



COUNTY OF SAN BENITO
BOARD OF SUPERVISORS

481 FOURTH STREET, HOLLISTER, CALIFORNIA 95023

(831) 636-4000 • FAX (831) 636-4010

Don Marcus
District No. 1

Anthony Botelho
District No. 2

Pat Loe
District No. 3

Reb Monaco
District No. 4

Jaime De La Cruz
District No. 5

June 27, 2006

The Honorable Stephen Sanders
Presiding Judge San Benito County Superior Court

Dear Judge Sanders

On June 27, 2006 the San Benito County Board of Supervisors approved the County's attached formal response to the Grand Jury Report of April 28, 2006 regarding medication dispensing practices at the County Mental Health Department. The Director of Behavioral Health prepared his response which has been incorporated into the County's response for the convenience of the Grand Jury.

Please extend our appreciation to the Grand Jury for their continued dedication and service to the community.

Sincerely,

Pat Loe, Chair
San Benito County Board of Supervisors

San Benito County Response to the Grand Jury Report of April 28, 2006

The following is the formal San Benito County response to the April 28, 2006 Grand Jury report inclusive of the responses of the Director of Behavioral Health Alan Yamamoto.

Grand Jury Findings

1. Presently there are clear and specific methods to prescribe medications to patients Either the Psychiatrists dispense the medication, prescribe medication or verbally instruct a nurse to call in a prescription.

Director Response:

I partially agree with the finding as the context of stating that "presently " there are clear and specific methods to prescribe medications to patients could imply that those conditions did not previously exist. As a point of clarification, clear and specific methods to prescribe medications to patients have been in long standing existence.

Board of Supervisors Response:

The Board concurs with Director Yamamoto.

2. There are numerous ongoing training programs that take place at the San Benito County Mental Health Department. Staff conduct bimonthly training/in-services. There is ongoing training of staff leading up to certification.
3. Staff meetings are held once per month. There is and agenda for every meeting and anyone can place an item on the agenda. Minutes are taken at every staff meeting.
4. There is a quality improvement committee. Clients are given a survey to rate various aspects of care in the Mental Health Department.
5. The Director stated that procedures for dispensing/prescribing medication are very clear.
6. The Director attends multi-agency meetings, which serves to benefit the Mental Health Department

Director Response:

I fully agree with findings 2,3,4,5 and 6.

Board of Supervisors Response:

The Board concurs with Director Yamamoto.

Grand Jury Recommendations:

1. The Director and his staff to continually monitor the Department's operation to ensure that policies and procedures in all programs are followed and adhered to.

Director Response:

This recommendation reflects the obligation and commitment of myself and my staff to manage and oversee our services throughout the year. No change in current practices is anticipated or necessary.

Board of Supervisors Response:

The responsibility of the Director is to provide management oversight as recommended.

2. There should be a concerted effort to maintain a constant staff. Hire and fill vacancies as soon as possible and address and resolve the reasons for the staff's high turnover rate. Continuing education and constant awareness of the needs and concerns of the staff will promote satisfied employees.

Director Response:

This recommendation implies that our department has had an inordinate amount of staff turnover. I believe we provided adequate and reasonable explanations for each case of an employee departure. We do not believe that it is reasonable to conclude that our Department was wholly responsible in any negatively interpreted manner for those employee decisions to seek other employment and in two cases retirement. Additionally, the Grand Jury appears to conclude that not providing adequate continuing education opportunities may have been a contributing factor to staff departures. The Grand Jury did not ask us to provide our staff training records but had we been given the opportunity we would have produced records showing the many training opportunities that our staff have participated in. The majority of our staff are licensed or registered mental health professionals who require ongoing accrual of continuing education units (CEU's) as a requirement to maintain their licenses or registrations. Our records can show that our staff perhaps more than any other department in

the County accesses their Union negotiated entitlement benefit to training registration tuition payment, in addition to our Department assigned training opportunities.

Board of Supervisors Response:

The recruitment and retention of qualified staff is a high priority. It is not clear what standard was used to conclude the department has a "high" turnover rate. Some level of turnover is normal and expected in all organizations. However, attention to succession planning and staff development opportunities is important and necessary to mitigate the impacts of this phenomenon. No systemic delay in recruitment is intended or warranted in Mental Health Programs as these positions are 100% offset by dedicated revenues. Significant training opportunities are provided and can be documented by the department. The Board of Supervisors will continue to support the department in these efforts.

