

**WELLPATH CONTRACT
SERVICES PROVIDED TO
SANTA BARBARA COUNTY AND THE SHERIFF'S OFFICE**

SUMMARY

The County of Santa Barbara with the Sheriff's Office has a contractual agreement with California Forensic Medical Group/Wellpath, a privately held corporate correctional healthcare provider. Along with positive qualities within the Wellpath organization, shortcomings exist. Contractual variances, lack of staff, and inadequate reporting systems call for corrective measures. Additionally, the lack of Sheriff's Office oversight allows contractual financial deficiencies to persist. Recognizing and correcting these shortcomings would facilitate the delivery of improved and more cost-effective healthcare in the Santa Barbara County jails.

Background

Prior to 2009, Santa Barbara County Public Health provided healthcare in the Main Jail. Budgetary concerns led the Sheriff's Office to cancel this contract and search for an independent healthcare provider. In 2009, the Sheriff contracted with Corizon Health. From 2009 through 2016, the healthcare provided for the adult jail faced unfavorable reviews and latency in meeting accredited standards, leading to scrutiny by the community and Board of Supervisors (BOS).

In 2017, the California Forensic Medical Group (CFMG), later renamed Wellpath, was selected jointly by the BOS and the Sheriff's Office (SO) to replace Corizon. A five-year contract was signed into effect April 1, 2017, ending in 2022, with a maximum of three one-year extensions. The Wellpath Agreement/Contract (Contract) was thoroughly reviewed by the 2023-2024 Santa Barbara County Grand Jury (Jury), including the four amendments. The First Amendment in May of 2020 expanded healthcare to the Sheriff's Office Northern Branch Jail and re-adjusted staffing for the Main Jail Facility. Subsequent amendments extended the Contract for three additional one-year periods. The most recent Amendment extends the term through March 31, 2024.

The initial 2017 Wellpath contract for services covered the Main Jail and the Juvenile Detention Centers. This report focuses solely on the adult jails.

In 2022, the average daily population of the Main Jail was 277 inmates and 491 in the Northern Branch Jail. In 2023, the Main Jail on average housed 335 inmates, while the Northern Branch Jail population was 422.

In 2020, three significant challenges occurred. One was the settlement of a lawsuit, *Murray v. Santa Barbara County*, resulting in the Remedial Plan. Requirements within the settlement mandated many health service-related enhancements, including structured mental health programs, continuity in the administration of prescribed medications, and improved transfer of written medical records to electronic records. To fulfill these requirements, seven Wellpath staff members were added. It took six months to fill these positions. These added positions included a mental health professional, a mental health supervisor, a Registered Nurse, a Compliance Coordinator, a Continuous Quality Improvement Coordinator and additional hours for the Medical Director and a Psychiatric Nurse.

The second challenge was the outbreak of the Covid-19 pandemic which exerted overwhelming pressure on all aspects of healthcare systems. The incarcerated population was at high-risk due to close-quarter indoor confinement. Managing this risk involved the added workload of continuously testing inmates to prevent the spread of the virus as well as enforcing isolation protocols when inmates tested positive for Covid-19 or the emergent variants. Early in the pandemic there was scarcity of personal protective equipment, which greatly elevated the risk to the healthcare providers.

A third challenge occurred in 2022 when the Northern Branch Jail opened for inmate transfer from the Main Jail. A shorter timeline than the previously anticipated and agreed upon 60-day start-up period required Wellpath to expedite the hiring and training of staff to fill positions at this jail.

Despite these challenges, improvements were achieved in several aspects of health provisions for inmates in the adult jails. Wellpath provided extra services demanded by the Remedial Plan, Covid, and the staffing of the Northern Branch Jail. However, important contractual and staffing variances came to light during negotiations with the Board of Supervisors and prompted this investigation.

Methodology

The Jury interviewed multiple individuals in the Wellpath organization and County departments. Nineteen in-depth interviews were conducted, including:

- Wellpath administrative staff, legal counsel, nurses, and physicians
- Sheriff deputies at both adult jails
- Juvenile Probation personnel
- Board of Supervisors members
- Public Health administrative staff
- Behavioral Wellness administrative staff
- County Executive Office staff
- Sheriff's Office Executive staff

The Jury reviewed and analyzed the Sheriff's Office's adult jail transactions pertaining to Wellpath invoices and payments for services, medications, and electronic medical record keeping.

