

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**ITEM: 2.3
(ID # 13480)**

MEETING DATE:
Tuesday, September 15, 2020

FROM : EXECUTIVE OFFICE:

SUBJECT: EXECUTIVE OFFICE: Receive and File the Letters of Opposition to SB 823
(Committee on Budget & Fiscal Review)- DJJ Realignment and SB 977
(Monning)-Attorney General Approval & Oversight [All Districts] [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Receive and file the attached letters that were sent to State Legislators.

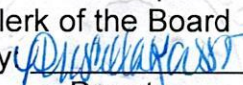
ACTION:Consent


Brian Nestande 9/9/2020

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Spiegel and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: September 15, 2020
xc: EO

Kecia R. Harper
Clerk of the Board
By 
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS:			Budget Adjustment:	NO
			For Fiscal Year:	20/21

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

Since the last meeting of the Riverside County Board of Supervisors, letters were delivered to all pertinent parties in order to voice Riverside County's opposition to State Senate Bills- SB 823 and SB 977.

Bill: SB 823 (Committee on Budget & Fiscal Review)- Division of Juvenile Justice Realignment

Position: Oppose

Background: The Governor's January Budget in 2020 proposed to transfer the Division of Juvenile Justice (DJJ) to a newly created independent department within the Health and Human Services Agency (HHS) on July 1, 2020. Subsequently, the Governor's May Revision proposed to expand on previous efforts to reform the state's juvenile justice system by transferring the responsibility for managing all youthful offenders to local jurisdictions.

The State is attempting to reduce costs and transfer liability by shifting the remainder of the entire juvenile justice system responsibility to county governments absent the necessary authority and flexibility to respond to local conditions. A July 1, 2021, DJJ intake closure date that, under this proposal, does not provide counties and probation departments with sufficient time to prepare local programs and facilities for the population being shifted to local government.

Bill: SB 977 (Monning)- Attorney General approval and enforcement.

Position: Oppose

Background: Requires the Attorney General (AG), beginning July 1, 2021, to establish the Health Policy Advisory Board (Board) for the purpose of evaluating and analyzing health care markets in California and providing recommendations to the AG's office. Requires a health care system, as defined, a private equity group, or hedge fund to provide written notice to, and obtain the written consent of, the AG prior to a change in control, as defined, or an acquisition, as defined, between the entity and a health care facility or provider.

Requires a health care system, private equity group, or hedge fund to provide advance written notice to the AG prior to a change of control or acquisition between a health care system, private equity group, or hedge fund and a non-physician provider, as defined. Makes it unlawful for one or more health care systems, either independently or dependently, to use their market

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power to, among other things, cause anticompetitive effects, as described, and authorizes the AG to bring a civil action for a violation of this unlawful conduct. Sunsets the AG's authority to review changes of control on January 1, 2026.



Board of Supervisors

District 1	Kevin Jeffries 951-955-1010
District 2	Karen Spiegel 951-955-1020
District 3	Chuck Washington 951-955-1030
District 4 <i>Chairman</i>	V. Manuel Perez 951-955-1040
District 5	Jeff Hewitt 951-955-1050

August 31, 2020

Dear Members of the California Legislature:

RE: Senate Bill 823 (Committee on Budget and Fiscal Review) / Assembly Bill 1868 (Budget Committee) DJJ Realignment - **OPPOSE**

We write on behalf of the Riverside County Board of Supervisors to express our strong opposition to Senate Bill 823-SB 823 and Assembly Bill 1868-AB 1868. For decades, the State has struggled mightily to find the appropriate policy solutions and system responses for its portion of responsibility on the juvenile justice service continuum.

This year, yet another proposal to close the Division of Juvenile Justice and shift this critical service responsibility to counties was unveiled late in a year otherwise marred by a global pandemic, a resulting economic crisis, and lengthy, unplanned delays in the normal legislative and budget process. Counties raised the alarm in May that – given the sensitive nature of the youths’ needs, the complex jurisdictional issues associated with the proposed realignment, and the absolute necessity of building an operational and funding framework to appropriately catalyze local innovation – there simply was not enough time to resolve the myriad issues.

Today, in the final hours of the Legislative Session, county governments and our probation departments are being required to accept a sensitive and vital responsibility – one that shapes the future paths of youth in our juvenile justice system – in a form that is unworkable, does not reflect county or probation input on critical aspects, and cannot assure delivery of improved outcomes for the young people we are being asked to serve. The State is attempting to reduce costs and transfer liability by shifting the remainder of the entire juvenile justice system responsibility to county governments without giving us the necessary authority and flexibility to respond to local conditions.

While we only have had the benefit of evaluating the final framework for a matter of hours, we highlight the principal components of the measure that underlie our opposition, including:

- Establishment of a new, untested state bureaucracy with overly expansive authority, including the power to exert broad control over existing local programs despite the historic success of these programs in diverting youth out of detention;
- Expectation of considerable and costly local data collection and reporting requirements that span the entire juvenile justice system, which – while offering benefits – will impose a large state mandate;

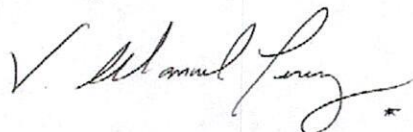
- Inference that counties cannot be fully trusted with this responsibility, while the state appears eager to offload to counties a very challenging, costly, and sensitive service responsibility on the juvenile justice service continuum;
- Transfer of existing, critical funding streams under the purview of a new layer of state bureaucracy with the intent of disrupting the fund flow for long-standing, successful programs that represent foundational support for our core local services.
- Creation of multiple processes and bureaucracy to define and plan for realignment that will hamper rather than promote innovation, most likely delaying implementation efforts and diverting critical funding away from direct services to youth.
- Mere intent language to protect against an increase in adult court commitments, rather than a thoughtful or complete process.
- A July 1, 2021, DJJ intake closure date that, under this proposal, does not provide counties and probation departments with sufficient time to prepare local programs and facilities for the population being shifted to local government.

