

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Health Agency / Public Health	(2) MEETING DATE 9/18/2012	(3) CONTACT/PHONE Jeff Hamm / 781-4719	
(4) SUBJECT Request to approve 1) a budget adjustment in the amount of \$351,185 from the AB109 Trust Fund to Fund Center 184 - Law Enforcement Medical Care, and 2) a resolution amending the position allocation list, also for Fund Center 184, adding one full time and one half time Mental Health Therapist II or Licensed Vocational Nurse positions.			
(5) RECOMMENDED ACTION It is recommended that the Board approve 1) a budget adjustment in the amount of \$351,185 from the AB109 Trust Fund to Fund Center 184—Law Enforcement Medical Care, and 2) a resolution amending the position allocation list, also for Fund Center 184, adding one full time and one half time Mental Health Therapist II or Licensed Vocational Nurse positions. Approval by 4/5ths vote is required.			
(6) FUNDING SOURCE(S) AB109 Trust Fund	(7) CURRENT YEAR FINANCIAL IMPACT \$182,250	(8) ANNUAL FINANCIAL IMPACT \$533,435	(9) BUDGETED? No
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Board Business (Time Est. _____)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: 1213028 <input checked="" type="checkbox"/> 4/5th's Vote Required <input type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date _____	
(17) ADMINISTRATIVE OFFICE REVIEW Reviewed by Leslie Brown			
(18) SUPERVISOR DISTRICT(S) All Districts -			

County of San Luis Obispo



TO: Board of Supervisors
FROM: Jeff Hamm, Health Agency Director
Penny Borenstein, MD, Health Officer
DATE: September 18, 2012
SUBJECT: Request to approve 1) a budget adjustment in the amount of \$351,185 from the AB109 Trust Fund to Fund Center 184 - Law Enforcement Medical Care, and 2) a resolution amending the position allocation list, also for Fund Center 184, adding one full time and one half time Mental Health Therapist II or Licensed Vocational Nurse positions.

RECOMMENDATION

It is recommended that the Board approve 1) a budget adjustment in the amount of \$351,185 from the AB109 Trust Fund to Fund Center 184—Law Enforcement Medical Care, and 2) a resolution amending the position allocation list, also for Fund Center 184, adding one full time and one half time Mental Health Therapist II or Licensed Vocational Nurse positions. Approval by 4/5ths vote is required.

DISCUSSION

Inmate Census

Historically, the inmate population in the SLO County jail has held relatively stable over many years dating back to the 1990s. Data available from the period beginning in fiscal year (FY) 2005-06 and ending in FY 2010-11 reveals an *Average Daily Population* (ADP) of 550. Over that six year period the annual ADP ranged from 534 to 558; in June 2011 the ADP reached 602. Throughout FY 2011-12, the upward trajectory in ADP continued, resulting in an annual ADP of 676, with some days reaching a population census exceeding 730. The ADP as of the start of FY 2012-13 appears to have stabilized at approximately 700. It stands to reason that the growth observed in the past year is a direct consequence of the implementation of the 2011 Public Safety Realignment, also known as AB109. The growth in ADP from approximately 550 to 700 amounts to a 27% increase in the inmate population.

Medical Services

The Law Enforcement Medical Care Program (LEMC) provides health care coverage at the San Luis Obispo County Jail 24 hours/day, 7 days/week. Services include medical consultation, diagnostic evaluation, and treatment; administration of medications; nurse triage, education and care; referrals for emergency room, inpatient and outpatient specialty care, including dental, optometric, and obstetric care; communicable disease screening and outbreak control; monitoring inmates in safety cells, and pre-booking clearance.

Overview of AB109 Impact on LEMC

During FY 2011-12, increased funding made available to the LEMC program to handle the increased number of inmates was based on a per diem of \$9 per inmate day and an estimated number of AB109 inmate days. Some of this funding supported additional staff time, specifically two added LVN/MHT evening shifts per week. The remainder of the added funding was budgeted to pay for anticipated higher external medical costs (e.g.; hospitalizations, outpatient specialty care) and pharmaceuticals. In the first year of the Public Safety (AB109) Realignment, this funding strategy proved to be inadequate – actual AB109 inmate days, and thus the cost of medical supplies and services far exceeded the estimate.