Discussion

The principal covenant for the Wellpath/Sheriff Agreement specifies that "Wellpath will provide on-site medical, behavioral, nursing, dental and prescription services to the adult jail and probation facilities." Further specified in the Statement for Work is a directive that "at least one Registered Nurse shall be working twenty-four hours per day/seven days per week." (Pursuant to Contract Section *Staffing Plan 15.3 Nursing. A*)

The Jury conducted an investigation into four structural and compliance deficiencies that existed in the Wellpath/Sheriff contract. The clauses listed below offer more comprehensive descriptions and details of the principal covenant. The Jury's concerns are outlined following each specified clause.

First issue: Lack of accountability for staff vacancies

The Jury's investigation uncovered a lack of accountability for the Wellpath staff shortages over the last two years. This is in violation of the Wellpath contract, which reads:

"The Contractor (Wellpath) will develop and maintain a pool of trained nursing staff available to serve on a per diem basis to cover vacancies, holidays, vacations, etc. Wellpath shall take immediate action to fill vacant positions." (*Staffing Requirements 14.0 I*)

"Wellpath shall adhere to a staffing schedule agreed upon in this Agreement." (*Staff Maintenance 14.2 E*)

"Wellpath shall implement staffing efficiencies where recruitment and retention challenges develop." (*14.2 A Part 4*)

The Jury's interviews revealed that Wellpath administration records the daily attendance of the various health providers, including Registered Nurses (RNs), Licensed Vocational Nurses (LVNs), Physician Assistants (PAs), Licensed Clinical Social Workers (LCSWs)/Licensed Marriage Family Therapists (LMFTs), dental assistants, and Psychology Nurses (Psych RNs).

When absences occur, efforts are made to fill these vacancies. The Wellpath health service administrator fills open positions with the option of using per diem nurses, locums or requesting current staff to work overtime. Despite these attempts, vacancies continued to persist. Increasing the number of per diem nurses would reduce unforeseen or protracted absences, but this is not yet in the contract.

Wellpath acknowledges that more recruiting efforts should be made, but there are mitigating factors for their efforts. Santa Barbara County and neighboring counties (San Luis Obispo and

Ventura) have large hospitals that compete for staffing. Coupled with the high cost of living and lack of affordable housing, recruiting and retaining qualified healthcare staff can be challenging. Of the Wellpath staff interviewed, very few lived within Santa Barbara County or City limits. Incentives such as sign-on bonuses, additional pay for extra credentials/certificates, tenure of service, relocation and transportation reimbursement have had little effect on the hiring and retaining of qualified healthcare staff.

Wellpath nurses have assigned priorities during the day, evening, and night shifts. Receiving screening at intake is one priority that precedes all others, requiring nurse attendance at the time of detainee arrival and admittance to the jail. Medications and treatments are of paramount importance, necessitating precise adherence to the prescribed schedule within a one-hour window to ensure dosing efficacy. During the day shift, routine medical exams, follow-ups, non-urgent sick calls, psychiatric consultations, counseling appointments, and other health-related issues are managed by Wellpath providers and custody deputies. The nursing staff has responsibility for 760 inmates housed at the two jails, based on an average daily census. The Jury has been informed that as many as 60% of these inmates are on medications.

A significant underlying concern, especially during staff shortages or extended absences, is the impact on the quality of healthcare provided to the inmates. When there are vacancies, fulfilling medical services to all inmates becomes difficult. Emergent, urgent, and routine procedures rely on adequate qualified staffing for the provision of healthcare. Moreover, long duration vacancies of providers could strain staff, decrease their time allotted to patients, and potentiate turnover or burnout.

An additional concern, as noted in several interviews, is with the outmoded Main Jail. Due to infrastructure restrictions, most procedures require inmate escorts by custody officers. When the custody department is fully staffed but unable to transport inmates to their appointments due to a lack of available nursing staff, it can further result in decreased efficiency.

