



BEHAVIORAL HEALTH AND RECOVERY SERVICES
A Mental Health, Alcohol and Drug Service Organization

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TO: Patricia Hill Thomas
Interim Chief Executive Officer

FROM: Dan Souza, LCSW
Behavioral Health Director *Dan Souza*

SUBJECT: RESPONSE TO STANISLAUS COUNTY CIVIL GRAND JURY

The following is the response to the recommendations the 2003/2004 Civil Grand Jury identified in their report as "Stanislaus County Behavioral Health and Recovery Services Grand Jury Case No. 04-42."

FINDINGS:

We believe that the findings are accurate and correct except for findings 7 and 8.

The Grand Jury failed to contact the County Counsel's Office during its investigation. Had they done so, they would have learned that a member of the Office of County Counsel had in the past and continues to read, apply and provide advice to numerous County departments regarding the provisions of all of the several agreements with Doctors Medical Center. Although the Office of the County Counsel did not negotiate, draft or review the contracts prior to their execution, that Office became involved in providing advice concerning numerous portions of the several agreements almost immediately after they were executed.

It is also not accurate that "BHRS personnel did not have knowledge of the language in the Facilities Lease Agreement, or the contents of the Facility All Risk Management Agreement." The Director of Behavioral Health and Recovery Services (BHRS) was familiar with both agreements. The Director of BHRS or his designee regularly attend the Board of Governors of Doctors Medical Center and report on Stanislaus Behavioral Health Center. The All Risk Management Agreement is monitored for compliance. This is evidenced by efforts between Doctors Medical Center (DMC) and BHRS to integrate the various administrative functions of DMC and SBHC as required in the agreement. These efforts include the following:

- Changing the name of the facility to more closely convey to the public that the facility is part of DMC;
- Continued integration of Medical Staff functions including credentialing of Medical Staff;
- Integration of quality and risk management functions;
- Regular oversight of JCAHO compliance; and
- A periodic Quality Review by Tenet corporate staff.

There is little to monitor in the lease agreement other than the lease payment, which was understood to not be required under the Management Agreement.

CONCLUSIONS:

We strongly concur with Conclusion 1 that the agreements between Stanislaus County and Tenet Healthcare are complex, but benefit the County and its residents.

Grand Jury Recommendation 1

Initiate Periodic Reviews of the agreements with DMC to include staff from HSA, BHRS, the CEO's office, County Counsel and Risk Management to monitor the performance of the agreements and the parties to the agreements. Utilize the reviews to identify areas of concern, or potential problems that may affect the continued services, levels of service or costs.

Response:

We agree with the recommendation. The Management Agreement has been thoroughly reviewed this past year and has been revised and approved as a discussion item by the Board of Supervisors on August 24, 2004. Prior to final approval the contract has been thoroughly reviewed by BHRS leadership and County Counsel as well as discussed at the Board of Supervisor's Health Policy Committee.

Grand Jury Recommendation 2

Utilize the first staff review as an opportunity for County Counsel to conduct training on the terms and conditions of the agreements.

County Counsel is prepared to provide advice and training regarding the terms and conditions of the agreements if requested and has provided advice regarding these agreements since shortly after they were executed as set forth above in the portion of this response which concerns the "FINDINGS."

Grand Jury Recommendation 3

Ensure that all agreements presented for consideration by the Board of Supervisors have been thoroughly reviewed by County Counsel.

Response:

Current county policy is to have all agreements reviewed by County Counsel "as to form" prior to consideration by the Board of Supervisors.

Grand Jury Recommendation 4

Require that County Counsel be signatory to every agreement approved by the Board of Supervisors, and that each such agreement shall be inscribed to signify "approval as to form" by County Counsel

Response:

The recommendation, as noted above, is consistent with current policy and practice.

Grand Jury Recommendation 5

At least annually, prepare a report to the Board of Supervisors summarizing the findings, conclusions and any recommendations arising from the internal staff reviews. In order to maximize the opportunity for public awareness and public comment, the report should be presented orally, rather than being placed on the Consent Calendar.

Response:

The Board of Supervisors would address any policy issues related to the agreements as they arise.