Also of significant note was the exceptional burden placed upon existing staff in trying to complete all job functions. Supplemental funds were made available from a transfer of unspent AB109 funds allocated to the Probation Department to cover a portion of increased LEMC expenditures, such that the initial allocation was nearly tripled (\$176,061 vs. \$65,610). Still, actual year end expenses of providing medical care to AB109 inmates totaled \$207,502, exceeding even the revised estimate.

With the influx of more inmates, and particularly those who have previously been in the state prison system, the demand for health care services has swelled beyond the numerical increase. Using the approach of a per diem cost, based on pre-AB109 costs, is insufficient owing to the substantial qualitative change in the milieu of the LEMC. As an example, with overcrowding has come a noticeable increase in inmate fights; as a result more inmates need to be seen by medical staff.

Additionally, the rate of requests per inmate to be seen in the clinics has increased. In FY 2010-11 the number of times an inmate was required to be seen by the physician (with a nurse attendant) was 4,416 and at "nurse only" clinics was 15,856, comparable to the numbers served in FY 2006-07. In FY 2011-12, those numbers rose to 6,376 and 24,396 inmate visits, respectively. The year-over-year comparison since AB109 went into effect amounts to 30,772 inmate visits vs. 20,272 in the prior year. Therefore, the per inmate annual visit rate rose from a stable 36.3 to 45.5, representing a 25% increase in per inmate workload beyond the 27% AB109 population increase.

Fiscal Year	Average Daily Population	"Sick Call" Clinics (Physician + Nurse) # inmate visits	Nurse Only Clinics # inmate visits	Total # inmate visits	Average # annual visits per inmate
2006-07	547	4,563	15,277	19,840	36.3
2010-11	558	4,416	15,856	20,272	36.3
2011-12	676	6,376	24,396	30,772	45.5

Requests from Custody and the Intake Release Center (IRC) for inmate medical evaluations and clearances are also up. While baseline data is not available, Correctional Nurses report that they used to get called to the IRC typically once a shift, and are now called as many as 4-5 times in a shift. The number of grievances received from inmates has also increased, especially from those who were previously in the prison system and thus accustomed to more "service on demand." The increase in grievances adds to the immediate workload of LEMC staff since responses are required within a specified time frame. Recently, more inmates are confined to safety cells, which also adds to the workload.

While the FY 2012-13 funding allocation for LEMC to cover AB109 costs was increased to \$182,250, this is still anticipated to fall well short of prospective needs.

The FY 2012-13 AB109 allocation has been budgeted for increased personnel time to allow for added shift overlap and hand-off between the nurses covering the various shifts as well as for the one backfill shift on Thursdays which will allow a Supervisory Correctional Nurse to be on duty five days a week rather than the current four. Also, some of the funding has been allocated to change the evening LVN/MHT shift to an earlier start time (1 pm) to allow the LVN/MHT to do afternoon med pass, instead of the CN, thereby freeing up the licensed nurse to tend to the higher level functions.

In addition, the AB109 allocation for FY 2012-13 has been budgeted to cover expenses for services and supplies of the type mentioned above, particularly pharmaceuticals, hospital admissions, emergency room visits, and dental care. Comparing the last quarter of 2010-2011 to the last quarter of 2011-2012 there has been a 28% increase in outside specialty care, 42% in emergency room visits, and 57% for in-patient hospital days. Based on actual expenses incurred in the fourth quarter of FY 2011-12, the adopted budget has a projected expense of \$66,849 above that which is budgeted in the FY 2012-13 adopted budget.

Additional Staffing Needs (beyond the levels included in the adopted FY 2012-13 budget):

The budget augmentation request includes personnel costs to cover the following additional staff:

<u>Position</u>	<u>Quantity</u>	<u>Cost</u>	<u>Rationale</u>
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LVN or MHT II* - Regular	1.5 FTE	\$152,610	Add evening and night cross coverage and support for Correctional Nurses (CN)
LVN or MHT II* – Temp Help	2155 hrs/yr	\$98,692	Complete shift schedule and backfill for leave of above new LVN/MHTs employees
Correctional Nurse II – Temp Help	208 hrs/yr	\$7,114	Increase shift overlap between Night and Day CN shifts for equal overlap 7 d/wk
Correctional Nurse Supervisor	404 hrs/yr	\$25,920	Enables a CN Supervisor to be on duty M-F (current CN Supervisor is .75 FTE)

*Licensed Vocational Nurse or Mental Health Therapist II

The total request for additional staff is \$284,336.