The state consistently relies on counties for extensive partnership in the delivery of programs for our mutual constituents. We are routinely asked to help solve complex societal problems and drive innovation in delivering services to the most vulnerable in our communities. The DJJ realignment approach in SB 823/AB 1868 lacks any reflection of this long-standing approach. The proposal to close DJJ facilities and realign the responsibility to counties as contemplated in SB 823/AB 1868 is unacceptable.

The State cannot expect local practitioners to fulfill this responsibility without taking into account our needs and expertise – an expertise that counties have demonstrated successfully among the nearly 90 percent of the youth (all but those with most serious and complex treatment needs) currently being rehabilitated under counties' care.

It is for these reasons that the County of Riverside has taken an oppose position on SB 823 and AB 1868. Should you have any questions, please feel free to contact Deputy County Executive Officer Brian Nestande at (951) 955-1110 or bnestande@rivco.org.

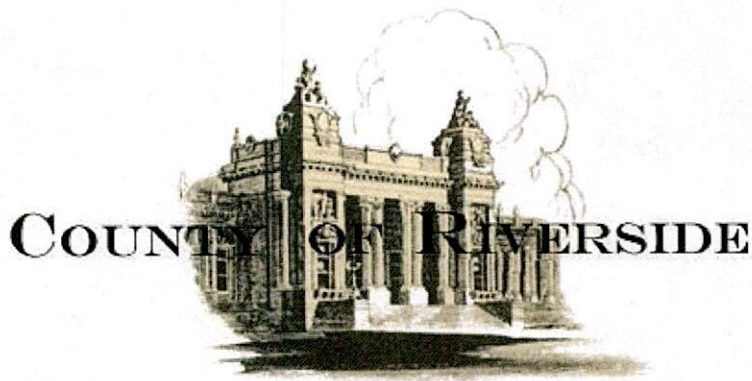
Sincerely,



V. Manuel Perez
Chair, Riverside County Board of Supervisors



Karen Spiegel
Vice Chair, Riverside County Board of Supervisors



Board of Supervisors

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August 31, 2020

Dear Members of the California State Assembly:

Re: Opposition to SB 977 (Monning) – URGE NO VOTE

We write on behalf of the Riverside County Board of Supervisors to express our strong opposition to Senate Bill 977- SB 977 by Senator Monning. The bill would strain access to California’s health care system by subjecting a broad array of health care transactions –including those involving county hospitals – to an extreme, burdensome, and exclusionary process of approval by the California Attorney General.

This bill would give unprecedented decision-making authority to the Attorney General to determine the accessibility and availability of health care in California. The bill will require the establishment of a new, large state bureaucracy to review a vast number of transactions including those between individual physicians and health care facilities (such as hospitals, small practices, and clinics). It is so far-reaching that it even proposes to intervene with longstanding agreements that come up for renewal or renegotiation.

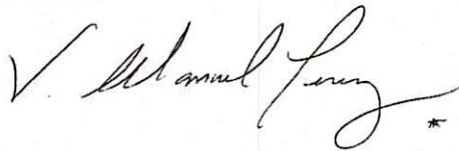
SB 977 undermines bedrock principles of fair due process within our legal system by creating presumptions that these transactions are anticompetitive, placing the burden of proof on health care providers and effectively creating a “guilty until proven innocent” system. A provider must demonstrate that the acquisition or affiliation will result in clinical integration or an increase in access and availability of services to an underserved population, but SB 977 provides no clarity on how a provider may do so. The ability to regulate anticompetitive behavior is already governed by the Attorney General’s current review authority, as well as federal and state antitrust laws. This proposal would place the burden on all health care providers to meet arbitrary standards of proof, with no right to a hearing or meaningful appeal process.

Passing this legislation during the ongoing COVID-19 public health emergency and growing health care financial crisis will only further restrict the flexibility and resources health care providers desperately need simply to keep their doors open and provide vital care to patients. Partnerships and affiliations between health care systems and providers are essential for securing access to care, allowing more individuals to be served than a single system could on its own. Affiliations provide patients with the full spectrum of care that may otherwise not be offered in the community – ranging from holistic disease management programs and highly specialized tertiary care to home care, and behavioral health treatment, among other areas. They can provide more opportunities for research trials in rural and underserved parts of California, and they can provide diverse training opportunities for the next generation of our health care workforce. In an area like the Inland Empire, with provider

primary care and specialty care provider shortages, partnerships and affiliations are essential for our ability to deliver high quality to our patients. Many hospitals and providers have experienced tremendous financial challenges from the COVID-19 pandemic. At this time, now, more than ever, it is vital to preserve flexibilities for maintaining access to care.

It is for these reasons that the County of Riverside has taken an oppose position on SB 977. Should you have any questions, please feel free to contact Deputy County Executive Officer Brian Nestande at (951) 955-1110 or bnestande@rivco.org.

Sincerely,

Handwritten signature of V. Manuel Perez in black ink, featuring a large, stylized initial 'V' and a small asterisk at the end.

V. Manuel Perez
Chair, Riverside County Board of Supervisors

Handwritten signature of Karen S. Spiegel in blue ink, written in a cursive style.

Karen Spiegel
Vice Chair, Riverside County Board of Supervisors