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 23, 2020



cc: Sheriff's- Ades w/agree
Contractor- C/O Sheriff's w/agree
File- w/agree
la 07/6/2020