

PLANNING COMMISSION

Jay Goyal, Chair

John Grass, Vice-Chair

Kevan Hutchinson

George A. Marquez

Robert Palacio

Darren Smith

Cynthia Vandiver



AGENDA

**PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, OCTOBER 18, 2023 AT 5:30 P.M.
CITY COUNCIL CHAMBERS
383 MAIN STREET
BRAWLEY, CALIFORNIA**

1. CALL TO ORDER / ROLL CALL
2. APPROVE AGENDA
3. APPROVE MINUTES
4. PUBLIC APPEARANCES

The Planning Commission encourages citizen participation on all matters presented for their consideration. Members of the public who wish to speak on an issue that is not on the agenda may do so during the "Public Appearances" section at any meeting. The Planning Commission does not take action on items presented under Public Appearances.

PUBLIC HEARING

5. Conditional Use Permit 23-07 is for the installation of an Adult Substance Use Disorder (SUD) Treatment Clinic. The property is a developed 1-acre site, zoned C-P (Service Professional), and most recently was used as a medical plaza. The proposed clinic would operate Monday through Friday from 7:30am to 5:30pm, excepting holidays. Substance Use Disorder Clinics are not allowed in the C-P zone, by right, but are permitted subject to the approval of a Conditional Use Permit (CUP). The proposed project will require approval from the Planning Commission under CUP#23-07.

Property Owner:

Shine Investments & Catalyst Development
LLC - Ray D. Roben

Representative/Applicant:

Shine Investments & Catalyst Development
LLC / Imperial County Behavioral Health

Legal Description:

Tract 113, Township 13 and 14 South, Range 14 East, In
the City of Brawley, County of Imperial, State of
California

APN:

048-320-002

Location:

197 W. Legion Road

7. NEXT MEETING DATE

November 1, 2023 - Tentative

8. ADJOURNMENT

Supporting documents are available for public review in the Planning Department, 205 S. Imperial Avenue, Brawley, Monday through Friday, during regular posted business hours. The agenda is also available online at www.brawley-ca.gov. Individuals who require special accommodations are requested to give 24-hour prior notice. Contact: Jasmine Ramos, Administrative Office Clerk, 760-351-3048

The Planning Commission of the City of Brawley, California, met in Regular Session at 5:30 p.m., City Council Chambers, 383 Main Street, Brawley, California, on Wednesday, August 2, 2023

1. CALL TO ORDER/ROLL CALL

The meeting is called to order by Acting Chairman Jay Goyal at 5:30 p.m.

Present: John Grass, Kevan Hutchinson, G. Marquez, R. Palacio, Cynthia Vandiver,

Absent: Darren Smith

2. APPROVAL OF AGENDA

Motion: The Planning Commission approves the agenda as presented.

M/S/C: Hutchinson/Palacio/6-0

3. APPROVAL OF MINUTES

Motion: Approval of the Planning Commission Meeting Minutes for June 2, 2023.

M/S/C: Palacio/Marquez/6-0

4. PUBLIC APPEARANCE

Acting Chairman Goyal called for public appearances. No comments were made. Public comments concluded at 5:31 p.m.

5. CUP 23-01

Conditional Use Permit 23-01 is for the construction of an 85-foot mono-tree wireless telecommunication facility and related equipment. The property is a developed 1-acre site, zoned C-P (Service and Professional). Communication facilities are not allowed in the C-P zone, by right, but are permitted subject to the approval of a Conditional Use Permit (CUP). The proposed project will require approval from the Planning Commission under CUP#23-01, Variance #23-01, and adoption of the project Negative Declaration.

Property Owner:	Donald M. Ehman Enterprise, LLC
Representative:	MD7
Legal Description:	Tract 113, Township 13 and 14 South, Range 14 East, In the City of Brawley, County of Imperial, State of California
APN:	048-320-002

Location: 197 W. Legion Road

Motion: The Planning Commission approves CUP 23-01 as presented.

M/S/C: Hutchinson/Palacio/6-0

6. PM 23-05

A Parcel Map (PM 23-05) to subdivide a developed 3.23-acre parcel into four parcels with a remainder parcel to allow for low density residential development. The property is currently zoned R-2 (Residential Low Density). The parcel is abutting C Street and B Street located at 1561 C Street.

Property Owner: Jay Goyal, ETC Custodian
Representative: David Beltran, Dynamic Consulting
Legal Description: Lot 6, Brawley Subdivision 1, in the City of Brawley, County of Imperial, State of California, according to Map No. 56 in the Office of the County Recorder
APN: 047-240-040

Motion: The Planning Commission approves PM 23-05 as presented.

