

## **RESPONSE TO GRAND JURY REPORT**

Report Title: The Last Resort

Report Date: 7/3/19

Response by: Connie Beck, Humboldt County Department of Health & Human Services Director  
Emi Botzler-Rodgers, DHHS-Mental Health Director

### **FINDINGS**

1. DHHS and DHHS MH agree with the findings numbered F2, F4, F5 and F6.
2. DHHS and DHHS MH partially agree with the findings numbered F3, F9, F10, F11, F12, F13 and F14
3. DHHS and DHHS MH disagree with the findings numbered: F7 and F8.

### **RECOMMENDATIONS**

1. Recommendations numbered R1, R3, R4, R5, R8, R9, R10, R11 and R12 have been implemented.
2. Recommendation numbered R2 has not yet been implemented, but planning is in process.
3. Recommendation numbered R6 will not be implemented because it is not warranted or is not reasonable.
4. Recommendation numbered R7 needs more analysis.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Number of pages attached: \_\_\_\_\_

DATE: September 4, 2019  
TO: Board of Supervisors  
FROM: Connie Beck, Humboldt County Department of Health & Human Services Director  
Emi Botzler-Rodgers, DHHS-Mental Health Director  
SUBJECT: **Response to 2018-19 Grand Jury Report: The Last Resort**

The Grand Jury requested responses for most findings and recommendations from both the DHHS Director and the DHHS-MH Director. The DHHS Director and the DHHS-MH Director have submitted joint replies.

## **FINDINGS**

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*F2. There is a lack of Mental Health providers willing to work for the County Department of Health and Human Services.*

### **Agree**

The Department of Health and Human Services (DHHS) Director and DHHS-Mental Health (MH) Director agree with this finding. All positions that are vacant have been continually recruited for with interviews conducted and offers extended to qualified applicants. Most often the applicants decline the offers of employment within the Jail. The Jail can be a dynamic and complicated environment to work within. Most applicants choose not to work in this environment when they have other options. There is not a shortage of positions available to licensed staff in Humboldt County and throughout the state. This is the employment climate DHHS is working with. DHHS has even tried to incentivize these positions with the offering of hazard pay and the possibility of approved overtime and flexible work schedules. DHHS has had some success with these efforts as evidenced by all but two of the positions being filled at the present time. DHHS is currently in the hiring process with those positions.

*F3. Humboldt County Correctional Facility staff hindered in their tasks by the inability of Department of Health and Human Services to recruit and retain permanent clinical staff.*

### **Partially Agree**

The DHHS Director and DHHS-MH Director partially agree with this finding. It is difficult to determine how recruitment efforts hinder HCCF staff. In addition to the steps taken to meet staffing needs mentioned in response to Finding 2, above, DHHS has created an onboarding process for new hires that includes orientation and initial training. This includes an onboarding “toolkit” for programs to use and customize for their unique programs. DHHS has also worked to reduce staff burn out by working with the University of Kentucky around training and supporting staff around secondary trauma. Both efforts have been empirically proven to improve employee retention.

*F4. The amount of time the Psychiatrist provides direct patient care to inmates per week is inadequate.*

### **Agree**

The DHHS Director and DHHS-MH Director agree with this finding. DHHS has a Medical Director on staff that provides two days per week of psychiatric coverage within the jail until DHHS can hire a fulltime practitioner. Mental Health acknowledges the need to have a full-time prescriber within the jail and has been continually recruiting for that position for some time.

*F5. The amount of time mental health clinicians are available in the Humboldt County Correctional Facility is insufficient.*

**Agree**

The DHHS Director and DHHS-MH Director agree with this finding. DHHS has had difficulty finding qualified clinicians willing to work within the jail, as noted in response to Finding 2, above. DHHS are currently only down one clinician for the jail and DHHS has expanded service delivery through the weekend for both nursing and counseling. Additionally, DHHS is in process of hiring a midlevel practitioner for the jail. This position is part-time, however will add to the existing two days per week DHHS have a Medical Director working in the jail. DHHS's efforts to recruit and hire a full-time practitioner continue.

*F6. Department of Health and Human Services & Humboldt County Correctional Facility mental health staff are negatively impacted by lack of dedicated therapeutic environments and counseling to provide care as required by law.*

**Agree**

The DHHS Director and DHHS-MH Director agree with this finding. There is limited space within the jail to provide counseling services. The counseling services will greatly expand with the jail expansion project that is scheduled to begin next year. With that project completion there will be numerous counseling offices available to provide clinical services that are "therapeutic" and "confidential".

*F7. There is a lack of direction to clinical staff about who has the legal authority to prescribe treatment orders for inmates in need of mental health treatment.*

**Disagree**

The DHHS Director and DHHS-MH Director disagree with this finding entirely. All of staff hired to work in the jail are trained in their scope of practice during the onboarding process. The scope of practice guidance is clear around this matter.