3. Develop and train staff on the proper procedures that are to be followed when Department issues and concerns arise.

Director Response:

As the Grand Jury findings #2, 3 and 4 documented, the department is presently and has a standing practice of addressing the training needs of staff.

Board of Supervisors Response:

Concur with the Director's response.

4. The Peer Review System, Quality Improvement Committees and the Employee of the Month Program are important programs to continue. Assessing each other's work is an important "checks and balance" system.

Director Response:

These systems, committees and recognition program will continue to be an integral part of our department's operations.

Board of Supervisors Response:

Concur with the Director's response.



San Benito County
CIVIL GRAND JURY

OFFICE OF THE JURY COMMISSIONER - COUNTY COURT HOUSE
440 FIFTH STREET - ROOM 205 - HOLLISTER, CA 95023
TELEPHONE (831) 636-4057
<http://www.sanbenitocountygrandjury.org>

April 28, 2006

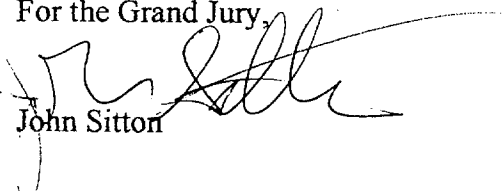
Alan Yamamoto, Director
County of San Benito
Mental Health Department
1111 San Felipe Road
Hollister, CA 95023

Dear members of The Board of Supervisors:

Enclosed find a copy of The County Grand Jury Report, dated April 28, 2006. It concerns the investigation of a citizen's complaint that alleged unauthorized dispensing of medication to patients at the County Mental Health Department.

This report will be distributed to the citizens of San Benito County on or about May 1, 2006. Please review this report and provide us with you response.

For the Grand Jury,


John Sitton

RECEIVED

MAY 02

**SAN BENITO COUNTY
MENTAL HEALTH**

San Benito County Department of Mental Health

Background

The Grand Jury of 2005/2006 completed an investigation of the San Benito County Mental Health Department that was started by the 2004-2005 Grand Jury due to a complaint. The investigation was in response to a complaint filed regarding an inappropriate and irregular authorization to dispense medications to patients.

Objective

The objective of this investigation was to determine how medications were prescribed and if there was any evidence of irregularities in prescribing the medications.

Methodology

Representatives of the Grand Jury reviewed data that was provided by the 2004-2005 Grand Jury as well as an oral summation given by those past Jurors that initiated the investigation. Representatives then formulated questions and interviewed the San Benito County Director of the Mental Health Department, Alan Yamamoto, and Department Staff on October 25, 2005.

Findings and Observations

These are the results of the interview with the Director and two members of his staff; namely the Case Management Supervisor and the Clinician Supervisor:

1. Presently there are clear and specific methods to prescribe medications to patients. Either the psychiatrists dispense medication, prescribe medication or verbally instruct a nurse to call in a prescription.
2. There are numerous ongoing training programs that take place at the San Benito Mental Health Department. Staff conduct bimonthly training/in-services. There is ongoing training of staff leading up to certification.
3. Staff meetings are held once a month. There is an agenda for every meeting and anyone can place an item on the agenda. Minutes are taken at every staff meeting.
4. There is a quality improvement committee. Clients are given a survey to rate various aspects of care in the Mental Health Department.
5. The Director stated that procedures for dispensing/prescribing medication are very clear.

6. The Director attends multi agency meetings, which serves to benefit the Mental Health Department.

Conclusion

In conclusion, any irregularity that may have been present in prescribing medication to the patients has been corrected. Clear guidelines have been established for prescribing medication to patients at the San Benito County Mental Health Department.

Recommendations

The Grand Jury recommends:

1. The Director and his staff to continually monitor the Department's operation to ensure that policies and procedures in all programs are followed and adhered to.
2. There should be a concerted effort to maintain a constant staff. Hire and fill vacancies as soon as possible and address and resolve the reasons for the staff's high turnover rate. Continuing education and constant awareness of the needs and concerns of the staff will promote satisfied employees.
3. Develop and train staff on the proper procedures that are to be followed when Department issues and concerns arise.
4. The Peer Review System, Quality Improvement Committees and the Employee of the Month Program are important programs to continue. Assessing each other's work is an important "checks and balance" system.