M/S/C: Hutchinson/Palacio/*5-0

* Jay Goyal recused himself.

7. CUP 23-05

Conditional Use Permit 23-05 is for a truck fleet repair shop to be located in an unoccupied building, zoned C-3 (Heavy Commercial). Truck shops are not allowed in the C-3 zone, by right, but are permitted subject to the approval of a Conditional Use Permit (CUP). The proposed project will require approval from the Planning Commission under CUP#23-05.

Property Owner: Melony Ane Owens Kempf and
Joy Lynn Harder Etal
Representative: One World Fleet Services

Legal Description: S375 FT, Lot 48, Brawley SUB 1, 2.64 AC EXC
POR in HWY 111, in the City of Brawley, County of
Imperial, State of California

APN: 047-380-023

Location: 575 US Highway 111

Motion: The Planning Commission approves CUP 23-05 as presented.

M/S/C: Hutchinson/Grass/6-0

8. ADOPT PLANNING COMMISSION RULES AND PROCEDURES

Motion: The Planning Commission adopts the Planning Commission Rules and Procedures.

M/S/C: Palacio/Marquez/6-0

9. ELECTION OF OFFICERS

Motion: The Planning Commission nominates and approves Jay Goyal as Chair.

The Planning Commission nominates and approves John Grass as Vice-Chair.

M/S/C: Marquez/Hutchinson/6-0

M/S/C: Vandiver/Hutchinson/6-0

10. NEXT MEETING DATE

September 6, 2023

11. ADJOURNMENT

Motion: The Planning Commission meeting adjourned at 6:18 p.m.

M/S/C: Marquez/6-0

DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

Conditional Use Permit#: CUP 23-07 - Adult Substance Use Disorder Treatment Program Clinic

Property Owners: Donald M. Ehman Enterprise LLC

**Applicant/
Representative:** Imperial County Behavioral Health/Shine Investments & Catalyst Development LLC - Ray Roben

Legal Description: Tract 113, Township 13 and 14 South, Range 14 East, In the City of Brawley, County of Imperial, State of California
APN: 048-320-002

Location: 197 W. Legion Road

Area: 1 Acre {43,560 Square Feet}

Zoning: C-P {Service and Professional}

Existing Use: Not in use. Its most recent use was a Medical Plaza

Proposed Use: Adult Substance Use Disorder (SUD) Treatment Program Clinic

Surrounding Land Uses:

North-	C-2 (Medium Commercial)/ Medical Plaza
South-	C-3 (Heavy Commercial)/Medical Plaza and Mini Storage
East-	C-P (Service and Professional)/ Church/School Facility
West-	C-P (Service and Professional)/ PMH Hospital/Daycare Facility

General Plan Designation: Commercial

Conditional Use Permit: CUP 23-07 - Adult Substance Use Disorder (SUD) Clinic

General Information:

The applicant is requesting a conditional use permit to allow the implementation of an Adult Substance Use Disorder (SUD) Clinic. The property is a developed 1-acre site, zoned C-P (Service Professional), and most recently was used as a medical plaza. The proposed clinic would operate Monday through Friday from 7:30am to 5:30pm, excepting holidays. Article II of the Brawley Municipal Code defines a medical clinic as delivering outpatient medical and mental healthcare, inclusive of healthcare centers. Health centers are prohibited in the C-P Zone; however, medical clinics are allowed by right. The more restrictive use prevails. The SUD Clinic is permissible in the C-P zone via a conditional use permit.

The applicant has four existing SUD facilities, two located in Calexico and the two in El Centro. A project vicinity map and existing facility conditions are included as EXHIBIT A. The proposed site would provide outpatient services including up to 19 hours of counseling; treatment planning; crisis intervention; discharge planning; withdrawal management; prescribing and administration of non-controlled and controlled substances; and providing services to address social, psychosocial, and environmental factors associated with drug use. Services will be provided in a group setting or individually. The approximately 6,800 sqft facility will consist of six (6) therapy rooms; three (3) group rooms; reception area, staff cubicles; physician and management offices; medication room; equipment room; IT room; break room; and restrooms. Parking is required at a ratio of one stall for each 200 feet of building gross floor area. A detailed description of the proposed services to be provided at the site is included as EXHIBIT B. In other areas within Imperial County, it has been observed that facilities that dispense/administer medication assisted treatment for opioid and alcohol use have led to an increased incidence of loitering, unpermitted encampments, and blight within the project site vicinity. As a condition of approval, the facility will be required to promptly address complaints of loitering, encampments within the vicinity of the facility. The conditional approval will be subject to revocation should an increased incidence of crime, loitering, defacement of private/public property is reported within the vicinity of the project site. Increased crime, loitering, and defacement of properties will create a deterrent to developing and maintaining a safe and vibrant community. Imperial County Behavioral Health has received audits from the California Department of Health Care Services for its implementation of the Drug Medi-Cal Organized Delivery System. Within the past two years, Imperial County Behavioral Health has shown to be deficient in its personnel training for Withdrawal Management and continued education training in addiction medicine, EXHIBIT C. As a condition of approval, the facility will need to remain in good standing with the California Department of Health Care Services (DHCS). The City has received a written Public Comment regarding the project, EXHIBIT D.

