

File No. 170736

Committee Item No. 2
Board Item No. 12

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget & Finance Committee

Date September 14, 2017

Board of Supervisors Meeting

Date September 26, 2017

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
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| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 - Ethics Commission |
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Completed by: Linda Wong Date September 8, 2017
Completed by: Linda Wong Date September 20, 2017

1 [Designation Agreement - McAuley Adolescent Behavioral Health Unit - Dignity Health-St.
2 Mary's Medical Center-San Francisco-Psychiatric Facility]

3 **Resolution designating McAuley Adolescent Behavioral Health Unit at Dignity Health-**
4 **St. Mary's Medical Center-San Francisco as an Evaluation and Treatment Facility,**
5 **pursuant to California Welfare and Institutions Code, Sections 5150, 5585.50, and**
6 **5585.55, for minors; and authorizing the Director of Behavioral Health Services at the**
7 **Department of Public Health to enter into a Designation Agreement with said facility.**

8
9 WHEREAS, There is a need for psychiatric crisis services in the City and County of
10 San Francisco for minors who are a danger to others or themselves, or are gravely disabled
11 and authorization for voluntary treatment is unavailable; and

12 WHEREAS, There is no facility in San Francisco designated to involuntarily evaluate
13 and treat minors in psychiatric crisis for longer than 23 hours and 59 minutes; and

14 WHEREAS, California Welfare and Institutions Code (WIC), Sections 5150 and 5404
15 allow counties to designate facilities that are authorized to involuntarily detain individuals in
16 psychiatric crisis and California Code of Regulations, Title 9, Section 821, provides that any
17 facility so designated by the Board of Supervisors is subject to approval by the California
18 Department of Health Care Services (DHCS); and

19 WHEREAS, The McAuley Adolescent Behavioral Health Unit at Dignity Health-St.
20 Mary's Medical Center-San Francisco located at 450 Stanyan St., receives, evaluates and
21 treats adolescents between 11-18 years of age, who require acute care hospitalization in a
22 psychiatric inpatient setting; and

23 WHEREAS, The McAuley Adolescent Behavior Health Unit at Dignity Health-St. Mary's
24 Medical Center-San Francisco is currently the only hospital facility in the City able to provide
25

1 72-hour evaluation/medically prescribed treatment and 14-day intensive medically prescribed
2 treatment to adolescents committed for involuntary evaluation and treatment; and

3 WHEREAS, The San Francisco Department of Public Health supports the designation
4 of the McAuley Adolescent Behavioral Health Unit at Dignity Health-St. Mary's Medical
5 Center-San Francisco located at 450 Stanyan St. as an evaluation and treatment facility with
6 35 licensed beds for minors ages 11 to 18, pursuant to WIC, Sections 5150, 5585.50, and
7 5585.55; and

8 WHEREAS, To approve this designation, DHCS requires a resolution by the Board of
9 Supervisors; and

10 WHEREAS, Designated facilities are required to operate in compliance with the
11 requirements, and subject to the terms and conditions of the designated agreement contained
12 on file with the Clerk of the Board of Supervisors in File No. 170736, which is hereby declared
13 to be a part of this resolution as if set forth fully herein; and

14 WHEREAS, The 12-bed Adult Psychiatric Unit at Dignity Health-St. Mary's Medical
15 Center-San Francisco closed, effective June 30, 2001, and cannot serve as an adult
16 treatment and evaluation facility pursuant to WIC, Sections 5150 and 5405, as previously
17 designated in Resolution No. 756-96; and

18 WHEREAS, DHCS has requested that this resolution also formally rescind the
19 designation of the 12-bed Adult Psychiatric Unit at Dignity Health-St. Mary's Medical Center-
20 San Francisco as an adult treatment and evaluation facility pursuant to WIC, Sections 5150
21 and 5405; now therefore be it

22 RESOLVED, That the Board of Supervisors hereby formally rescinds the designation of
23 the 12-bed Adult Psychiatric Unit at Dignity Health-St. Mary's Medical Center-San Francisco
24 as an adult treatment and evaluation facility under the above referenced code sections; and
25 be it

1 FURTHER RESOLVED, That the San Francisco Board of Supervisors designates
2 McAuley Adolescent Behavioral Health Unit at Dignity Health-St. Mary's Medical Center-San
3 Francisco as an evaluation and treatment facility to involuntarily detain minors, ages 11-18, in
4 psychiatric crisis by WIC codes 5150/5585.50/5585.55; and, be it

5 FURTHER RESOLVED, That the Board of Supervisors hereby authorizes DPH's
6 Director of Behavioral Health Services to enter into a Designation Agreement with said facility
7 in substantially the form filed with the Clerk of the Board of Supervisors in File No. 170736,
8 and any additions, amendments or other modifications to such Designation Agreement that
9 the Director of Behavioral Health Services determines, in consultation with the City Attorney,
10 are in the best interests of the City and do not otherwise materially increase the obligations or
11 liabilities of the City, and are necessary or advisable to effectuate the purpose and intent of
12 this resolution; and, be it