The Grand Jury may deem it necessary to perform a periodic review of the Mental Health Department to insure that all of the procedures and programs stated within this report are in fact being carried out to the best of everyone's ability. The Grand Jury also wishes to remind the San Benito County Mental Health Department that all staff programs and enhancements must be executed within the confines of the rules and regulations of our State and Federal Governments.

Affected Agencies

San Benito County Mental Health Department

San Benito County Board of Supervisors

Response Required

California Penal Code Section 933 requires that a response to the recommendations found in this final report be delivered to the presiding judge of the Superior Court within 90 days of the receipt of this report.



SAN BENITO COUNTY

HEALTH & HUMAN SERVICES AGENCY


KATHRYN FLORES
DIRECTOR

ELIZABETH FALADE, M.D., M.P.H.
HEALTH OFFICER

1111 SAN FELIPE ROAD, SUITE 206
HOLLISTER, CALIFORNIA 95023

June 2, 2006

To: Susan Thompson, County Administrative Officer

From: Kathy Flores, Director, Health and Human Services Agency 

Subject: Response to April 18, 2006 Grand Jury Report – Health and Safety Issues
at the San Benito High School Campus

Although the San Benito County Health Department was listed in the subject report as an affected agency, it has no jurisdiction over the routine inspection and maintenance of school facilities. The Environmental Health (EH) unit of the Health and Human Services Agency conducts routine inspections of the subject high school's swimming pools, cafeteria food facilities, and hazardous material facilities. The mandated inspection programs that fall under EH's jurisdiction include retail food facilities that fall under Health and Safety Code Section 113700 (school cafeteria), swimming pool(s), hazardous materials and water systems when the County has the oversight responsibility for those water systems.

Although the corrective actions cited in the subject report are outside the jurisdiction of EH, staff is obligated and committed to the continuance of routine inspections for the school's swimming pools, cafeteria food facilities, and hazardous material facilities.

If you have any question, please contact me at 636-4180 or Mr. Bob Shingai at 636-4035

Attachment: April 18, 2006 Grand Jury Report – San Benito High School Campus

San Benito County Response to the Grand Jury Report of April 18, 2006

The following is the formal San Benito County response to the April 18, 2006 Grand Jury report inclusive of the responses of the Director of the Health and Human Services Agency Kathy Flores.

Grand Jury Findings

1. There were a few points of concern in regards to the condition of the Life Skills and special education classrooms. The following were observed: holes on the carpet, dips in the floor that were trip hazard, light fixture covers falling down, changing rooms for disabled students that had no flooring (unsealed cement) that could not be cleaned or disinfected, also noted was the lack of privacy (separate room) for changing and toileting needs, and a separate room for equipment storage.

2. In other classrooms the following was found: burnt out power outlets covered with paper, wet or stained ceiling tiles (roof leaks?), moldy or broken ceiling tiles, furnaces with covers off or disconnected inside of classrooms, clutter, trip hazards and piles of papers/artwork that could be a fire/earthquake hazard.

3. Gyms and locker rooms: dripping showers, filthy locker rooms (especially those under the bleachers), light fixtures falling down within reach of showers, uncovered heating/ventilation ductwork; sinks that were beyond cleaning, sinks with blockages, feces (or what appeared to be) on the wall, a ladder, as well as equipment, in the walk way of the locker room, gym windows/screens with months of dirt/buildup on them, mats on the floor w/o tape as trip hazards and broken or chipped floor tiles. The girl's locker room was in fair condition. A new area for student backpack storage was added.

4. As stated by the superintendent, there is a plan for expansion, which includes a new Life Skills Center, a multipurpose/media center, an expanded auto shop and a PE facility. This has been budgeted for and in a master plan for the school. There are state funds also available for this project, some of which are "extra monies" not spent on the "Freshman Campus". The plan is to start this project in 2007.

Addendum:

Some improvement has been made in the cleanliness of the locker rooms and hallways, but there are still issues related to mold, clutter and hazards to the students, as stated in the attached report.