*F8. The lack of written policies and procedures concerning the care of mentally ill inmates at Humboldt County Correctional Facility inhibits the ability to provide quality mental health care.*

**Disagree**

The DHHS Director and DHHS-MH Director disagree with this finding entirely. DHHS-MH jail staff have 21 policies and procedures that guide their practices in the jail. Many of these policies have been in place since 2006.

*F9. Difficulty in differentiating between drug-induced behavior and mental health issues lead to treatment errors.*

### **Partially Agree**

The DHHS Director and DHHS-MH Director partially agree with this finding. DHHS need to consider the details of what is meant by “treatment errors.”

*F10. There is a lack of agreement of the roles and responsibilities between the Patient’s Rights Advocate and the Department of Health and Human Services and Mental Health Administration.*

### **Partially Agree**

The DHHS Director and DHHS-MH Director partially agree with this finding. The DHHS-MH Director has weekly meetings with the PRA to support this role in the county. The DHHS-MH Director has also involved County Counsel in determining the scope of the PRA role in the county.

*F11. There are few long-term mental health plans in place for dealing with inmates serving extended sentences.*

### **Partially Agree**

The DHHS Director and DHHS-MH Director partially agree with this finding. Every treatment plan is unique and has many variables that influence long-term treatment planning for inmates.

*F12. The inmate mental health transition plan for ongoing care after discharge from the Humboldt County Correctional Facility is incomplete.*

### **Partially Agree**

The DHHS Director and DHHS-MH Director partially agree with this finding. It is DHHS’s practice that every inmate who receives mental health or substance use disorder treatment in the jail is provided resources for aftercare, following release, with the exception of those who are released without DHHS-MH’s awareness.

*F13. The legal 5150 implementation in both the Humboldt County Correctional Facility and Sempervirens is at times in dispute amongst Department of Health and Human Services staff and local law enforcement agencies.*

### **Partially Agree**

The DHHS Director and DHHS-MH Director partially agree with this finding. While it is difficult to keep DHHS staff and HCCF staff educated on the practice of 5150 holds 100 percent of the time, the department actively engages with HCCF and local law enforcement in training in this area. Workgroups have been formed and trainings are conducted regularly. The collaborative Crisis Intervention Training (CIT) conducted annually is a good example of this, as well as the current MOUs that are under review by law enforcement entities, local hospitals and the HCCF.

*F14. There is a lack of sufficient Department of Health and Human Services administrative involvement in the treatment and care of mentally ill inmates in Humboldt County Correctional Facility.*

## Partially Agree

The DHHS Director and DHHS-MH Director partially agree with this finding. While there have been transitions within DHHS over the last few years, there has been significant focus by MH Administration on jail services. MH Administration meets regularly with jail managers and supervisors. Additionally, MH Administration regularly attends the Sequential Intercept Mapping, jail Continuous Quality Improvement meetings and is actively involved in the planning meetings related to Medication Assisted Treatment implementation in the jail.

## RECOMMENDATIONS

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*R1. The Humboldt County Civil Grand Jury recommends the Department of Health and Human Services develop a more comprehensive, modern, aggressive, and nationwide recruitment and hiring plan for permanent psychiatrists, nurse practitioners, and clinicians who focus on the mentally ill population in the Humboldt County Correctional Facility. This action should be completed by January 15, 2020.*

### **Recommendation has been implemented**

The recommendation has been implemented. DHHS participates in nationwide recruitments and will continue to do this as long as there is funding for this activity or until the positions are filled.

*R2. The Humboldt County Civil Grand Jury recommends the Department of Health and Human Services have a psychiatrist assigned to HCCF 40 hours per week by January 15, 2020.*

### **Recommendation is being implemented**

The recommendation is being implemented. The department is exploring filling the position with one of the contracted staffing agencies as soon as additional funding is identified to support that.

*R3. The Humboldt County Civil Grand Jury recommends the Department of Health and Human Services seek funding to provide physical space and professionals for specialized clinics, substance abuse programs, and increased therapeutic counseling inside the Humboldt County Correctional Facility. This action should be completed by January 15, 2020.*

### **Recommendation has been implemented**

The recommendation has been implemented. The county has been awarded a grant to expand the jail (SB 863) and is currently in the planning stages.

*R4. The Humboldt County Civil Grand Jury recommends the Department of Health and Human Services Director of Mental Health shall ensure that written policies and procedures regarding the care of mentally ill inmates in the Humboldt County Correctional Facility be developed and distributed with appropriate training to all staff. This action should be completed by October 1, 2019. (F8)*

### **Recommendation has been implemented**

The recommendation has been implemented. All new jail and CCRC staff are trained on the 21 Policies & Procedures that govern mental health services in the jail. A refresher training on all Policies & Procedures will be completed by all MH jail staff by Oct. 1, 2019.

