



ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

65 June 6, 2023

CELIA ZAVALA
EXECUTIVE OFFICER

Los Angeles County
Board of Supervisors

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June 06, 2023

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
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Los Angeles, California 90012

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Director

Hal F. Yee, Jr., M.D., Ph.D.
Chief Deputy Director, Clinical Affairs

Nina J. Park, M.D.
Chief Deputy Director, Population Health

Elizabeth M. Jacobi, J.D.
Administrative Deputy

Dear Supervisors:

**APPROVE ACCEPTANCE OF AN AWARD FROM THE CALIFORNIA
DEPARTMENT OF STATE HOSPITALS AND APPROVE RELATED
ACTIONS TO FURTHER IMPLEMENT THE FELONY INCOMPETENT TO
STAND TRIAL COMMUNITY-BASED RESTORATION PROGRAM AND THE
PRE-TRIAL FELONY MENTAL HEALTH DIVERSION PROGRAM
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

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SUBJECT

Approve acceptance of an award from the California Department of State Hospitals (DSH) in the amount of \$629,677,190 and approve related actions to further implement the Felony Incompetent to Stand Trial Community-Based Restoration Program and the Pre-Trial Felony Mental Health Diversion Program.

IT IS RECOMMENDED THAT THE BOARD:

1. Delegate authority to the Director of Health Services (Director), or designee, to accept an anticipated award from the DSH in the amount of \$629,677,190, effective November 1, 2022 through June 30, 2027, and sign an agreement with DSH (Agreement No. 22-79016-000), and all other related documents, to further implement the County of Los Angeles' (County) Office of Diversion and Reentry (ODR) Felony Incompetent to Stand Trial Community-Based Restoration (FIST CBR) Program and Pre-Trial Felony Mental Health Diversion (Diversion) Program, subject to prior review and approval as to form by County Counsel.

*"To advance the health of our
patients and our communities by
providing extraordinary care"*



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2. Delegate authority to the Director, or designee, to execute future no-cost amendments to Agreement No. 22-79016-000, on the condition that the amendments do not materially alter the legal obligations of the County under the base Agreement No. 22-79016-000, subject to prior review and approval as to form by County Counsel.

3. Delegate authority to the Director, or designee, to negotiate and execute new agreements and/or amendments to agreements with qualified Mental Health providers to provide acute and Institute of Mental Disease (IMD) hospital transitional beds that are necessary to provide care to eligible Incompetent to Stand Trial (IST) clients, including revisions to statements of work, extension to agreement terms, and/or increase contract sums, provided such actions do not exceed Board of Supervisors (Board) approved funding to deliver such services, subject to review and approval as to form by County Counsel with notification to the Board and Chief Executive Office (CEO). The foregoing delegated authority includes negotiating on a case-by-case basis appropriate changes to the standard County insurance and indemnification provisions, and other standard County contract terms, subject to review and approval of CEO Risk Management and County Counsel with notification to the Board.

4. Delegate authority to the Director, or designee, to execute new Supportive and/or Housing Services Master Agreement (SHSMA) Work Orders with qualified community-based organizations and amendments to existing SHSMA Work Orders that are necessary to implement FIST CBR and Diversion Programs, subject to prior review and approval as to form by County Counsel.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Background

On June 19, 2018, the Board delegated authority to the Director to execute DSH Agreement No. 18-78002-000 to accept the initial award of \$44,213,875 from DSH to implement the FIST CBR Program to provide community-based competency restoration for individuals charged with felony offenses and found by the courts IST under Penal Code section 1370. On November 2, 2021, the Board approved Amendment No. 4 to DSH Agreement 18-78002-000 to increase the award to a total of \$110,941,497 and expand the program to a total of 515 beds.

On February 5, 2019, the Board of Supervisors delegated authority to the Director to execute DSH Agreement No. 18-79901-000 to accept the initial award of \$25,864,100 from DSH to implement the Diversion Program for the provision of housing and services for up to 200 clients with serious mental health needs who have been diverted from the criminal justice system by the court pursuant to Penal Code Section 1001.36 et seq. On August 9, 2022, the Board approved Amendment No. 2 to DSH Agreement 18-79901-000 to increase the award to a total of \$59,576,100 and provide services for up to 336 total clients.

