



# Monterey County

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## Board Report

Legistar File Number: A 18-197

June 19, 2018

**Introduced:** 5/21/2018

**Version:** 1

**Current Status:** Consent Agenda

**Matter Type:** BoS Agreement

- a. Approve and authorize the Director of Health or Assistant Director of Health to execute a no-extension Amendment No. 1 to the County of Monterey Standard Agreement with Timothy Forbes, Attorney-At-Law to provide services for the County as the primary Patients' Rights Advocate and to increase the existing Agreement amount for a new total contract amount not to exceed \$168,750 for the same full term of July 1, 2017 through June 30, 2019; and
- b. Approve and authorize the Director of Health or Assistant Director of Health to approve up to three (3) future amendments that do not exceed ten percent (10%) (\$16,875) of the original Agreement amount and do not significantly alter the scope of services.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve and authorize the Director of Health or Assistant Director of Health to execute a no-extension Amendment No. 1 to the County of Monterey Standard Agreement with Timothy Forbes, Attorney-At-Law to provide services for the County as the primary Patients' Rights Advocate and to increase the existing Agreement amount for a new total contract amount not to exceed \$168,750 for the same full term of July 1, 2017 through June 30, 2019; and
- b. Approve and authorize the Director of Health or Assistant Director of Health to approve up to three (3) future amendments that do not exceed ten percent (10%) (\$16,875) of the original Agreement amount and do not significantly alter the scope of services.

### SUMMARY/DISCUSSION:

The Lanterman-Petris-Short Act mandates a hearing for all persons to be certified for involuntary mental health treatment. For Q1 of FY 2017-18 Timothy Forbes, Attorney-At-Law, provided services as the substitute Hearing Officer for Certification Review hearings and Capacity (Riese) hearings. As per the terms of the original Agreement, effective October 1, 2017 Mr. Forbes transitioned to represent the County as the primary Patients' Rights Advocate (PRA) through June 30, 2018. This Amendment No. 1 to the Standard Agreement with Mr. Forbes extends his duties as the primary County PRA through the existing contract term of July 1, 2019, rather than ending his PRA role on June 30, 2018 as initially contracted. The number of persons requiring Certification Review and Capacity hearings has increased dramatically in the last year as more patients move through our system, and the County has not yet backfilled the previous FTE County PRA position. This proposed Amendment No. 1 to the Standard Agreement with Mr. Forbes increases the annual number of hearings, and extends the funding for the associated monthly subsidy for the PRA position.

This Agreement contains the County's standard 30-day "no cause" provision (Section IV, B) and an additional defunding provision (Section IV, D), which provides the County the ability to amend or

terminate the Agreement in the event of a reduction and/or termination of funding.

This work supports the following Monterey County Health Department 2011-2015 strategic plan initiative: 3) Ensure access to culturally and linguistically appropriate, customer-friendly, quality health services. It also supports one of the ten essential public health services, specifically: 7) Link people to needed personal health services and assure the provisions of health care when otherwise unavailable.

OTHER AGENCY INVOLVEMENT: County Counsel-Risk Management and Auditor-Controller have reviewed and approved this Agreement as to legal form and fiscal provisions, respectively.

FINANCING:

This Agreement is 100% funded by 1991 Mental Health Realignment revenues. The funds for this Agreement (\$168,750) are included in the Health Department's Behavioral Health (HEA012, Unit 8410) Fiscal Year 2018-19 Requested Budget.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Check the related Board of Supervisors Strategic Initiatives:

☐ Economic Development:

- Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

☐ Administration:

- Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

☒ Health & Human Services:

- Improve health and quality of life through County supported policies, programs, and services; promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities.

☐ Infrastructure:

- Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.

☐ Public Safety:

- Create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general.

Prepared By: Norm Morris, Management Analyst II, 1277

Approved By: Elsa M. Jimenez, Director of Health, 4526

Attachment:

Amend No. 1 is on file with the Clerk of the Board  
Agreement is on file with the Clerk of the Board