The annual Wellpath report references the Board of Supervisors' concern about "how significant achievements or shortfalls affected the overall health program." Staffing shortfalls negatively impact the services provided.

Second issue: Lack of 24/7 mental health coverage

During the hours of 11 p.m. through 7 a.m., there is no dedicated mental healthcare professional on site at either of the two jails. A concern has been raised that during these hours if a mental health crisis should arise, there is not a properly trained professional in the jail to deal with this emergency. The staff psychiatrist is only on site approximately once every two months and on call for telemedicine 24/7. There is a full-time psych nurse on site during the daytime five days per

week. This schedule leaves hours when there is no psychiatrist or psych nurse present in the facilities.

The Wellpath nursing staff does receive mental health training and some crisis intervention instruction. The nurses do not have the in-depth training which the Officers have. Beginning in 2021 all custody staff graduates receive 40 hours of training in various areas related to mental health and crisis intervention included in their core academy curriculum. All current custody deputies are required to receive 24 hours of annual training, a part of which deals with de-escalation techniques and special considerations regarding the mental state of the subjects/inmates.

As stated in the initial 2017 Wellpath Agreement, “The county intends to engage Public Health (PHD) and Behavioral Wellness (BW) to serve as Agreement advisors, managers and community partners with the Sheriff and Probation and the Contractor in the design, delivery and evaluation of healthcare services.” (*External Oversight 13.0 A*).

It was reported in the December 5, 2023 BOS meeting that PHD and BW have increased their monitoring roles. In addition, the BW Mobile Crisis Unit was scheduled to be located adjacent to the Main Jail beginning in February 2024. This move would provide emergency response to mental health-related issues in the jail and in the community at large. The final placement and timing of the BW unit and staff have been delayed due to several issues. These include employee concerns within BW, ongoing discussions to contract outside resources for after-hours mental healthcare, and exclusivity concerns with Wellpath.

The Jury has found evidence that a 24/7 mental health nurse would not be optimal or cost effective. In general, the reason given was that Wellpath staff is in place to identify mental health patients and requests assistance if necessary. Custody staff has mental health training to handle emergencies. More specifically:

- Intake screening can identify high risk individuals who would then be properly housed and monitored when admitted.
- Intake screening can determine if the inmate can be medically maintained at the jail with guidelines on triage that could warrant sending an inmate to the hospital.
- When a night shift mental crisis/emergency does present itself, the nursing staff and custody officers respond immediately, assess the situation, and determine if the patient needs de-escalation, transport to the hospital emergency room, or involuntary admittance to the Psychiatric Health Facility (PHF).
- Being with the inmates on a daily basis, the correctional personnel are often the first to notice behavioral or emotional changes that could potentially have a bearing on their mental health status.

- Mental health related standard procedures cannot be performed in the off hours. Allowance for inmate sleep is mandatory. Hence a sole commissioned mental health provider would not be able to perform routine procedures or evaluations in the nighttime hours.
- The entire Wellpath staff is trained in emergency management of mental health crises.
- Cost effectiveness is a factor in the employee matrix, placing the proper amount of human resources in the locations where needed at the times they are the most productive. The greatest need for coverage is between 7 a.m. and 11 p.m.
- Recognition at intake of a mentally unstable inmate is key to mitigating negative mental health consequences, thereby lessening the need to have an underutilized mental health provider 24/7.

Some interviews did suggest that an “ideal” scenario would involve an expansion in staffing with mental health providers. The compliance standard from the National Commission on Correctional Health Care (NCCCHC) requires at least 75% of staff present to be current in mental health training. It is unclear if this standard has been met and maintained. The overriding goal is to address any gaps in care while efficiently allocating professional resources based on need and cost considerations.