13 FURTHER RESOLVED, That within thirty (30) days of the execution of the Designation
14 Agreement, the Department of Public Health shall provide a copy to the Clerk of the Board for
15 inclusion into the official file.
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**DESIGNATION AGREEMENT BETWEEN
THE SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH
COMMUNITY BEHAVIORAL HEALTH SERVICES ("CBHS")**

AND

McAuley Adolescent Behavioral Health Unit at Dignity Health – St. Mary’s Medical Center –
San Francisco (“Designated Facility”)

I. INTENT OF AGREEMENT

This Agreement between Community Behavioral Health Services (CBHS), and the Designated Facility, approved as a 72-Hour Evaluation and Intensive Treatment Facility pursuant to California Welfare and Institutions Code (“Welf. & Inst. C.”) §§ 5000 *et seq.*, identifies the duties and responsibilities of the Designated Facility for serving adolescents aged 11-18 who require acute inpatient psychiatric care.

This Agreement is not intended to purchase services by CBHS from the Designated Facility. If a Designated Facility is to be a network provider for CBHS, then CBHS will enter into a professional services contract with the Designated Facility. In case of a conflict between this Agreement and the terms of any professional services contract between CBHS and Designated Facility for purposes of providing psychiatric inpatient services, the contract terms shall govern.

II. RESPONSIBILITIES OF CBHS

1. CBHS will authorize and designate qualified professional staff of a Designated Facility who have attended a CBHS sponsored 5150/5585 training session, to complete preadmission assessments/evaluations and to initiate Applications for 72-Hour Detentions for Evaluation and Treatment.
2. Designated Facility Emergency Rooms are required to notify CBHS Comprehensive Crises at 415-970-3800, during their hours of operation so that they can provide onsite assistance, consultation and evaluation with disposition of adolescents in Psychiatric Crises.
3. CBHS has designated San Francisco Mental Health Clients’ Rights Advocates (“SFMHCRA”) as the county patients’ rights advocate pursuant to Welf. & Inst. C.ode §§ 5500, *et seq.* The Designated Facility shall comply with all applicable laws and CBHS Policy #3.11-2 (including any revisions thereafter adopted) relating to access by SFMHCRA to the Designated Facility premises and staff, and to mental health patients and their records.

4. The Director of Quality Management for CBHS is responsible for the overall coordination of this Agreement.

III. RESPONSIBILITIES OF THE DESIGNATED FACILITY

1. In the event of any conflict between this Agreement, CBHS policy or procedure, or the custom or practice in a Designated Facility, applicable laws shall prevail.
2. At the time that an individual is taken into custody in the community or at the Designated Facility pursuant to Welf. & Inst. C. §§ 5150/5585, the peace officer or professional person designated by CBHS for this purpose (*see*, CBHS Policy 3.07-2, including any revisions thereafter adopted) shall complete the oral Detainment Advisement on the Application for 72-Hour Detention for Evaluation and Treatment (MH 302) and shall indicate on the Application whether the oral Detainment Advisement has been completed. In addition, each individual admitted to the the Designated Facility must comply with applicable constitutional, statutory, regulatory, and decisional law including but not limited to Welf. & Inst. C. §§ 5000, *et seq.*, the requirements set forth in California Code of Regulations ("CCR"), Title 9, §§ 663, 821-825.4 and 835-868, the requirements of CCR Titles 22 and 24, and applicable CBHS Policies and Procedures. The Designated Facility must comply with Medicare conditions of participation.
3. The Designated Facility shall maintain 24-hour, 7-day a week admission capability. The Designated Facility must provide a board-eligible or board-certified psychiatrist or psychiatric resident in training to evaluate patients on-site, formulate a treatment plan, and if necessary, admit a patient to the Designated Facility.
4. Designated Facility shall not be responsible for arranging or paying for transportation of patients from a Receiving Hospital to the Designated Facility. The San Francisco Police Department (911) is to be called only when a situation impends serious bodily harm, or is life-threatening, or a weapon is being used.
5. CBHS Comprehensive Crises shall be notified of all Adolescent admissions.
6. "No Peace Officer seeking to transport or having transported a person to a Designated Facility for assessment under Welf. & Inst. C. §§ 5150/5585 shall be instructed by mental health personnel to take the person to or keep the person at a jail solely because of the unavailability of an acute bed, nor shall the peace officer be forbidden to transport the person directly to the designated facility. No mental health employee from any state, county, city or private agency providing Short Doyle psychiatric emergency services shall interfere with a peace officer performing duties under Section 5150 by preventing the peace officer from entering the designated facility with the person to be assessed, nor shall any employee of such an agency require the peace officer to remove the person without assessment of a condition of allowing the peace officer to depart." (Welf. & Inst. C. § 5150.1)
7. Designated Facility may declare itself on diversion status in accordance with required procedures, when it has reached capacity for treating involuntary patients, including, without limitation, as a result of anticipated admission of voluntary patients. During all periods when Designated Facility is on diversion status it shall not be obliged to accept involuntary patients.