Planning Commission basis for approval:

- A. The conditional use permit for a Substance Use Disorder Clinic protects the best interest, health, safety and welfare of the public in general.
- B. The conditional use permit for a Substance Use Disorder Clinic complies with all of the standards and conditions applicable in the zoning district in which it is proposed to be located.
- C. The conditional use permit for a Substance Use Disorder Clinic is in accordance with and in furtherance of the Brawley General Plan, any special neighborhood plans or policies adopted by the City regarding the development area, or any approved concept plan.
- D. The conditional use permit for a Substance Use Disorder Clinic is adequately served by and will not impose an undue burden upon the public improvements and rights-of-way by which it will be served or benefited, or which exist or are planned for installation within its boundaries or their immediate vicinity.
- E. Any impacts created by the proposed Substance Use Disorder Clinic on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development.
- F. The design of the Substance Use Disorder Clinic mitigates substantial environmental problems.

Conditional Use Permit: CUP 23-07 - Adult Substance Use Disorder (SUD) Clinic

- G. The Substance Use Disorder Clinic is compatible with adjacent structures and uses.
- H. The proposed Substance Use Disorder Clinic is not materially detrimental to the enjoyment or valuation of the property adjacent to the site.

Conditions of Approval:

If approved, the Planning Department recommends the following conditions:

1. The conditional approval of the Conditional Use Permit (CUP) 23-07 shall not constitute the waiver of any requirement of the city's ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.
2. The Applicant/Developer/Owner shall obtain a Building Permit for all building construction and on-site improvements including permanent and temporary signs, and landscaping when applicable. Inspections for compliance shall be obtained prior to issuance of a Certificate of Occupancy and or issuance of a business license.
3. The applicant shall comply with all local, state and/or federal laws, rules, regulations and/or standards as they may pertain to this project, whether specified herein or not with the most stringent prevailing.
4. Applicant shall ensure facility employees, patrons, guests, etc. abide by the conditions of approval.
5. The Developer/Applicant/Owner shall pay all applicable impact and capacity fees.
6. Parking shall be installed in accordance with Article XI of the Brawley Zoning Ordinance.
7. Security will be provided during all hours of operation. Loitering adjacent and within the vicinity of the facility will be addressed promptly. Unpermitted encampments within the vicinity of the facility will be monitored and removed at the sole responsibility and expense of the applicant. Loitering or encampments persisting longer than 24 hours will constitute a nuisance and shall serve as a basis for revocation of CUP 23-07.
8. Applicant and any occupant, tenant, licensee, employee or contractor operating at the site or using this Conditional Use Permit shall not distribute or otherwise provide any medication, drugs, chemicals or compounds of any type, syringes, or any item for the treatment of opioid, cannabis, and or any other medication assisted treatment.
9. Applicant and any occupant, tenant, licensee, employee or contractor operating at the site, may not seek or obtain any methadone treatment or opioid treatment classification, accreditation or licensing from any government agency or other regulatory body for this Assessor's Parcel Number or under this Conditional Use Permit.
10. Applicant and any occupant, tenant, licensee, employee or contractor operating at the site of this Assessor's Parcel Number or using this Conditional Use Permit may not provide any methadone distribution or administer any other type of medication assisted opioid treatment.
11. No distribution of any tangible thing which could be provided or distributed under any Certification, license or other permission from the State of California Department of Health Care Services or from any other government agency or regulatory body to operate any alcohol and/or drug abuse recovery or treatment facility may be done by applicant or any occupant, tenant, licensee, employee or contractor operating at the site of this Assessor's Parcel Number or using this Conditional Use Permit.
12. Hours of Operation will be Monday through Friday 7:30am to 5:30pm.
13. Services will be rendered by appointment only.
14. Installation of adequate lighting, security cameras that interface with the Brawley Police Department Flock Safety System, and any other relevant crime deterrent methods.