There are some new concerns that have been found on the second visit. These are:

Fire hazards: Exits not clearly marked, lack of exit signs, fire extinguishers expired, exits blocked, no exit routes as required by law, clutter.

Special Needs Rooms: Dips in floors, Poison within reach of children stove with no exhaust fan, lighting not functioning.

Director Response:

With regards to Findings #1 - #4 and the Addendum to findings, the Division of Public Health, inclusive of Environmental Health, is not mandated to perform inspections of school facilities, with the exception of routine inspections of a school's swimming pool(s), retail food facilities that fall under Health and Safety Code Section 113700 (school cafeteria), and

hazardous material facilities. Therefore, any corrective action recommended in this specific report is outside of our jurisdiction.

Board of Supervisors Response:
The Board concurs with Director Flores.

Grand Jury Recommendations:

1. The Grand Jury recommended that the following issues be addressed within 30 days of receipt of their report or as stated:

- Girls locker room in fair condition, but can be better in regards to cleanliness. Should be sanitized.
- Boys locker rooms – walls/toilets need to be cleaned and sanitized.
- Floors should be swept/mopped on a daily basis (sanitized).
- Old sinks/water fountains should be replaced (very outdated/dirty).
- Ventilation covers need to be replaced in some of the classrooms.

2. The following classrooms need immediate attention:

Classrooms #313, 314, 315 (at present these classrooms are used for sports medicine instruction):

- Electrical plugs not functioning/broken (fire hazard)
- Light fixture broken/hanging should be replaced (safety/fire hazard)
- Ceiling panels broken/hanging with signs of mold
- Floor tiles should be replaced
- Cleanliness issues should be addressed
- Furnace – cover missing (hazard)

Ceramics/art room (#305-306) clutter needs to be cleaned up (numerous trip hazards including art, piles of papers (fire hazard))

Classrooms #317 and 318: These classrooms are used for instruction of Life Skills/functional.

- Electrical issues
- Ceiling panels
- Lack of organization/clutter
- No storage for media equipment
- Lack of cleanliness (stacks of papers, TV was left on, personal items-shoes, jackets, etc.-scattered on desks, counters), outdated posters on walls need to be removed, floors should be replaced (vinyl?)

3. Projects that need to be addressed promptly:

Life Skills Area: These classrooms need to be classified as replacement classrooms. Classrooms #301-303 are in such deteriorated state that they should not be used at present time. The room that is used for Life Skills instruction for cooking is in need of a complete renovation.

- Kitchen sink leaks
- Counter top is worn out
- Plumbing is deteriorated---on-going issues with water pooling in the sink, no garbage disposal
- Kitchen appliances – refrigerator leaks, condensation forming, corrosion on bottom, moldy

- Microwave – outdated, needs to be replaced
- Stove – corroded, burners not working, dirty (fire hazard)

Wrestling gyms:

- Outdated
- No ventilation – condensation on the ceiling (lack of air circulation), facilities too small for large groups of students (students have been turned away due to lack of space to accommodate them), gyms are shared with other groups presenting the opportunity for diseases to spread (ringworm, lice, etc.)
- Mats worn-out, curling up causing them to be a trip hazard
- Floor tiles cracked/missing

Football stadium and locker rooms:

- Water fountains need to be replaced and additional need to be installed
- Major clean-up and sanitization
- Correct electrical issues such as repairing light fixtures and changing light bulbs
- Store equipment properly (sports equipment, ladders, etc.)
- Correct plumbing issues (plugged sinks, dripping faucets)

Director Response:

Although the recommended actions described in this report are outside the jurisdiction of the Environmental Health unit of the Health and Human Services Agency, staff will continue to meet its obligation and commitment to conducting routine inspections of the San Benito High School District's swimming pools, food facilities, and hazardous material facilities.

With regards to Recommendation #3, the Environmental Health (EH) unit of the Health and Human Services Agency has jurisdiction over retail food facilities that fall under Health and Safety Code Section 113700, such as a school cafeteria. However, EH does not have jurisdiction over classroom facility inspections.

Board of Supervisors' Response:

Concur with Director Flores' response.



