

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

January 5, 2021

FROM

JOHN McMAHON, Sheriff/Coroner/Public Administrator

SUBJECT

Amendment to Contract with Liberty Healthcare of California, Inc. for Jail Based Competency Treatment Program

RECOMMENDATION(S)

Approve **Amendment No. 3** to **Contract No. 17-838** with Liberty Healthcare of California, Inc., to provide restoration of mental competency services to inmates declared incompetent to stand trial, increasing the cost by \$9,112,590, from \$24,614,766 to a maximum not to exceed amount of \$33,727,356, and exercising the first option to extend the term by one year for a total contract period of January 1, 2018 through December 31, 2021, with the option to extend the term for one additional one-year period.

(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 not result in the use of Discretionary General Funding (Net County Cost). The contract with Liberty Healthcare of California, Inc. (Liberty) provides compensation to Liberty for the provision of clinical personnel and services necessary to restore mental competency of patient inmates admitted into the Jail Based Competency Treatment (JBCT) Program at West Valley Detention Center (WVDC). The maximum contract amount will increase by \$9,112,590 (146 beds x \$171 x 365 days from January 1, 2021 to December 31, 2021).

Currently, the California Department of State Hospitals (DSH) reimburses the Sheriff/Coroner/Public Administrator (Department) for provision of services pursuant to the terms and conditions of Contract No.17-837 (State Contract No.17-78014-000 A02) to fund both the direct and indirect costs associated with the designated space, personnel, and services, including transportation and medication, for the care of patient inmates admitted into the JBCT Program.

Appropriation and revenue in the amount of \$20.7 million is included in the Department's 2020-21 budget. The remaining appropriation and revenue adjustments will be included in a future countywide quarterly budget report presented to the Board for approval, if necessary.

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BACKGROUND INFORMATION

The DSH is responsible for returning individuals to competency that have been charged with a felony and determined to be incompetent to stand trial by the California Superior Courts (Courts). Once an individual is committed to a DSH facility for treatment, the facility has 90 days to make a written report to the Court concerning the defendant's progress toward recovery of mental competence. Currently, DSH has insufficient beds within the state hospitals creating lengthy waiting lists of jail inmates throughout the state, including those in San Bernardino County, who are in need of mental competency restoration services.

To address this shortage, the DSH has contracted with the Department to provide continued access to WVDC to administer the JBCT Program and provide inmates, from San Bernardino and other southern California counties, as ordered by the Courts, with restoration of competency treatment services similar to those provided in state mental hospitals. This program allows inmates to begin treatment sooner and significantly decreases the time these individuals remain incarcerated due to faster adjudication of their criminal charges.

Revenue Contract No. 17-837 with the DSH to administer the JBCT Program is scheduled to terminate on December 31, 2020. On December 1, 2020, DSH provided a "Notice to Proceed" letter indicating that it would continue to require JBCT services from the Department beyond the December 31, 2020 contract expiration date to avoid any lapse in coverage, as the DSH and Department negotiate a new agreement. The Department anticipates that negotiations with DSH, including updated language and reimbursement rates, will be finalized within 90-days, and will return to the Board for approval.

Approval of this item, in a retroactive basis effective January 1, 2021, will allow the Department to continue without any lapse the existing JBCT Program services, as requested by the DSH, with Liberty's team of licensed clinical personnel to continue to work approximately forty hours per week to provide JBCT Program patient inmates with treatment services such as: mental illness management, prescription of psychotropic medications, competency restoration, physical stimulation, mental/social stimulation, and other components required by applicable state laws and regulations. Additionally, Liberty's personnel will comply with all of the state's reporting requirements on the progress of the JBCT Program's patient inmates.

PROCUREMENT

On November 14, 2017 (Item No. 40), the Board approved Contract No. 17-838 with Liberty to provide restoration of mental competency services to inmates declared incompetent to stand trial, as required by the contract between DSH and the Department, with a capacity of 96 beds, for the period of January 1, 2018 through December 31, 2020, for a maximum cost of \$17,975,520 with two one-year options to extend the original term.

On May 1, 2018 (Item No. 46), the Board approved Amendment No. 1 to Contract No. 17-838 increasing the capacity to 126 beds and the maximum cost to \$22,839,786, effective June 1, 2018. On June 25, 2019 (Item No. 56), the Board approved Amendment No. 2 to contract No. 17-838 increasing the capacity to 146 beds and the maximum reimbursement to \$24,614,766 effective August 1, 2019.

The current contract with Liberty includes one additional (1) one-year option to extend the contract term provided that an extension of the County contract with DSH is approved. Either party may terminate the contract with a 30-day advance written notice. Purchasing concurs that

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a noncompetitive justification exists for the continuation of treatment services by Liberty for inmate patients.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Richard D. Luczak, Deputy County Counsel, 387-5455) on December 14, 2020; Purchasing Department (Michael Candelaria, Buyer III, 387-2060) on December 9, 2020; Finance (Carolina Mendoza, Administrative Analyst, 387-0294) on December 14, 2020; and County Finance and Administration (Kelly Welty, Deputy Executive Officer, 387-5423) on December 14, 2020.

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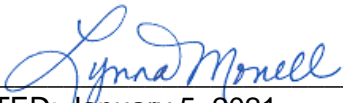
Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Janice Rutherford

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: January 5, 2021



cc: Sheriff - Ades w/agree
Contractor - C/O Sheriff w/agree
File - w/agree w/attach
CCM 01/15/2021