Conditional Use Permit: CUP 23-07 - Adult Substance Use Disorder (SUD) Clinic

15. Facility shall remain in good standing with the California Department of Health Care Services (CDHCS). Failure to remain in good standing with CDHCS will serve as a basis for revocation of CUP 23-07.
16. The provisions of the permit are to run with the land/project and shall bind the current and future owner(s) successor(s) in interest, assignee(s) and/or transferor(s) of said project.
17. If the city finds and determines that the Permittee or successor-in-interest has not complied or cannot comply with the terms and conditions of the CUP, or the Planning/Building Department determines that the permitted activities constitute a nuisance, the City shall provide Permittee with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee cannot comply with the conditions set forth in the CUP, then the matter shall be referred to the Planning Commission for permit modification, suspension, or termination, or to the appropriate enforcement authority.
18. As between the city and the Permittee, any violation of this permit may be a "nuisance per se". The City may enforce the terms and conditions of this permit in accordance with its Codified Ordinances and/or State law. The provisions of this paragraph shall not apply to any claim of nuisance per se brought by a third party.
19. Permittee shall not be permitted to maintain a "nuisance", which is anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the re-located business.
20. Applicants shall, to the fullest extent permitted by law, indemnify and save the City of Brawley and its respective agents, officers, and employees, free and harmless of and from all claims, demands, losses and liability, including costs and legal fees arising directly or indirectly out of the process associates with issuance of this permit or activities undertaken in connection with issuance of this permit, excepting only claims arising from the solo negligence or misconduct.

Conditional Use Permit: CUP 23-07 - Adult Substance Use Disorder (SUD) Clinic

The recommendation is based on the following findings:

1. The proposal was prepared in accordance with the California Environmental Quality Act (CEQA) and is exempt pursuant to Section 15301 - Minor Alterations.
2. The location of the project and surrounding land uses make it unlikely the project will cause significant environmental impacts.
3. Without mitigation measures, approval of the conditional use permit may be detrimental to the public welfare or detrimental to the health and safety of the residents of the City of Brawley.
4. The site plan is consistent with the General Plan and the character of the area for that type of land use.
5. The conditional use permit meets the standards of Article XIX of the Brawley Zoning Ordinance.

The Brawley General Land Use Map designates this property for **Commercial** land uses.

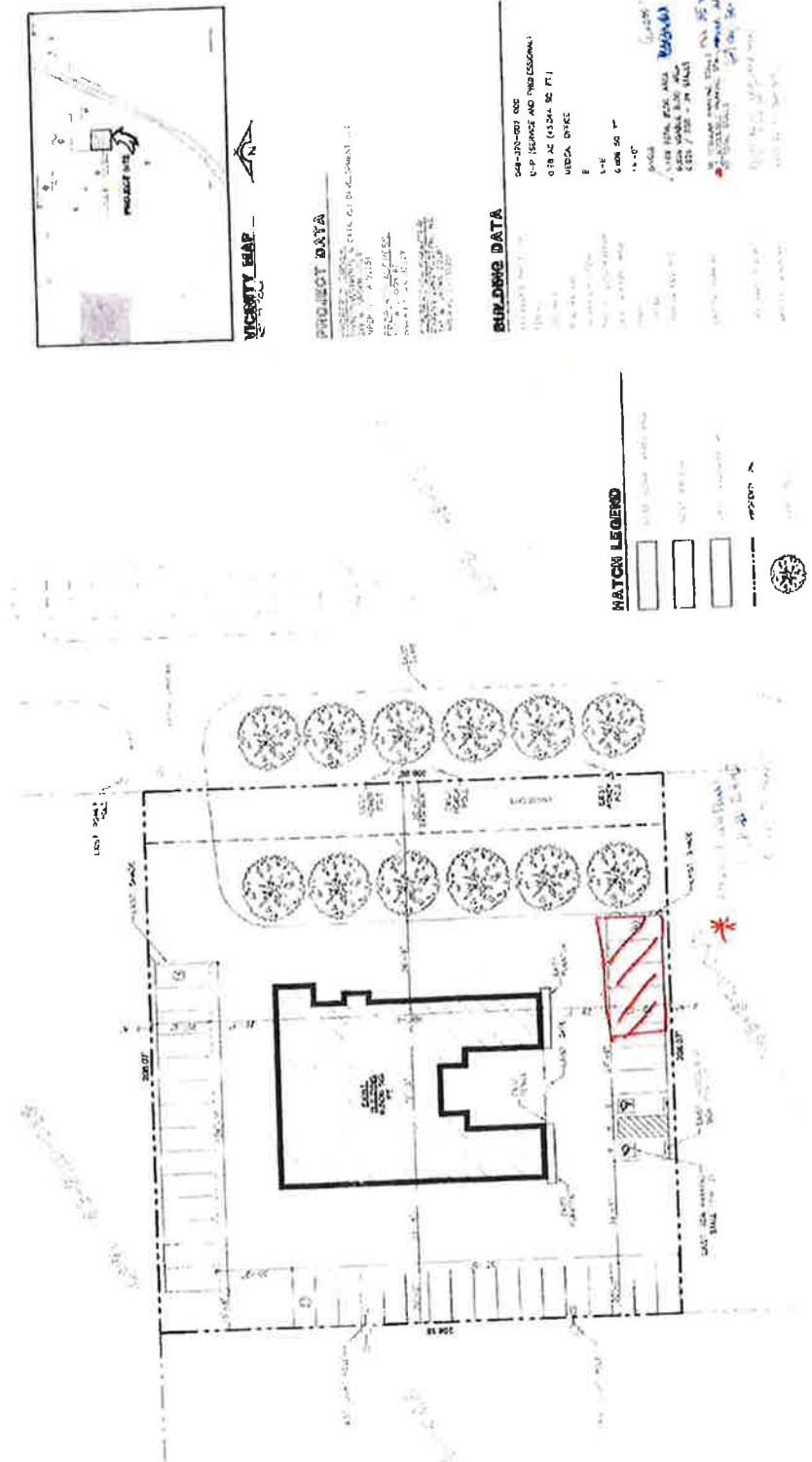
C-P (Service and Professional) zoning permits a Substance Use Disorder Clinic by **Conditional Use Permit** only.