Third issue: Accounting shortfalls

Vacancies, according to the Wellpath contract, should initiate adjustments or credits in the invoice sent to the Sheriff’s Office. Specific criteria are outlined below:

Pursuant to Wellpath/Sheriff Contract, Exhibit A, “Wellpath shall not be compensated for un-staffed shifts for clinical positions. Monthly, Wellpath shall be allowed a 2% margin of missed hours to allow for exigent circumstances in staffing. When this 2% margin is exceeded, Wellpath shall reduce the invoice by the amount equal to the hourly cost to County for the clinical position hours not covered.”
(Payment Provisions 17.2 A)

“Wellpath shall invoice the Sheriff and Probation separately and payments will be remitted separately. Payments to Wellpath may be adjusted for staffing variances.”
(Payment Provisions 17.0 B)

The Wellpath/Sheriff’s Office contract states that when staff shortages exceed 2% vacant hours, remuneration will be credited (reduction in invoice) to the Sheriff’s Office. At end-of-month billing, Wellpath should clearly display deductions due to staff vacancies. It is a dual oversight system. Both Wellpath and the Sheriff’s Office are responsible for monitoring staffing levels and account for any shortfalls. In the years 2021, 2022 and 2023, when reviewing and analyzing the billing statements and subsequent payments, with admitted known staff shortages, no adjustments were assessed as specified by the Contract.

It has been difficult to accurately determine how many times staff shortages triggered the 2% rule. Some positions went unfilled for extended periods of time (months). Similarly, the Sheriff's Office could not provide an approximation of how often and to what extent there were Wellpath staff shortages. There had been multiple vacancies in Wellpath staffing over the past two years. There have been ongoing discussions concerning this issue.

Having no record of the frequency of vacancies, the staff positions involved, or the hourly rate, invoices indicated no evidence of credits and/or deductions. These invoices were submitted to the Sheriff's Office and were approved for payment in full.

Several reasons were provided by the Sheriff's Office for not assessing Wellpath staff shortage credits or deductions.

First, the process of checks and balances may not have been properly overseen by the Sheriff's Office. Custody officers have not been trained in financial accounting. During the initial stages of the Wellpath tenure, Wellpath invoices were handled with a pass-through approval process with no oversight by the Sheriff's Office. Unlike the financial department in the Juvenile Probation Department, which has noted vacancies, the Sheriff's Office has not brought the missed hours that exceed the 2% rule to light. Without this oversight, no deductions or credits have been accounted for in Wellpath's invoices.

At the December 5, 2023, BOS meeting the County Executive Office recommended to the BOS that the Sheriff's Office add administrative staff in the jail to help bolster contract compliance. An additional recommendation was to require newly dedicated PHD resources to monitor and report on contract performance measures and service level agreement shortfalls. Currently, PHD has two BOS approved positions and is actively recruiting a part-time correctional health advisor/auditor and a full-time nursing level advisor.

Another reason stated to the Jury was that Wellpath was also providing extra services to assist with the Remedial Plan (Murray v. Santa Barbara County), which had not been specified in the original Wellpath contract. The Remedial Plan implementation began in 2020, three years after the original Wellpath Contract Agreement had been approved in 2017. The First Wellpath/Sheriff Amendment Agreement (2020) stated, "if expansion in services is needed, related to current litigation, the Sheriff's Office and Wellpath will work together in good faith to negotiate an amendment to this contract." These extra services provided were not insignificant. In helping the Sheriff with implementation of the remedial requirements it was confirmed that Wellpath was deserving of considerations. The leniency in assessments for staff vacancies was apparently one such consideration.

The Wellpath staff faced an additional challenge with the outbreak of Covid-19, requiring intense medical monitoring and treatments for the inmates. Not only did this affect the health providers themselves, resulting in increased sick days, but heightened their role in infectious disease control within the jail.

Moreover, an expedited opening of the Northern Branch Jail (NBJ) required Wellpath to rapidly increase its staff, provide training, and relocate to this new facility. “The County shall notify Wellpath of the date of facility opening at least sixty (60) days prior to opening the facility to allow Contractor time to recruit, hire and train staff.” (*Transition Hiring Plan 21.0*) Over 200 inmates were transferred from the Main Jail to the Northern Branch Jail on January 22, 2022, which was three months before the NBJ was officially opened for intake.