*R5. The Humboldt County Civil Grand Jury recommends the Department of Health and Human Services ensure that all treatment orders are followed and carried out as prescribed by legally authorized personnel and that those policies and procedures recommended in R4 are current and follow the State law to limit the county's legal liability. This action should be completed by October 1, 2019. (F7)*

### **Recommendation has been implemented**

The recommendation has been implemented. All MH staff working in the jail are oriented to the work as outlined in jail policy 0402.023 Employee Orientation. The scope of work is covered under "charting" in this policy. All staff are required to complete an annual clinical documentation training which covers scope of practice requirements for positions within the department.

*R6. The Humboldt County Civil Grand Jury recommends the Department of Health and Human Services provide additional training to law enforcement and correctional staff to better identify the differences between drug induced and mental health issues. This action should be completed by October 1, 2019. (F9, F13)*

### **Recommendation will not be implemented**

The recommendation will not be implemented. The ability to distinguish substance induced vs. mental health symptoms only comes from acquiring years of specialized training as a mental health professional. This is not something that can be taught in a presentation to law enforcement and jail staff. The ability to determine this includes conducting an in-depth bio-psycho-social assessment that includes taking a detailed family history and detailing the onset of the presenting symptoms as well as ruling out a medical diagnosis that could be contributing to the presentation. The department will continue to work with DHHS law enforcement partners in the CIT trainings that DHHS provide annually to assist in this effort.

*R7. The Humboldt County Civil Grand Jury recommends the Department of Health and Human Services write and implement policies and procedures regarding legally defined rights of mentally ill inmates. This action should be completed by October 1, 2019. (F10)*

### **Recommendation requires further analysis**

The recommendation requires further analysis. DHHS will need 90 days (Oct. 1, 2019) from the date of this Grand Jury Report to discuss this matter further with County Counsel and the Sheriff's Office. Inmates rights may differ depending on the inmate's legal status. More time is needed to appropriately differentiate these differences.

*R8. The Humboldt County Civil Grand Jury recommends the Department of Health and Human Services implement the new California Department of State Hospitals Diversion Program as it applies to Assembly Bill 1810 and the mentally ill. This action should be completed by January 15, 2020.*

**Recommendation has been implemented**

The recommendation has been implemented. The department had an initial meeting with the Public Defender's Office on July 22, 2019 and has agreed on a plan to provide a diversion program as outlined in PC 1001.36 within the department's ability to provide the needed services. This collaboration will continue as resources are available to Mental Health.

*R9. The Humboldt County Civil Grand Jury recommends the Department of Health and Human Services complete and implement the mental health transition plan that is currently being developed for after inmate release. This action should be completed by October 1, 2019. (F12)*

**Recommendation has been implemented**

The recommendation has been implemented. The department will continue to execute transition plans for inmates and coordinate additional follow up services post release as outlined in Jail policy 0402.024 Psychiatric/Medication Support Continuity Post-Release from HCCF.

*R10. The Humboldt County Civil Grand Jury recommends the legalities of the 5150 protocols and processes be reviewed and studied by all local law enforcement agencies in the county. This action should be completed by October 1, 2019. (F13)*

**Recommendation has been implemented**

The recommendation has been implemented. MOUs between departments are currently under review by each departments' legal counsel. Additionally, the department is putting the finishing touches on a 5150 training that will be regularly offered by MH staff and open to law enforcement personnel to attend. The training should be finalized by Oct. 1, 2019. An additional web-based training companion is being discussed for development to provide an alternative to an in-person training. This will be a more cost-effective training option for departments to access when it is convenient to their officers.

*R11. The Humboldt County Civil Grand Jury recommends the Department of Health and Human Services and the Humboldt County Correctional Facility improve the implementation of the 5150 process by requiring and providing specific training to all local law enforcement agencies and the Humboldt County Correctional Facility staff to ensure compliance with the law. This action should be completed by January 15, 2020. (F13)*

**Recommendation has been implemented**

The recommendation has been implemented. Please refer to R10 response above.

*R12. The Humboldt County Civil Grand Jury recommends Department of Health and Human Services make mental health services within the Humboldt County Correctional Facility a higher priority. This action should be completed by October 1, 2019 (F14)*

**Recommendation has been implemented**

The recommendation has been implemented. The department's administration has focused considerable time and energy into fortifying and improving the service delivery to DHHS criminal justice-involved individuals as evidenced by the number of meetings and planning sessions that have been attended in the last 9 months. The

department has also had meetings to discuss the implementation of an Assisted Outpatient Treatment program in Humboldt County. This includes working with TouchPoint to provide an all-day training to key stakeholders on aspects of implementing this program. The training date is to be determined.