ATTACHMENT: Location Maps, Existing Locations, and Facility Use Description, Public Comment.

NOTE TO THE PROPERTY OWNER: DEVELOPMENT REVIEW COMMITTEE POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE MEETING FOR THIS ITEM. YOU WILL REMAIN IN THE WAITING AREA UNTIL YOUR ITEM IS HEARD. FAILURE TO ATTEND THE MEETING WILL RESULT IN RESCHEDULING TO THE NEXT DRC MEETING. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING DEPARTMENT AT (760) 344- 8822.

B.H. SUBSTANCE USE

197 W. LEGION RD., BRAWLEY, CA. 92227



MATCH LEGEND

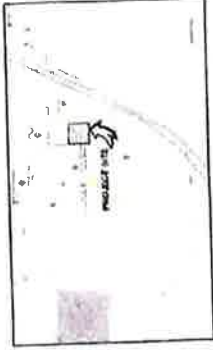
[Symbol]	EXISTING
[Symbol]	NEW
[Symbol]	PROPOSED

PROJECT DATA

PROJECT NO. 2023-028
 DATE: 07/17/2023
 CLIENT: B.H. SUBSTANCE USE
 ADDRESS: 197 W. LEGION RD., BRAWLEY, CA 92227

BUILDING DATA

DATE: 07/17/2023
 BY: [Name]
 0.78 AC (33244 SQ. FT.)
 USCA, DRKCE



VICINITY MAP

EXISTING SITE PLAN

SCALE: 1" = 30'-0"

PROPERTY OWNER'S USE ONLY
 THIS PLAN IS THE PROPERTY OF DUGGINS CONSTRUCTION, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DUGGINS CONSTRUCTION, INC.