At the macro level, the total additional hours budgeted to address the AB109-related growth in health care service demand is 8,539. These new hours when added to the existing, pre-AB109 budgeted staffing plan (18,409 hours), will comprise slightly less than one-third of the total staff allocation (8,539/26,948 = 31.7%). The 25% qualitative (per inmate) demand on top of the 27% increase in inmate census matches that proportion at slightly above one-third (27% x 1.25 = 33.8%.) Some of the additional staff hours (2600) are already included in the adopted Fiscal Year 2012-13 budget. This additional request will round out the full staffing necessary to address the increased demand for service.

Not requested at this time is additional funding for the physician time increase. At present, LEMC is working on recruitment of a Nurse Practitioner or Physician's Assistant to replace a retired physician in order to continue providing the increased workload at no additional cost.

There is no consideration being made at this time for potential higher costs associated with longer inmate sentences. Other costs associated with more inmates and longer stays include laboratory testing and supplies; disposable medical equipment and oxygen tanks; Bio hazard collection and disposal, and medical office supplies. Policy decisions have not yet been concluded as to what standards may be necessary with regard to preventive services or expanded treatment for inmates with multi-year sentences. Thus, these costs cannot be calculated at this time. However, given the late start up of the additional personnel expenses, it is anticipated that there will not be a need to request any additional AB109 funding in FY 2012-13 for these potential expenses.

Thus, the total request for additional services and supplies is \$66,849, bringing the total supplemental funding need to \$351,185.

OTHER AGENCY INVOLVEMENT/IMPACT

Proposals for use of AB109 revenue are vetted by the Community Corrections Partnership (CCP), a collaborative Chaired by the Chief Probation Officer and comprised of other representatives of the local corrections community, including the Sheriff, the District Attorney, the Court Executive Officer, the Public Defender, the Behavioral Health Administrator, and others. Final proposals for use of AB109 revenues are reviewed by the CCP's Executive Committee, which, on September 4, approved a recommendation to support the LEMC proposal before you today.

FINANCIAL CONSIDERATIONS

During FY 2011-12, the State passed Public Safety Realignment (AB109), essentially transferring to the counties the responsibility to house and supervise individuals who would previously have been sentenced to prison or placed on parole. A new sales tax revenue stream was created to pay for the local services realigned to counties. In the first (partial) year of the realigned responsibilities, SLO County received \$2,355,832. Of that amount, a total of \$1,965,101 was spent on a range of services and labor costs. Of that amount, \$207,500 was spent on providing medical care to jail inmates. The balance remaining at the end of FY 2011-12, approximately \$390,000, will remain in the AB 109 Trust Account, available to be spent in the current and/or subsequent fiscal years.

The FY 2012-13 budget was developed before FY 2011-12 was closed out, and before staff had the opportunity to learn the full impacts of AB109 on our obligation to provide adequate medical care to jail inmates. Consequently, the FY 2012-13 includes only \$182,250 of expense and AB109 revenues for that purpose. The recommended budget adjustment will add \$351,185 of additional expense and revenue, bringing the total to \$533,435.

FY 2012-13 is the first full year of Public Safety Realignment. The AB109 Plan adopted by your Board in October 25, 2011, assumed that our FY 2012-13 allocation would be \$4,049,095 and that amount was allocated to the new programs established for AB 109 purposes. In August 2012, we received notice of our actual allocation, which is \$5,179,333, an increase of approximately \$1.13 million. The CCP is currently evaluating proposals for use of the additional funds, and will be submitting a revised AB109 Plan and related budget to your Board in the next month or so.

RESULTS

State statutes and related regulations require that inmates in county jails receive adequate medical care while in custody. That task falls to the LEMC Program of the Health Agency's Public Health Department. To the extent that the costs of meeting that obligation have increased as a result of the Public Safety Realignment Act of 2011 (AB109), the revenues established for those purposes should be used to meet those obligations. Doing so protects the General Fund from subsidizing those costs, to the detriment of other programs for which those funds would otherwise be available. Approval of the recommended item will allow the County to meet its jail inmate medical care obligations, consistent with the missions of the Health Agency, the Public Health Department and its LEMC Program. It also helps achieve the County's vision of a "Safe" and "Healthy Community."

ATTACHMENTS

1. Resolution amending the position allocation list for Fund Center 184, adding one full time and one half time Mental Health Therapist II or Licensed Vocational Nurse positions.