A further explanation offered was the difficulty Wellpath faced with staffing. There is county-wide competition for a limited pool of healthcare workers. In addition, several Wellpath nursing staff commented on the complexities of working within the confines of the jail as most nurses typically prefer positions in customary hospital settings. Wellpath’s nursing staff were further affected by across-the-board post-Covid-19 burnout.

Without accurate accounting for the staffing vacancies, it is difficult to assign monetary value to this omission or to make an approximation of the monetary credits that were not assessed. The Jury’s only barometer, albeit not directly comparable, was a \$27,500 credit received during year six of the contract by the Probation Department for Wellpath staffing shortages at the juvenile facilities. Fiscal personnel in the Probation Department verified these payments. The monetary credits for the adult jails would be larger. One estimate provided to the Jury was that in 2023 the credits would have been approximately \$135,000.

While non-compliance with any contract can carry implications, it is essential to consider legitimate adjustments. The reasons presented for the variances do have merit and are worthy of reasonable concessions. However, a lack of accurate accounting negatively impairs county taxpayers’ expectations of transparency in local government as well as allows complacency in filling Wellpath vacancies. Transparency regarding unreported and unaccounted-for credits would be equitable for all parties involved: the County, the Sheriff and Wellpath.

Fourth Issue: Lack of timely annual reporting

Several important metrics were established within the Wellpath Agreement. One was that the “timely, accurate and actionable data to monitor the vendor” be included in the annual reports presented to the BOS.

“Wellpath shall submit to the County an annual report based on the contract year, giving a comprehensive review of monthly statistical and program reports

examining significant trends and issues. The report is due no later than 60 days after the end of each contract year.” (*Mandatory Reporting 15.11 C*)

This would allow the BOS to independently verify the fulfillment of certain pre-established criteria, ensure efficient overall operation of healthcare delivery, and assess how significant achievements or shortfalls affected the overall cost-effective health program commensurate with community standards. These reports were required to be filed and presented to the BOS within 60 days after the end of each contract year. Each contract year ends March 31; hence the reports should be presented no later than early June of each calendar year. The 2022 annual report was not presented to the BOS until December 2023, a delay of over seven months. Timely annual reporting is considered standard management practice by the National Commission on Correctional Health Care (NCCHC), which accredits the Santa Barbara County jails.

Sheriff deputies and Wellpath administration took responsibility for the tardiness of this report. Wellpath had submitted a portion of their annual report to the Sheriff’s Office in August of 2023. When the full report was finally presented to the BOS in December of 2023 by multiple Wellpath staff members, it highlighted achievements and significant trends. These included: enhanced jail-based competency treatments, increased enrollments in Early Access Stabilization Services, and assistance with Remedial Plan compliance.

High numbers of sick calls, medications, medical treatments, increased Covid-19 testing protocols, and prioritized overtime demands were also cited as contributing to the delay. Despite Wellpath having three full-time medical records clerks dedicated to inputting all the medical data, and \$15,000 in startup funds provided for Electronic Medical Records (EMR) at the initiation of the Wellpath Contract, the reporting process faced challenges.

In each subsequent year, approximately \$21,000 in additional funds have been paid to Wellpath for cooperation in development, modernization, and implementation of the EMR system. With electronic medical record keeping and computer analytics, the report data should be readily accessible for presentation in a timely and chronological format. Withholding payment for delayed annual reports has been suggested by the BOS, but it has not been brought to a vote. When the delay in reporting continually extends beyond the 60-day end of contract year, the Board’s evaluation of Wellpath’s services inhibits accurate assessment for possible funding increases.

Conclusion

Ensuring access to timely and appropriate healthcare for all detainees and inmates in the County jails is a fundamental human right. Adherence to accepted standards within the framework of the correctional system can effectively deliver such care. Wellpath, the privately held corporate healthcare provider, and their staff work collaboratively with the Sheriff’s Office staff. Both

entities maintain a positive working relationship and jointly strive to meet or exceed established standards, but they sometimes fall short of achieving all contractual requirements. The Jury's recommendations are intended to assist in the formulation of and compliance with an improved contract among the chosen healthcare provider, the Sheriff, and the County Board of Supervisors.