8. No mental health employee from any Designated Facility shall interfere with the performance of duties of a peace officer or other person designated to have the power to initiate a 5150 hold under the terms of this provision. No peace officer or other designated person shall be forbidden to transport the individual to Designated Facility or be detained any longer than is necessary to effect a safe and orderly transfer of physical custody of the individual. Nothing in this policy is intended to relieve the facility of its obligations to comply with laws requiring the treatment of patients under emergency circumstances.
9. The Designated Facility shall maintain 24-Hour, 7 day a week assessment, evaluation, referral, and treatment capabilities, and shall notify CBHS immediately of any schedule changes.
10. Individuals admitted to the Designated Facility must be evaluated by a board eligible or board certified psychiatrist or a psychiatric resident in training within four hours after admission, in compliance with the requirements of Welf. & Inst. C. §5585.52. As applicable, the Designated Facility shall develop a treatment plan as required by Welf. & Inst. C. § 5585.53.
11. The Designated Facility shall, to the extent applicable with respect to patients aged 11 - 18, comply with CBHS policies and procedures regarding constitutional, statutory, regulatory, and decisional law. Documentation of the written advisement shall be completed by appropriate facility staff. Designated Facility shall, at the time of transfer, be provided with a copy of all documentation with respect to oral and written advisements provided prior to transfer to Designated Facility.
12. The patient may only be released in accordance with the provisions of Welf. & Inst. C. § 5152.
13. The Designated Facility shall appoint a representative with clinical administration responsibilities as a liaison to CBHS on issues related to its role as a Designated Facility.
14. The Designated Facility shall participate in regular CBHS program reviews to determine whether the Designated Facility is complying with the terms of this Agreement.
15. No individual will be held in a Designated Facility against his/her wishes unless he/she meets the criteria for the appropriate involuntary detention, certification, post-certification, temporary conservatorship or conservatorship and the required Application, Notice of Certification, or Petition has been completed. When an individual no longer meets the criteria for involuntary detention, he/she shall be provided evaluation, crisis intervention, or other inpatient or outpatient services on a voluntary basis. At the time of voluntary admission to the Designated Facility and during the course of voluntary hospitalization, services shall be provided pursuant to Welf. & Inst. C. §§ 6000 *et seq.*, related provisions of Title 9, California Code of Regulations and all other applicable law.
16. Title 9, CCR, §§ 850-857 require that no patient admitted on a voluntary basis be treated with anti-psychotic medication(s) as defined by regulation until he/she has been informed of his or her right to accept or refuse such medication(s) and has consented to the administration of such medication(s). The Designated Facility is required to maintain a written record of the decision to consent to such medication. "Emergencies",

as defined by Title 9, CCR, § 853 are the only exceptions to the mandate of informed consent.

17. The Designated Facility shall comply with the provisions of Welf. & Inst. C. § 5332 et. seq. regarding the administration of psychotropic medications to involuntarily detained patients. These procedures require, among other things, that providers give the patient information regarding the medications, inform them of their right to refuse such medications, and, absent an emergency, obtain a determination of incapacity before providing such medications to patients who refuse.
18. Pursuant to Welf. & Inst. C. § 5622, a written Aftercare Plan must be completed upon discharge for each County-funded patient. The Aftercare Plan shall be in compliance with the requirements of Section 5585.57.
19. The Designated Facility shall submit monthly and quarterly reports as required by CBHS within 30 days after the end of the report period in accordance with Title 9, California Code of Regulations, Section 866 and CBHS Policy #3.11-1 (including any revisions thereafter adopted).
20. The Designated Facility will maintain a physical environment to ensure the safety of recipients of mental health services and all required health care facility licenses.
21. The Designated Facility shall provide services in accordance with Welf. & Inst. C. §§ 5250 to 5259.3, and §§ 5585.50 - 5585.59.

IV. AMENDMENT

This Agreement may be amended in writing by the parties.

V. REVOCATION

Failure to comply with requirements as outlined in this Agreement may result in revocation of the facility's designation.

VI. TERM

This Agreement supersedes all prior agreements between CBHS and Designated Facility, if any, and is in effect from the date of execution until cancellation by either party. No payment by the City and County of San Francisco will be made to Designated Facility for implementation of the terms of this Agreement. This Agreement may be terminated upon thirty (30) days notice from either party to the other, unless exigent/emergent circumstances exist which would warrant temporary suspension or cancellation of the Agreement, as determined by the Director of Community Behavioral Health Services in his or her sole discretion. If either party cancels this agreement, the Facility will no longer be a Designated Facility under Welfare and Institutions Code Section 5000, *et seq.*

Director,
Community Behavioral Health Services

Designated Facility

Signature Date

Signature Date

Approved as to Form:
Dennis J. Herrera
City Attorney

by _____
Virginia Dario Elizondo
Deputy City Attorney

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