DUGGINS CONSTRUCTION

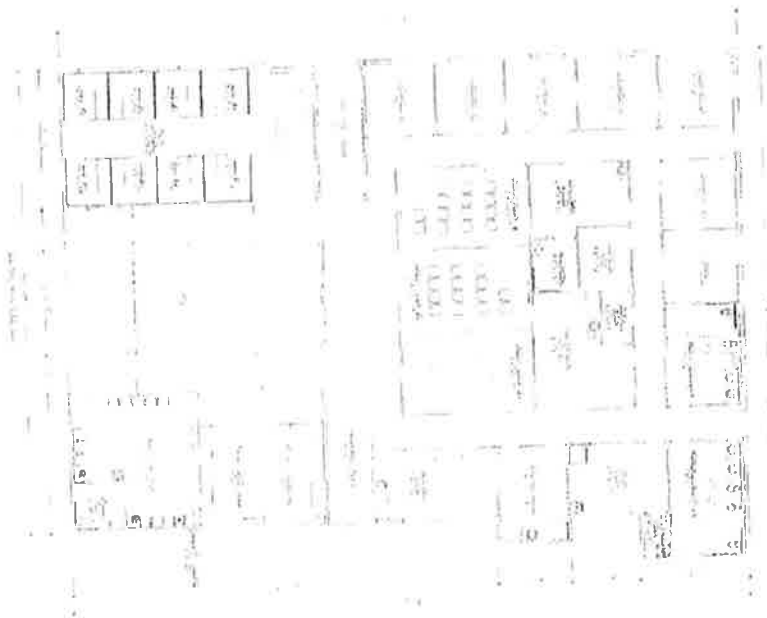
2023-028

07/17/2023

AS SHOWN

EXISTING SITE PLAN

PROPOSED FLOOR PLAN



SHEET TITLE	
NO.	1
DATE	07/18/2023
BY	DCI
CHECKED BY	DCI
SCALE	AS SHOWN
PROJECT	PROPOSED FLOOR PLAN

G.N. BUNYAKOV INC.
 21 MIDWAY
 07/18/2023
 PROPOSED FLOOR PLAN

DCI DUGGINS
 CONSULTING
 ARCHITECTS
 1000 W. UNIVERSITY AVENUE, SUITE 200
 DENVER, COLORADO 80202
 PHONE (303) 733-1100
 WWW.DCIDUGGINS.COM

DATE: 07/18/2023
 BY: DCI
 CHECKED BY: DCI
 SCALE: AS SHOWN
 PROJECT: PROPOSED FLOOR PLAN

EXHIBIT A

Project Vicinity

197 W. Legion Rd.



EXHIBIT A.1

EXISTING FACILITIES & CONDITIONS

Adult Substance Use Disorder El Centro Treatment Program
2695 S. 4th Street, Suite A, El Centro, CA 92243



- **Well-maintained**



- **Loitering**
- **Encampments**

EXISTING FACILITIES & CONDITIONS

Adolescent Substance Use Disorder El Centro Treatment Program
315 S. Waterman Avenue, El Centro, CA 92243



- **Well-maintained**
- **No Loitering**
- **Adjacent businesses include the Grocery Outlet, Paleteria Cachanilla, and IID Offices**

EXISTING FACILITIES & CONDITIONS

Adult Substance Use Disorder Calexico Treatment Program

25 E. 3rd Street, Calexico, CA 92231



- Well-Maintained



- Loitering
- Encampments

- Alley
- Across the street
- Bus Shelter across the street
- Nearby Gas Station

EXISTING FACILITIES & CONDITIONS

Adolescent Substance Use Disorder Calexico Treatment Program

101 Hacienda Drive, Suite B, Calexico, CA 92231



- Well-maintained
- No Loitering

Imperial County Behavioral Health Services (ICBHS) seeks to lease the building located at 197 Legion Rd., Brawley, CA 92227, for the purpose of implementing and Adult Substance Use Disorder (SUD) Treatment Program. Through this implementation, ICBHS aims to expand treatment services, improve access to care, and properly address the needs of individuals and their families living with a substance use disorder.

ICBHS has four SUD treatment clinics in Imperial County that are located in the Cities of El Centro and Calexico. Each city has a clinic to treat adolescents the adult population separately. Additionally, ICBHS provides SUD treatment services to adolescents at 10 schools within Imperial County. Adult individuals in need of SUD treatment who reside in the north-end area of Imperial County have to travel to El Centro to access care. By establishing clinic in the City of Brawley, ICBHS will ensure that individuals receive the necessary treatment within their community and will address barriers to care, such as transportation.

The California Opioid Overdose Surveillance Dashboard reported that in year 2021 (year 2022 data is not yet available) the population mostly affected by opioid-overdose deaths resided in the cities of Brawley, Westmorland, and Winterhaven; the population mostly affected by any opioid-related overdose emergency department visits resided in the cities of Brawley and Westmorland; and the population mostly affected by psychostimulant-related overdose deaths resided in the cities of Brawley, Calipatria, Niland, Thermal, and Winterhaven. Through the offered services at the SUD treatment programs, ICBHS plans to address this concerning problem and improve the health and wellness of the Imperial County north-end community.

The Adult Brawley SUD Treatment program will serve individuals ages 18 and older who are diagnosed with a wide range of SUD conditions. The clinic will consist of approximately 15 staff and treatment providers that will consist of therapists, SUD counselors, psychiatrist, nurse, mental health workers, a program supervisor, and administrative support staff. The clinic's hours of operation will be Monday through Friday from 7:30 a.m. to 5:30 p.m. with the exception of holidays.

Depending upon the client's specific needs and assessed level of care, one or more of the following services may be provided:

Intake Assessment: The first appointment with a qualified treatment provider who will conduct a screening to determine the presence of a SUD condition and immediately provide necessary services based on the individual needs. Furthermore, a qualified therapist will conduct a comprehensive assessment based on the American Society of Addiction Medicine (ASAM) criteria to determine the individual's appropriate level of care.

Outpatient Services: Services that consist of up to nine (9) hours per week of medically necessary SUD services that include assessment, treatment planning, individual and group counseling, family therapy, patient education, medication services, collateral services, crisis intervention, and discharge planning.

