



# Board Agenda Item 38

DATE: July 18, 2023

TO: Board of Supervisors

SUBMITTED BY: Susan L. Holt, Director Department of Behavioral Health

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

RECOMMENDED ACTION(S):

**Approve and authorize the Chairman to execute retroactive Amendment II to Agreement with J. Melton & Associates to revise the FY 2022-23 budget, effective June 1, 2023 with no change to the term of July 1, 2018 through June 30, 2024 and increasing the maximum by \$20,000 to a total of \$1,103,329.**

There is no Net County Cost associated with the recommended action. Approval of the recommended action will add funds to the FY 2022-23 agreement budget to cover costs for exceeding the predicted amount of Certification Review Hearings in compliance with Assembly Bill 2275 (AB 2275). This item is county wide.

ALTERNATIVE ACTION(S):

There are no viable alternative actions. Should our Board not approve the recommended action, services for June 2023 certification review hearings would not be paid.

RETROACTIVE AGREEMENT:

The recommended agreement is retroactive to June 1, 2023. This agreement was amended on February 28, 2023 to include AB 2275 Certification Review Hearing services. The Department had limited data available at the time to estimate the costs associated with the additional services. As such, the Department surpassed the estimate by \$20,000 in June 2023, thus the need to retroactively approve this item.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. The recommended action will increase FY 2022-23 by \$20,000 for an annual maximum compensation of \$212,129. This increases the total contract maximum compensation to \$1,103,329, which will be funded with Mental Health Realignment. Sufficient appropriations and estimated revenues are included in the Department's Org 5630 FY 2022-23 Adopted Budget and will be included in the FY 2023-24 Recommended Budget. There are no current outstanding invoices for this agreement; however, an invoice for June 2023 services is anticipated to be received in July 2023.

DISCUSSION:

On January 10, 2018, the Board approved Agreement No. 18-367 with J. Melton and Associates for

Certification Reviewing Hearing Officer services. W&I Code, Section 5256 mandates a certification hearing for adults and minors who are involuntarily detained due to danger to self, danger to others or gravely disabled for 14 or 30 days at LPS designated facility.

AB 2275 was approved on September 30, 2022 and amended various section of the W&I Code under the Lanterman-Petris Short (LPS) Act, including changes to process for involuntary detentions and certification hearings. AB 2275 specifies when the 72-hour detention begins and requires certification hearings for individuals who continue to be involuntarily detained more than 72 hours under a 5150 application within seven days of the date the person was initially detained. This now requires non-designated facilities such as hospitals and crisis stabilization centers to coordinate a Certification Review Hearing.

On February 28, 2023, the Board approved Agreement No. 23-078 (Amendment I) with J. Melton & Associates to update the rates to reflect current market prices, as a licensed clinician is a requirement for a hearing officer. The Board also approved the expansion of hearings at non-designated facilities under AB 2275, which include emergency rooms, crisis stabilization centers, and acute care facilities. The amendment extended the term of the agreement by one year to June 30, 2024 and added \$383,329 to the agreement to cover estimated costs of the additional Certification Review Hearings.

Approval of the recommended action amending Agreement No. 23-078 will increase FY 2022-23 funds by \$20,000 to cover costs for exceeding the predicted amount of certification review hearings following implementation of AB 2275.

OTHER REVIEWING AGENCIES:

The Behavioral Health Board was made aware of the recommended amendments at its June 2023 meeting.

REFERENCE MATERIAL:

BAI #33, February 28, 2023  
BAI #46, July 10, 2018  
BAI #42, May 24, 2016  
BAI #41, May 21, 2013

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Amendment II to Agreement No. 23-078 with J. Melton & Associates

CAO ANALYST:

Ronald W. Alexander, Jr.