



# Board Agenda Item 23

DATE: April 8, 2025

TO: Board of Supervisors

SUBMITTED BY: Susan Holt, Director Department of Behavioral Health

SUBJECT: Retroactive Assignment with J. Melton & Associates, Inc., S-Corporation for Certification Review Hearing Officer Services.

RECOMMENDED ACTION(S):

**Approve and authorize the Chairman to execute retroactive Assignment of Rights and Delegation of Duties under Agreement No. 24-303 with J. Melton & Associates, general partnership to J Melton & Associates, Inc., S-Corporation, effective April 1, 2025, with no change to the term July 1, 2024 to June 30, 2029, or maximum compensation of \$3,920,000.**

There is no additional Net County Cost associated with the recommended action. J. Melton & Associates reorganized from a general partnership to an S-Corporation as of April 1, 2025. Approval of the recommended action will assign, transfer, and delegate all of its rights, benefits, responsibilities, and obligations under Agreement No.24-303 to J Melton & Associates, Inc. (JMA) to continue to provide the services of a Certification Review Hearing Officer for County's involuntarily detained individuals due to grave disability and/or danger to self and others, as required by the California Welfare and Institutions (W&I) Code, Section 5256. This item is countywide.

ALTERNATIVE ACTION(S):

There are no viable alternative actions. Should your Board not approve the recommended actions, mandated services will not be provided to individuals who are placed on an involuntary hold.

RETROACTIVE AGREEMENT:

The recommended Agreement is retroactive to April 1, 2025. The Department was notified on January 28, 2025, and this item was brought to the Board on the earliest available date in accordance with associated review deadlines.

FISCAL IMPACT:

There is no increase in Net County Costs associated with the recommended action. There is no fiscal impact associated with the recommended action, which will assign Agreement No. 24-303 from J. Melton & Associates, general partnership to J Melton & Associates, Inc., S-Corporation. The maximum amount of the agreement will remain at \$3,920,000, which will be fully funded with Mental Health Realignment Funds. Sufficient appropriations are included in the Department's Org 5630 FY 2024-25 Adopted Budget and will be included in subsequent budget requests for the duration of the recommended action.

DISCUSSION:

W&I, Sections 5256 mandates a certification review hearing for adults and minors who are involuntary detained due to danger to self, danger to others or gravely disabled. During a certification review hearing, evidence from the facility is presented on why the person served is on a hold and the person served through the patients' rights advocate presents evidence on the contrary. The hearing officers will decide based on the evidence provided if there is probable cause for the hold or not. W&I Code Section 5256.1 prohibits employees of the County Mental Health Plan to act as hearing officer. Thus, these services have historically been contracted out. In Fiscal Year (FY) 2023-24, J Melton & Associates completed 1,772 Certification Review Hearings.

On June 18, 2024, the Board approved Agreement No. 24-303 with JMA for Certification Review Hearing Officer services.

On January 28, 2025 JMA notified the Department of their changed business entity type effective April 1, 2025, from a general partnership to a S-Corporation. A new Employee Identification Number (EIN) was issued and provided to the Department. All associated documents have been submitted to the County and reviewed. The change in business type requires an Assignment of Rights and Delegation to be approved by the Board. There is no change to JMA Executive team nor employees.

OTHER REVIEWING AGENCIES:

The Behavioral Health Board was made aware of the recommended agreement at its April 2025 meeting.

REFERENCE MATERIAL:

BAI #42, June 18, 2024

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Assignment of Rights and Delegation of Duties

On file with Clerk - Digital Signature Audit Report

CAO ANALYST:

Ronald W. Alexander, Jr.