



## Legislation Details (With Text)

**File #:** 22-1449      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 8/4/2022      **In control:** Board of Supervisors

**On agenda:** 12/13/2022      **Final action:** 12/13/2022

**Title:** Health and Human Services Agency (HHS), Sheriff's Office, and Probation Department recommending the Board:

- 1) Make findings that the provision of health services in the County detention facilities by licensed healthcare professionals trained in correctional medicine provided by Contractor are in the public's best interest and that there are specialty skills, qualifications, and equipment not expressly identified in County classifications involved in the performance of the work in accordance with El Dorado County Ordinance Code, Chapter 3.13.030(B), El Dorado County Charter, Section 210(b)(6), and/or Government Code Section 31000;
- 2) Make findings in accordance with Procurement Policy C-17 Section 3.4(3) exempting the competitive bidding process, with Purchasing Agent concurrence, because "competitive bidding would produce no economic benefit to the County" and may result in the lack of continuity in appropriate mandated correctional medical care to detained adults and children in detention facilities in the County of El Dorado;
- 3) Approve and authorize the Chair to sign Amendment II to Agreement for Services 2989 with California Forensic Medical Group (CFMG), increasing the maximum obligation by \$145,569.37, from \$21,549,570.13 to \$21,695,139.50, with no change to the original term of January 1, 2019, through December 31, 2023; and
- 4) Authorize the HHS Director, or Chief Assistant Director, to execute further documents relating to Agreement 2989, contingent upon approval by County Counsel and Risk Management, including amendments which do not increase the maximum dollar amount or term of the Agreement.

FUNDING: 100% General Fund.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - CRS #2989-A CFMG (Wellpath) 12/13/22, 2. B - #2989-A2 CFMG (Wellpath) 12/13/22, 3. C - #2989 CFMG, Original + AMDT I 12/13/22, 4. D - #2989-A2 CFMG Approved Non-Competitive Bid Justification, 5. Executed Agreement 2989

Date	Ver.	Action By	Action	Result
12/13/2022	1	Board of Supervisors	Approved	Pass

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appropriate mandated correctional medical care to detained adults and children in detention facilities in the County of El Dorado;

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4) Authorize the HHSA Director, or Chief Assistant Director, to execute further documents relating to Agreement 2989, contingent upon approval by County Counsel and Risk Management, including amendments which do not increase the maximum dollar amount or term of the Agreement.

**FUNDING:** 100% General Fund.

**DISCUSSION / BACKGROUND:**

Pursuant to California Penal Code Section 4011 and California Code of Regulations Title 15, the County is responsible for the provision of health care for detained adults and children. Since 1996, the County of El Dorado has met this requirement through contracts with the California Forensic Medical Group (CFMG), administered by the Health and Human Services Agency (HHSA) Public Health and Behavioral Health Divisions, in conjunction with the Sheriff's Office and Probation Department.

The current CFMG Agreement for Services 2989 was approved by the Board of Supervisors on December 18, 2018 (File ID: 18-1793) for the provision of health services in the two jail facilities and the two juvenile detention facilities for the term of January 1, 2019, through December 31, 2023, as it was determined by the Board that it was more economical and feasible to engage an independent contractor for these services.

The CFMG Agreement has an annual amount divided into adult services for the jail(s), juvenile services for the juvenile detention facilities (JDFs), and a per diem amount if the average daily population (ADP) at any of the facilities exceeds the agreed-upon ADP. The annual amounts are divided into twelve equal monthly flat-rate payments for billing. There is an annual escalator of 3.6 percent.

Effective June 30, 2019 (File ID: 19-1576) the County discontinued operations at the Placerville Juvenile Hall and Amendment I to Agreement for Services 2989 was executed to reduce the annual contracted amount for healthcare services in the remaining JDF in South Lake Tahoe.

This Amendment II to Agreement for Services 2989 is the result of a CFMG negotiated increase of \$115,623 to the Calendar Year 2023 compensation amount that will increase the 3.6 percent escalator effective July 01, 2023. Half of the \$115,623, \$57,811.50, to be applied January 1, 2023, and the remainder is to be applied July 1, 2023, after the 3.6% annual Base Rate increase which is increased due to the January increase. This total increase of \$145,569.37 is projected to mitigate the extraordinary effects of the healthcare staffing crisis due to the Covid-19 pandemic.

CFMG is currently the only active Contractor providing licensed healthcare professionals trained in correctional medical care for the provision of healthcare services in County detention facilities. Under the County of El Dorado Board of Supervisors Procurement Policy C-17 Section 3.4, effective October 20, 2022, it is recommended, with El Dorado County Chief Administrative Office Procurement and Contracts Division concurrence, that competitive bidding (3) "would produce no economic benefit to the County." The potential financial impact from the lack of appropriate mandated correctional medical care to individuals incarcerated in County jail or juvenile detention facilities

outweighs any benefits from beginning the competitive solicitation process before the termination date of the current agreement. Competitive solicitation will be engaged prior to the expiration date of Agreement 2989 to maintain continuity of operations.

**ALTERNATIVES:**

No viable alternative recommendations are available. The County remains under a Federal Court Decree (York vs El Dorado County 12/15/1993) to provide correctional medical care 24 hours per day 7 days a week. Disapproval of Amendment II to Agreement for Services 2989 would result in a gap in correctional medical care in the County of El Dorado and the inability to meet standards pursuant to the California Penal Code Section 4011 and California Code of Regulations Title 15.

**PRIOR BOARD ACTION:**

- 1) 12/18/18, 18-1793 HHSA, 2989 CFMG
- 2) 11/05/19, 19-1576 HHSA - A-1 to Agmt 2989 with CFMG

**OTHER DEPARTMENT / AGENCY INVOLVEMENT:**

Approved by: County Counsel; Human Resources and Risk Management; Sheriff's Office; Probation Department; and CAO Procurement and Contracts Division. The Auditor-Controller has been notified per Policy B-12.

**CAO RECOMMENDATION:**

Approve as recommended.

**FINANCIAL IMPACT:**

There will be an increase to General Fund in the amount of \$145,569.37, \$57,811.50 will occur in FY 2022-23 and \$87,757.87 will occur in FY 2023-24. Sufficient appropriations for the Amendment were added in the Fiscal Year 2022-23 Adopted Budget and will be included in future budgets to accommodate this increase for the term of the Agreement.

**CLERK OF THE BOARD FOLLOW UP ACTIONS:**

- 1) Obtain signature of Chair on one (1) original Amendment II to Agreement for Services 2989.

**STRATEGIC PLAN COMPONENT:**

Good Governance

**CONTACT**

Evelyn Schaeffer, Director, Health and Human Services Agency