To streamline the management of the agreements and delivery of services, DSH is proposing to combine Agreements 18-78002-000 and 18-79901-000. The newly combined Agreement No. 22-79016-000 will increase funding and authorize the expansion of the FIST CBR and Diversion Programs to up to 1,344 beds and admit up to 840 IST clients per year. This will align the delivery of FIST community-based services in accordance with the legislative authority pending final approval

as part of the 2022-23 State budget.

The terms and conditions of Agreement 18-79002-000 will remain in full force and effect until such time as the new combined Agreement is fully executed and contingent upon enactment of the 2022-23 State budget. A Notice of Cancellation will be issued for Agreement 18-79002-000 upon execution of the new combined Agreement No. 22-79016-000. The terms and conditions of Agreement 18-79901-000 will remain in full force and effect until all contracted clients have been served at which point a Notice of Cancellation will be issued, if necessary, and the ongoing program funding will be paid through the new Agreement No. 22-79016-000.

Recommendations

Approval of the first recommendation will allow the Director, or designee, to accept an award of \$629,677,190 for the FIST CBR and Diversion Programs, and sign Agreement No. 22-79016-000 with DSH effective November 1, 2022, and expiring on June 30, 2027. This award will authorize the expansion of the FIST CBR and Diversion Programs to up to 1,344 beds. The retroactive effective date will allow the Department of Health Services to submit claims for related costs prior to execution of Agreement No. 22-79016-000.

Approval of the second recommendation will allow the Director, or designee, to execute future amendments to Agreement No. 22-79016-000 without interruption to the provision of services in a timely manner.

Approval of the third recommendation will allow the Director, or designee, to execute new agreements and/or amendments to agreements with qualified Mental Health providers to provide acute and IMD hospital transitional beds that are necessary to provide care to eligible IST clients.

Approval of the fourth recommendation will allow the Director, or designee, to execute new SHSMA Work Orders with qualified community-based organizations and amendments to existing SHSMA Work Orders that are necessary to implement FIST CBR and Diversion Programs.

Implementation of Strategic Plan Goals

The recommended actions support “Strategy I.3 Reform Service Delivery within Our Justice Systems” and “Strategy III.3 Pursue Operational Effectiveness, Fiscal Responsibility, and Accountability” of the County’s Strategic Plan.”

FISCAL IMPACT/FINANCING

The total FIST CBR and Diversion Program expansion costs are estimated at \$629,677,190 and the DSH award will fully fund the entire expansion. There will be no impact to net County cost.

\$34,407,000 of the total \$629,677,190 estimated costs is already included in the FY 2022-23 Final Budget.

Remaining appropriation will be requested in Fiscal Year 2023-24 Supplemental Budget Resolution (SBR) Request and future fiscal years, as needed.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Despite the decrease in the number of people in the general population of the County jails, the number of people with mental health needs in jail has increased to 5,500 individuals, comprising over 40% of the total jail population. Of those, approximately 1,620 have acute mental health needs (approximately 12% of the total jail population). As of May 3, 2023, there are 357 people awaiting transfer to a State hospital who are deemed IST, many of whom have been waiting for several months. Many people with serious mental health needs, including those who are deemed IST, remain in jail because they do not have access to other facilities for their care. Agreement No. 22-79016-000 will continue and expand community treatment services pursuant to Penal Code section 1001.36 (Diversion), Welfare & Institutions Code section 4361 (Diversion), and Penal Code section 1370 (CBR) for IST individuals charged with felonies who would otherwise remain in jail or receive care in other State hospital facilities. This contract furthers the County's efforts to come into compliance with provisions of the federal settlement agreement with the United States Department of Justice and its Care First, Jails Last priorities by ramping up additional community treatment capacity for those who would otherwise remain longer in County Jails.

Agreement No. 22-79016-000 and/or related documents, will be reviewed and approved as to form by County Counsel before execution.

CONTRACTING PROCESS

ODR was selected by DSH to administer the FIST CBR and Diversion Programs based on programmatic need in the County.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the recommendations will enable ODR to expand the FIST CBR and Diversion Programs to up to 1,344 beds.

Respectfully submitted,



Christina R. Ghaly, M.D.

Director

CRG:ch

c: Chief Executive Office
County Counsel
Executive Office, Board of Supervisors