



Agenda Date: 3/15/2005  
Agenda Placement: 8D  
Set Time: 10:15 AM PUBLIC HEARING  
Estimated Report Time: 10 Minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Shelli Brobst for Randolph F. Snowden - Director  
Health & Human Services  
**REPORT BY:** Shelli Brobst, Contracts Analyst, 253-4720  
**SUBJECT:** Public Hearing - Administrative Fees for Drug Diversion Programs

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### **RECOMMENDATION**

Consideration and possible adoption of a resolution establishing administrative fees for the certification and monitoring of community-based organization drug diversion programs.

### **EXECUTIVE SUMMARY**

The resolution establishes certification and monitoring fees for drug diversion programs to be operated by community-based organizations. These organizations will be certified by the County's Alcohol and Drug program upon completion of an application and will be monitored on an annual basis to ensure compliance with the California Code of Regulations.

### **FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Substance Abuse Services
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Although the Drug Diversion Program is mandated by the Code of Regulations, the county has the option to certify community-based organizations as service providers. If HHSA certifies a service provider in April 2005, the county will save approximately \$15,000 in county dollar staffing and program costs in Fiscal Year 2004-2005. If the county certifies a single provider, the county will generate a small amount of revenue (approximately \$1,340) in Fiscal Year 2004-2005 from certification and monitoring fees and

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	less than \$1,000 annually thereafter (monitoring fees only).
Is the general fund affected?	No
Future fiscal impact:	In future fiscal years, the drug diversion program and its related expenses will not be budgeted in the Substance Abuse Services Division budget. Instead, a minimal amount of revenue generated from administrative fees will be budgeted.
Consequences if not approved:	If these fees are not approved, the drug diversion program will need to be maintained within the Substance Abuse Services Diversion budget.
Additional Information:	None

### **ENVIRONMENTAL IMPACT**

There is no Environmental Impact for this item.

### **BACKGROUND AND DISCUSSION**

California Penal Code sections 1000 through 1000.5 ("PC 1000") allow for defendants charged with certain drug possession violations to be granted by the court a deferred entry of judgment and referral to a drug diversion program. All referrals for drug diversion programs granted by the court shall be made only to programs that have been certified by the county drug program administrator and approved by the county board of supervisors. Defendants eligible for the deferred entry of judgment and participation in a drug diversion program must meet the following conditions:

1. The defendant has no conviction for any offense involving controlled substances prior to the alleged commission of the charged offense;
2. The offense charged did not involve a crime of violence or threatened violence;
3. No evidence exists of a violation relating to narcotics or restricted dangerous drugs other than a violation of possession identified in Penal Code section 1000 (a);
4. The defendant's record does not indicate that probation or parole has ever been revoked without thereafter being completed;
5. The defendant's record does not indicate that he or she has successfully completed or been terminated from diversion or deferred entry of judgment pursuant to this chapter within five years prior to the alleged commission of the charged offense; and
6. The defendant has no felony conviction within five years prior to the alleged commission of the charged offense. Upon successful completion of a drug diversion program, the court shall dismiss the charge or charges against the defendant.

For at least the past 11 years, the PC 1000 drug diversion program has been offered in only one location in Napa County through the county's Substance Abuse Services Division of the Health and Human Services Agency. Over the past few years PC 1000 expenditures have exceeded revenue collected from PC 1000 participants.

Section 1211 of the Penal Code promotes the expansion and availability of drug diversion programs in each county as long as minimum requirements, criteria, and fees for the successful completion of drug diversion programs are established in order to ensure the quality of such programs. In late 2003 HHSA proposed that

the county establish certification standards for the PC 1000 program that would allow community-based organizations to become certified PC 1000 providers. On December 16, 2003 the Board of Supervisors approved Standards for the Certification and Operation of Penal Code 1000/1000.5 Drug Diversion Programs, as described in Section 1211 of the Penal Code. PC 1000 programs certified by the county will be supported entirely by client fees collected by the provider(s). This will, in turn, allow the county to end the existing county contribution to the PC 1000 program. HHSA will continually monitor certified programs to assure compliance with PC 1000 standards and state regulations.

During a period of ongoing staffing changes, HHSA's Substance Abuse Services Division has developed a proposal for certification and monitoring fees to cover the costs of certifying local providers. This proposal is presented for Board approval today. Once the fees are approved, community-based organizations may apply to become certified PC 1000 providers.

### **SUPPORTING DOCUMENTS**

A . Resolution

CEO Recommendation: Approve

Reviewed By: Meegan Condon