



## County of Santa Cruz Board of Supervisors

### Agenda Item Submittal

**From:** Health Services Agency

**Subject:** Approve Master Agreement for Certification Review and Capacity (“Riese”) Hearing Officers

**Meeting Date:** June 24, 2025

**Formal Title:** Approve four-year master rate agreement for various Certification Review and Capacity (“Riese”) Hearing Officers related to individuals subject to involuntary treatment in mental health facilities, and take related actions

### Recommended Actions

1. Approve four-year master expenditure rate agreement, Contract No. 26H0414, for provision of Certification Review and Capacity (“Riese”) Hearing Officer services related to individuals subject to involuntary treatment in mental health facilities, and
2. Authorize the Interim Director of Health Services or designee to sign agreements with various contractors utilizing the master agreement.

### Executive Summary

The Health Services Agency (HSA) Behavioral Health Division (BHD) maintains a multi-year master expenditure rate agreement with various contractors for provision of Certification Review and Capacity (“Riese”) Hearing Officers. Board approval of the proposed agreement will renew the term through June 30, 2029, and include updates for reimbursement rates and terms for additional annual rate increases. Maintaining this agreement supports continued due process rights of the patients undergoing involuntary treatment.

### Discussion

When patients are subject to involuntary treatment in mental health facilities, the State requires certain types of hearings to occur to ensure the due process rights of the patients are maintained. This master expenditure agreement has been in place since 1994 and allows HSA to immediately contract with individuals to 1) serve as hearing officers for Certification Review Hearings, per section 5250 of the Welfare and Institutions Code (WIC) for all persons certified for 14 days additional involuntary treatment in a County operated or contracted acute psychiatric facility, and 2) serve as a court-appointed hearing officer for Capacity (“Riese”) Hearings, per WIC Sections 5332 and 5334 for all persons detained in a County operated or contracted acute psychiatric facility for whom antipsychotic medication is prescribed and who, in turn, refuse that medication. HSA BHD contracts with various Hearing Officers to represent the County in the hearings, which allows the County to provide involuntary treatment while protecting the due process rights of the patients

A Certification Review is a facility-based hearing for persons on WIC Section 5250 or 5270 holds. The facility is required to notify the Court through the Mental Health Counselor's Office when any person is placed on a 5250 or 5270 hold. The Certification Review Hearing is to be held within four days of the person being placed on the hold. A Hearing Officer must present the probable cause information at the hearing and show that the person is a danger to self or others or gravely disabled due to a mental

disorder. The patient is usually represented by a Patients' Rights Advocate from Advocacy Inc. under Contract No. H0665. This type of hearing is also known as a Probable Cause Hearing.

A Riese hearing is a facility-based hearing to determine if a person on any of the Lanterman-Petris-Short (LPS) Act holds has the capacity to refuse psychiatric medications. It is a process by which a judge determines if the patient is able to provide informed consent to refuse psychiatric medications. Riese hearings are usually reserved for patients who are on their 14-day hold, 72-hour hold, and 30-day hold. If a doctor believes that a patient is not making a rational decision, they may request a Riese hearing to ask the court to determine whether or not the patient should be allowed to refuse the medication. Riese cases are centered around the concept that a patient must be involuntarily medicated because they are adjudged to "lack capacity" by clear and convincing evidence.

The proposed agreement, which is included on the Fiscal Year (FY) 2025-26 Continuing Agreement List (CAL), has a renewal term of July 1, 2025 to June 30, 2029. HSA BHD also included a 4.25% rate increase in the renewal, with an option to increase up to 3% each subsequent fiscal year, based on San Francisco-Oakland-San Jose Consumer Price Index for All Urban Consumers as allowed under the current agreement.

### **Financial Impact**

Sufficient appropriations for this master agreement, Contract 26H0414, are included in HSA BHD's FY 2025-26 Budget, and are budgeted under 363140/62381. The estimated annual encumbrance for this expenditure is \$46,350. The services under this agreement are solely funded by 1991 State Realignment funding, which is derived from a combination of a half-cent increase in the state sales tax enacted in 1991 and a dedicated portion of vehicle license fees. As this funding is dependent on the state of the economy in California, it is subject to fluctuations and will vary from year to year. An additional General Fund contribution is neither needed nor requested.

### **Strategic Initiatives**

Operational Plan - Comprehensive Health & Safety

### **Submitted By:**

Jennifer Herrera, Interim Director of Health Services

### **Recommended By:**

Carlos J. Palacios, County Executive Officer

### **Artificial Intelligence Acknowledgment:**

Artificial Intelligence (AI) did not significantly contribute to the development of this agenda item.