Intensive Outpatient: Intensive services that consist of a minimum of nine (9) hours and a maximum of nineteen (19) hours per week of medically necessary SUD services that include assessment, treatment planning, individual and group counseling, family therapy, patient education, medication services, collateral services, crisis intervention, and discharge planning.

Withdrawal Management: Two levels of medically necessary outpatient withdrawal management provided by a licensed physician with specialty in addiction medicine and a licensed vocational nurse. Services include assessment, on-site monitoring, medication services, coordination, and discharge planning.

Care Coordination Services: Services that support clients as they move through the continuum of SUD care. Services will assist clients to access needed medical, educational, social, prevocational, vocational, rehabilitative, or other community services. The major role of the assigned SUD Counselor or clinician will be to provide evidence-based interventions that will assist clients in having successful transitions throughout the levels of care and gain overall recovery.

Medication for Addiction Treatment (MAT): Services that include the ordering, prescribing, administering, and monitoring of medication for the treatment of chronic alcohol and opioid use disorders. A licensed physician with specialty in addiction medicine and a licensed vocational nurse will provide services when medically necessary. The following MAT medications can be prescribed: Acamprosate, Disulfiram, Naltrexone, and Buprenorphine.

Clinician Consultation: Services to support ICBHS physicians and licensed therapists providing SUD services with complex cases, which may address medication selection, dosing, side effects management, adherence, drug-drug interactions, or level of care considerations.

Recovery Services: Services available to clients who have completed a primary course of treatment. Services will be available to clients whether they are triggered, have relapsed, or as a preventive measure to prevent relapse. Services will be provided within the context of a treatment plan, which will include a plan for ongoing recovery and relapse prevention.

ICBHS will take measures to ensure the clinic and the area surrounding the clinic is free from loitering and defacement. Some of these measures include but is not limited to security guards patrolling and monitoring the clinic and surrounding area and having proper exterior lighting outside the clinic, among other safety measures.

ICBHS is strongly committed to provide quality professional SUD treatment services to individuals with substance use disorders by providing a whole person care approach. The treatment of SUD is complex and requires considering the full spectrum needs such as medical and behavioral. ICBHS has developed effective working relationships with local hospitals, pharmacies, other medical providers, law enforcement, and numerous community agencies to address the numerous needs of clients accessing services. This involves addressing social determinants of health, such as employment, housing stability, proximity to services, and

education, which have an impact on behavioral health outcomes. ICBHS is dedicated to the wellbeing and recovery of all residents in Imperial County. The two Adult SUD Treatment clinics already established in the cities of El Centro and Calexico have been operating successfully. ICBHS is highly experienced in the operations and provision of behavioral health services and ensures that treatment providers are qualified and trained in evidence-based practices that produce positive outcomes. Establishing a clinic in Brawley will increase resources to a community much in need.



May 22, 2023

THIS LETTER SENT VIA EMAIL TO: letyplancarte@co.imperial.ca.us

Ms. Leticia Plancarte-Garcia, MSW, MPA, Director
Imperial County Behavioral Health Services
202 North 8th Street
El Centro, CA 92243

SUBJECT: ANNUAL COUNTY COMPLIANCE SECTION DMC-ODS FINDINGS REPORT

Dear Director Plancarte-Garcia:

The Department of Health Care Services (DHCS) is responsible for monitoring compliance to the requirements of the Drug Medi-Cal Organized Delivery System (DMC-ODS) and the terms of the Intergovernmental Agreement operated by Imperial County.

The County Compliance Section (CCS) within the Audits and Investigations Division (A&I) of DHCS conducted a review of the County's compliance with contract requirements based on responses to the monitoring instrument, discussion with county staff, and supporting documentation provided by the County. Enclosed are the results of Imperial County's Fiscal Year 2022-23 DMC-ODS compliance review. The report identifies deficiencies, required corrective actions, advisory recommendations, and referrals for technical assistance.


Imperial County is required to submit a Corrective Action Plan (CAP) addressing each compliance deficiency (CD) to the Medi-Cal Behavioral Health – Oversight and Monitoring Division (MCBH-OMD), County/Provider Operations and Monitoring Branch (CPOMB) Liaison by 7/24/2023. Please use the enclosed CAP form to submit the completed CAP and supporting documentation via the MOVEit Secure Managed File Transfer System. For instructions on how to submit to the correct MOVEit folder, email MCBHOMDMonitoring@dhcs.ca.gov.

If you have any questions, please contact me at michael.bivians@dhcs.ca.gov.

