



## Legislation Text

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**File #:** 22-1405, **Version:** 1

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Health and Human Services Agency (HHSA) recommending the Board:

- 1) Make findings that the provision of Certification Review Hearing services provided by California Hearing Officers, LLP 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) Approve and authorize the Chair to sign Agreement for Services 6782 with California Hearing Officers, LLP, with a not-to-exceed amount of \$200,000 and for the term of three (3) years from October 1, 2022 through September, 30, 2025; and
- 3) Authorize the HHSA Director, or Director of Behavioral Health, to execute further documents relating to Agreement 6782, 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:** 70% Federal Medi-Cal, 5%, State Medi-Cal, 25% Realignment.

**DISCUSSION / BACKGROUND:**

The El Dorado County Health and Human Services Agency (HHSA) Behavioral Health Division provides for the operation of a sixteen-bed, twenty-four (24) hour a day, Psychiatric Health Facility (PHF) to meet the needs of persons aged eighteen years and older exhibiting acute psychiatric symptoms. Clients are referred to the PHF from a hospital Emergency Room setting after being medically cleared for services and meeting the Welfare and Institution Code Section 5150 requirements. The recovery-oriented treatment program is designed to stabilize the current crisis and assist the client's return to a less restrictive setting, by providing a safe and secure environment to pursue wellness and recovery.

California Welfare and Institutions Code (WIC) Section 5000 et seq. (Lanterman-Petris-Short Act), which was signed into law in 1967 and went into full effect on July 1, 1972, concerns the involuntary civil commitment of persons to a mental health institution. WIC Section 5150 provides for detention for up to seventy-two (72) hours for observation of persons who, as a result of a mental disorder, may be a danger to themselves, to others or who may be gravely disabled. WIC Section 5250 et seq. provides a process whereby a person detained for seventy-two (72) hours and has received an evaluation may be certified for not more than fourteen (14) days of intensive treatment related to the mental health disorder or impairment by chronic alcoholism under certain conditions.

WIC Section 5270.15 et seq. provides that upon the completion of a fourteen (14)-day period of intensive treatment pursuant to Section 5250, the person may be certified for an additional period of not more than thirty (30) days of intensive treatment under specific conditions.

However, when a person is certified for intensive treatment pursuant to WIC Sections 5250 or Section 5270.15, WIC Section 5256 requires a certification review hearing be held within four (4) days of the date on which the person is certified for intensive treatment. WIC Section 5256.1 further requires that said certification review hearing be conducted by a court-appointed commissioner, a

referee, or a certification review hearing officer (CRHO) and sets forth specific qualifications of said CRHO.

This proposed Agreement for Services 6782 with California Hearing Officers, LLP, is a renewal of Agreement 4161 approved by the Board on September 17, 2019 (File ID: 19-1082), to furnish approved and qualified staff to serve as CRHO to complete the required intensive treatment Certification Review Hearings for the HHSA Behavioral Health Division. The proposed Agreement would ensure continuation of necessary Certification Review Hearing services without any service interruption.

In accordance with Board of Supervisors Procurement Policy C-17, Section 7.11, the contractor selection process for service contracts in excess of \$100,000 must include a review of the scope of services and contractor's professional qualifications by a group of individuals (including at least one representative from outside the department requesting the services) qualified to judge the contractor's ability to perform the services. HHSA has documentation on file that such a review was performed for Agreement for Services 6782 with California Hearing Officers, LLP.

**ALTERNATIVES:**

Should the Board decline to approve this recommendation, HHSA would be unable to comply with WIC Section 5256.

**PRIOR BOARD ACTION:**

09/17/19, 19-1082, HHSA 4161 California Hearing Officers, LLP

**OTHER DEPARTMENT / AGENCY INVOLVEMENT:**

Agreement was approved by County Counsel, Human Resources, Information Technologies, and Risk Management. The Auditor Controller was notified per Board Policy B-12. County Counsel, Public Defender, & Mental Health Director have unanimously approved each Certification Review Hearing Officer (CRHO) listed on Exhibit A to the Agreement.

**CAO RECOMMENDATION:**

Approve as recommended.

**FINANCIAL IMPACT:**

This Agreement for Services is a renewal of a prior year agreement and will be funded with Federal Medi-Cal, State Medi-Cal and Realignment funding. Sufficient appropriations were included in the FY 2022-23 Budget and will be included in future budgets for the term of the Agreement.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

Clerk of the Board to obtain signature of Chair on one (1) original Agreement for Services 6782.

**STRATEGIC PLAN COMPONENT:**

Good Governance

**CONTACT**

Evelyn Schaeffer, Director, Health and Human Services Agency