San Benito County
CIVIL GRAND JURY

OFFICE OF THE JURY COMMISSIONER - COUNTY COURT HOUSE
440 FIFTH STREET - ROOM 205 - HOLLISTER, CA 95023
TELEPHONE (831) 636-4057
<http://www.sanbenitocountygrandjury.org>

April 18, 2006

Kathy Flores, Director
Health and Human Services
1111 San Felipe Road
Hollister, CA 95023

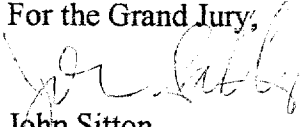
Dear Ms. Flores,

Enclosed find a copy of The County Grand Jury Report, dated April 18, 2006. It concerns health and safety issues at the San Benito High School campus.

This report will be distributed to the citizens of San Benito County on or about April 23, 2006.

This report requires a written response from the County Health Dept. within the time limits set by California Penal Code 933. (see enclosed)

For the Grand Jury,


John Sitton

San Benito High School District

April 18, 2006

Background:

This investigation was prompted by concerns of several citizens who have children or other relatives attending SBHS that have made comments regarding the upkeep and cleanliness of the school.

Objective:

1. To investigate if there was a plan for future renovations/additions.
2. To determine if the school is being properly maintained.
3. To determine if there are safety issues at the school.

Methodology:

1. Interview with high school Superintendent.
2. Interview with finance and operations director
3. To take a tour of the facilities with special interest in locker rooms, wrestling room, bathrooms and Special Education facilities.

Observations and Findings:

A tour of the facilities revealed:

1. There were a few points of concern in regards to the condition of the Life Skills and special education classrooms. The following was observed: holes on the carpet, dips in the floor that were trip hazard, light fixture covers falling down, changing rooms for disabled students that had no flooring (unsealed cement) that could not be cleaned or disinfected, also noted was the lack of privacy (separate room) for changing and toileting needs, and a separate room for equipment storage.
2. In other class rooms the following was found: burnt out power outlets covered with paper, wet or stained ceiling tiles (roof leaks?), moldy or broken ceiling tiles, furnaces with covers off or disconnected inside of classrooms, clutter, trip hazards and piles of papers/artwork that could be a fire/earthquake hazard.
3. Gyms and locker rooms: dripping showers, filthy locker rooms (especially those under the bleachers), light fixtures falling down within reach of showers, uncovered heating / ventilation ductwork, sinks that were beyond cleaning, sinks with blockages, feces (or what appeared to be) on the wall, a ladder, as well as equipment, in the walk way of the locker room , gym windows/screens with months of dirt/build-up on them, mats on the floor w/o tape as trip hazards and broken or chipped floor tiles. The girl's locker room was in fair condition. A new area for student backpack storage was added.
4. As stated by the superintendent, there is a plan for expansion, which includes a new Life Skills Center, a multipurpose/media center, an expanded auto shop and a PE facility. This has been budgeted for and in a master plan for the school. There are state funds also available for this project, some of which are "extra monies" not spent on the "Freshman Campus". The plan is to start this project in 2007.

Conclusions:

In conclusion, there are projects underway to update and alleviate some of the issues that were found during the tour of the facility. But there are issues that can not be overlooked or postponed. Flooring hazards, around the areas used by special needs students, need to be fixed immediately as well as electrical and cleanliness issues in other classrooms.

Recommendations:

The Grand Jury recommends that following issues be address within 30 days of receipt of this report or as stated:

1.
 - a. Girls locker room in fair condition, but can be better in regards to cleanliness. Should be sanitized.
 - b. Boys locker rooms--walls/toilets need to be cleaned and sanitized.
 - c. Floors should be swept/mopped on a daily basis (sanitized)
 - d. Old sinks/water fountains should be replaced (very outdated/dirty).
 - e. Ventilation covers need to be replaced in some of the classrooms

2. The following classrooms need immediate attention.

Classrooms #313, 314, 315: (at present this classrooms are used for sports medicine instruction)

- a. Electrical plugs not functioning/broken (fire hazard)
- b. Light fixture broken/hanging should be replaced (safety/fire hazard)
- c. Ceiling panels broken/hanging with signs of mold
- d. Floor tiles should be replaced
- e. Cleanliness issues should be addressed.
- f. Furnace--vent cover missing (hazard)
- g. Ceramics/art room (#305-306) clutter needs to be cleaned up (numerous trip hazards including art, piles of papers (fire hazard)

Classrooms # 317 & 318: The word that best describes these classrooms is **DISASTER!**

These classrooms are used for instruction of Life Skills/functional.

