



# Board Agenda Item 46

DATE: July 10, 2018

TO: Board of Supervisors

SUBMITTED BY: Dawan Utecht, Director, Department of Behavioral Health

SUBJECT: Retroactive Agreement with J. Melton & Associates for Certification Review Hearing Officer Services

## RECOMMENDED ACTION(S):

**Approve and authorize the Chairman to execute a retroactive service Agreement with J. Melton & Associates for the Mental Health Certification Review Hearing Officer services, effective July 1, 2018 through June 30, 2023, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$700,000.**

Approval of the recommended agreement provides for the services of a Certification Review Hearing Officer for County's involuntarily detained adults due to grave mental disability and/or danger to self and others, as required by the California Welfare and Institutions (W&I) Code, Section 5256, with no Net County Cost.

## ALTERNATIVE ACTION(S):

There is no viable alternative action as services will not be available to clients without an agreement with a qualified contractor. If the recommended agreement is not approved, services will not be provided to approximately 1,473 clients annually.

## RETROACTIVE AGREEMENT:

The recommended agreement is retroactive to July 1, 2018. After lengthy negotiations, the recommended agreement was finalized on June 5, 2018 by the Department of Behavioral Health and J. Melton & Associates.

## FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. The maximum amount of the recommended agreement (\$700,000) will be fully funded with Mental Health Realignment Funds. Sufficient appropriations and estimated revenues (\$140,000) will be included in the Department's Org 5630 FY 2018-2019 Recommended Budget and will be included in subsequent budget requests for the duration of the recommended agreement. Total expenditures will be determined by actual services provided.

## DISCUSSION:

The California W&I Code, Section 5256 mandates a certification review hearing for adults and children involuntarily detained due to grave mental illness. The primary activity of the Certification Review Hearing Officer is to conduct hearings for those adults, adolescents, or children involuntarily detained due to a grave mental disability and/or are a danger to themselves or others and should be certified for further involuntary

treatment. In order to obtain these services, a Letter of Interest was issued by Purchasing at the request of the Department of Behavioral Health on March 20, 2018 and sent out to 28 potential vendors. One bid was received, from Joseph V. Melton.

With the approval of the recommended action, the vendor will conduct hearings in the manner prescribed by Section 5256 through and including Sections 5270.15 of the California W&I Code, Division 5. Certification Review Hearings will be held within four days of the initial certification for additional involuntary hold of the person certified, unless postponed by request of the person or his/her attorney or advocate. Additional Certification Review Hearings will be held within four (4) days of the date on which the consumer is certified for a 30-day period of intensive treatment (California W&I Code § 5270.15). In the prior fiscal year, 1,473 hearings were conducted through a contract for these services.

These Hearings shall be held at various psychiatric hospitals/acute psychiatric programs in the County of Fresno that are designated as 72-hour treatment and evaluation facilities. The recommended vendor will be required to maintain all required documentation and shall submit any required documentation in compliance with all applicable State and Federal confidentiality laws.

With your Board's approval, the Certification Review Hearing Officer will provide approximately 123 review hearings per month for mental health clients identified by the Department of Behavioral Health's Managed Care Division to be the responsibility of the County.

The recommended agreement will be retroactively effective July 1, 2018 through June 30, 2023 including a three-year base contract and two optional one-year extensions. The Contractor or the Department of Behavioral Health Director or designee, has the authority to give notification of early termination by giving a 30-day advance written notice.

REFERENCE MATERIAL:

BAI #42, May 24, 2016

BAI #41, May 21, 2013

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with J. Melton & Associates

CAO ANALYST:

Ron Alexander