Commendation

All Wellpath staff members exhibit integrity, compassion, and a willingness to be the very best healthcare providers they could be. The Sheriff custody deputies demonstrate dedication and sincerity in their mission of safeguarding the public while concurrently providing care to persons incarcerated.

Findings and Recommendations

Finding 1

Wellpath/Sheriff staffing shortfalls at the Santa Barbara County jails occurred frequently, which could lead to delayed healthcare provision to the inmates.

Recommendation 1a

The Sheriff's Office shall include more healthcare positions in the upcoming 2024 contract.

Recommendation 1b

The Sheriff's Office shall institute higher initial compensation to better assist recruitment of qualified healthcare staff in the upcoming 2024 contract.

Recommendation 1c

The Sheriff's Office shall negotiate for competitive incentive programs in the upcoming 2024 healthcare contract. These would include signing bonuses, retention bonuses, enhanced benefit packages, transportation allowances, or other housing assistance packages commensurate with the high housing costs in Santa Barbara County.

Finding 2: A lack of accounting within the Sheriff's Office did not acknowledge Wellpath staffing shortfalls which exceeded the agreed upon 2% vacancy level for which credits should have been applied.

Recommendation 2a

For the balance of 2024, prior to end-of-month invoice submission from Wellpath, financially knowledgeable Sheriff custody staff shall work with the Wellpath Health Administrator to examine, concur, and record any staff vacancies that exceed the 2% limit.

Recommendation 2b

This agreed upon vacancy credit shall be clearly delineated in Wellpath's end-of-month billing invoice.

Recommendation 2c

The bookkeeping/accounting department in the Sheriff’s Office shall provide accurate oversight to ensure proper entries of credits coupled with transparent deductions in payments.

2d: The Board of Supervisors shall require Public Health Department resources to carefully oversee and regularly report on performance measures and Contractual Agreement adherence.

Finding 3

There is an absence of Wellpath 24/7 mental health providers at both County Jail sites.

Recommendations 3a

The Sheriff’s Office shall instruct Wellpath to expand in-depth training for nursing staff to better recognize and address both potential and existing mental health issues and crises to be initiated by the end of December 2024.

Recommendation 3b

The Sheriff’s Office shall expand in-depth training of all custody deputies to better identify potential and existing mental health issues and crises to be initiated by the end of December 2024.

Recommendation 3c

The Board of Supervisors shall ensure the presence of a Behavioral Wellness crisis team adjacent to the jail facility ensuring the presence of trained crisis response team members in the nighttime hours (11 p.m. – 7 a.m.) to be initiated by the end of December 2024.

Recommendation 3d

The Sheriff’s Office shall instruct Wellpath to conduct a thorough assessment of the accessibility and benefits of telepsychiatry, focusing on optimization of this service in the nighttime hours (11 p.m. – 7 a.m.) to be initiated by the end of December 2024.

Finding 4: The annual Wellpath report to the Board of Supervisors has routinely been delayed.

Recommendation 4a

The Board of Supervisors shall immediately insist on the timely generation and submission of annual reports.

Recommendation 4b

The Jury recommends that the Board of Supervisors impose penalties in payments when annual reporting extends beyond the 60-day end of the contract year.

Requirements for Responses:

Pursuant to California Penal Code §933 and §933.05, the Grand Jury requests each entity or individual named below to respond to the Findings and Recommendations within the specified statutory time limit.

Santa Barbara County Sheriff: 60 Days

Finding(s): 1, 2, 3

Recommendation(s): 1a, 1b, 1c; 2a, 2b, 2c, 2d; 3a, 3b, 3d

Santa Barbara County Board of Supervisors: 90 days

Finding(s): 1, 2, 3, 4

Recommendation(s): 1a, 1b, 1c; 2d; 3c; 4a, 4b

Responses to Findings shall be either:

- Agree
- Disagree with an explanation
- Disagree partially with an explanation

Responses to Recommendations shall be one of the following:

- Has been implemented, with a summary of the implementation actions taken
- Will be implemented, with an implementation schedule
- Requires further analysis, with an analysis completion date of fewer than 6 months after the issuance of the report
- It will not be implemented with an explanation of why