- a. Electrical issues
- b. Ceiling panels
- c. Lack of organization/clutter
- d. No storage for media equipment--
- e. Lack of cleanliness (stacks of papers, TV was left on, personal items-shoes, jackets, etc.-scattered on desks, counters), outdated posters on walls need to be removed, floors should be replaced (vinyl?)

3. **Projects that need to be addressed promptly:**

- A. Life Skills Area: This classrooms need to be classified as replacement classrooms. Classrooms # 301-303 are in such deteriorated state that they should not be used at present time.
The room that is used for Life Skills instruction for cooking is in need of a complete renovation.
- a. Kitchen sink leaks
 - b. Counter top is worn out
 - c. Plumbing is deteriorated----on-going issues with water pooling in the sink, no garbage disposal
 - d. Kitchen appliances---refrigerator leaks, condensation forming, corrosion on bottom, moldy
 - e. Microwave---outdated, needs to be replaced
 - f. Stove----corroded, burners not working, dirty (fire hazard)
- B. Wrestling gyms:
- a. OUTDATED
 - b. NO VENTILATION--condensation on the ceiling (lack of air circulation), facilities too small for large groups of students (students have been turned away due to lack of space to accommodate them), gyms are shared with other groups presenting the opportunity for diseases to spread (ringworm, lice, etc.)
 - c. Mats worn-out, curling up causing them to be a trip hazard
 - d. Floor tiles cracked/missing
- C. Football Stadium and locker rooms:
- a. Water fountains need to be replaced and additional need to be installed
 - b. MAJOR clean-up and sanitization!
 - c. Correct electrical issues such as repairing light fixtures and changing light bulbs
 - d. Store equipment properly (sports equipment, ladders, etc.)
 - e. Correct plumbing issues (plugged sinks, dripping faucets)

The 2005-2006 Grand Jury Committee may deem it necessary to perform future inspections of the San Benito High School facilities to insure that recommendations have been acknowledged and steps have been taken to resolve these issues.

Affected Agencies

San Benito High School District Board of Education
City of Hollister Fire Marshall
California Department of Forestry (CDF)
San Benito County Health Department

Response required

California Penal Code Section 933 requires that a response to the recommendations found in this final report be delivered to the presiding judge of the Superior Court within 90 days of the receipt of this report.

Addendum:

We, The Grand Jury, revisited San Benito High School facilities on February 28th, 2006, with City Fire Marshall, Finance and Operations Director, and the High School Maintenance Director.

The following are some of our findings:

Some improvement has been made in the cleanliness of the locker rooms and hallways, but there are still issues related to mold, clutter and hazards to the students, as stated in the attached report.

There are some new concerns that have been found on the second visit. These are:

Fire Hazards: Exits not clearly marked, lack of exit signs, fire extinguishers expired, exits blocked, no exit routes as required by law, clutter.

Special Needs Rooms: Dips in floors, Poison within reach of children, stove with no exhaust fan, lighting not functioning.



COUNTY OF SAN BENITO
BOARD OF SUPERVISORS

481 FOURTH STREET, HOLLISTER, CALIFORNIA 95023

(831) 636-4000 • FAX (831) 636-4010

Don Marcus
District No. 1

Anthony Botelho
District No. 2

Pat Loe
District No. 3

Reb Monaco
District No. 4

Jaime De La Cruz
District No. 5

July 5, 2006

The Honorable Stephen Sanders
Presiding Judge San Benito County Superior Court

Dear Judge Sanders

On July 5, 2006 the San Benito County Board of Supervisors approved the County's attached formal response to the Grand Jury Report of April 18, 2006 regarding the upkeep and cleanliness of the San Benito High School facilities. The Director of Health and Human Services Agency prepared her response which has been incorporated into the County's response for the convenience of the Grand Jury.

Please extend our appreciation to the Grand Jury for their continued dedication and service to the community.

Sincerely,

Pat Loe, Chair
San Benito County Board of Supervisors