Sincerely,

Michael Bivians | Unit Chief

California Department of Health Care Services
Audits and Investigations/County Compliance Section
1500 Capitol Ave. | Sacramento, CA | 95814
MS Code 2305 | www.dhcs.ca.gov

State of California 
Gavin Newsom, Governor

Distribution:

To: Director Plancarte-Garcia,

Cc: Mateo Hernandez, Audits and Investigations, Medical Review Branch Acting Chief
Catherine Hicks, Audits and Investigations, Behavioral Health Compliance Section Chief
Ayesha Smith, Audits and Investigations, Behavioral Health Compliance Unit Chief
Michael Bivians, Audits and Investigations, County Compliance Monitoring II Chief
Cindy Berger, Audits and Investigations, Provider Compliance Unit Chief
Sergio Lopez, County/Provider Operations Monitoring Section I Chief
Tony Nguyen, County/Provider Operations Monitoring Section II Chief
MCBHOMDMonitoring@dhcs.ca.gov, County/Provider Operations and Monitoring Branch
Gabriela Jimenez, Imperial County Assistant Director of Behavioral Health Services
Sarah Moore, Imperial County Behavioral Health Manager

COUNTY REVIEW INFORMATION

County:
Imperial

County Contact Name/Title:
Sarah Moore / Behavioral Health Manager

County Address:
202 North 8th Street
El Centro, CA 92243

County Phone Number/Email:
(442) 265-1560
sarahmoore@co.imperial.ca.us

Date of DMC-ODS Implementation:
7/1/2018

Date of Review:
3/15/2023

Lead CCM Analyst:
Michael Bivians

Assisting CCM Analyst:
N/A

Report Prepared by:
Michael Bivians

Report Approved by:
Ayesha Smith

REVIEW SCOPE

- I. Regulations:
 - a. Special Terms and Conditions (STCs) for California Advancing & Innovating Medi-Cal (CalAIM) 1915(b) Waiver
 - b. Code of Federal Regulations, Title 42, Chapter IV, Subchapter C, Part 438; section 438.1 through 438.930: Managed Care
 - c. California Code of Regulations, Title 9, Division 4: Department of Drug and Alcohol Programs
 - d. California Health and Safety Code, Chapter 3 of Part 1, Division 10.5: Alcohol and Drug Programs
 - e. California Welfare and Institutions Code, Division 9, Part 3, Chapter 7, sections 14000 et seq., in particular but not limited to sections 14100.2, 14021, 14021.5, 14021.6, 14021.51-14021.53, 14124.20-14124.25, 14043, et seq., 14184.100 et seq. and 14045.10 et seq.: Basic Health Care

- II. Program Requirements:
 - a. Fiscal Year (FY) 2021-22 Intergovernmental Agreement (IA)
 - b. Fiscal Year (FY) 2022-23 Intergovernmental Agreement (IA)
 - c. Mental Health and Substance Use Disorders Services (MHSUDS) Information Notices
 - d. Behavioral Health Information Notices (BHIN)

ENTRANCE AND EXIT CONFERENCE SUMMARIES

Entrance Conference:

An Entrance Conference was conducted via WebEx on 3/15/2023. The following individuals were present:

- Representing DHCS:
Michael Bivians, County Compliance Monitoring II (CCM II) Chief

- Representing Imperial County:
Leticia Plancarte-Garcia, Behavioral Health Services Director
Gabriela Jimenez, Assistant Director of Behavioral Health Services
Sarah Moore, Behavioral Health Manager
Ana Contreras, Behavioral Health Manager
Victoria Mansfield, Behavioral Health Manager
Cynthia Gutierrez, Program Supervisor II
Gabriela Izaguirre, Administrative Analyst II
Cristina Ibarra, Administrative Analyst
Jessica Perea, Administrative Analyst
Jonathan Garcia, Administrative Analyst II
Nancy Del Real, Deputy Director Administrative Services
Annette Hughes, Administrative Analyst

During the Entrance Conference, the following topics were discussed:

- Introductions
- DHCS overview of review process
- Imperial County overview of services provided

Exit Conference:

An Exit Conference was conducted via WebEx on 3/15/2023. The following individuals were present:

- Representing DHCS:
Michael Bivians, CCM II Chief

- Representing Imperial County:
Leticia Plancarte-Garcia, Behavioral Health Services Director
Gabriela Jimenez, Assistant Director of Behavioral Health Services
Sarah Moore, Behavioral Health Manager
Ana Contreras, Behavioral Health Manager
Victoria Mansfield, Behavioral Health Manager
Cynthia Gutierrez, Program Supervisor II
Gabriela Izaguirre, Administrative Analyst II
Cristina Ibarra, Administrative Analyst
Jessica Perea, Administrative Analyst
Jonathan Garcia, Administrative Analyst II
Nancy Del Real, Deputy Director Administrative Services
Annette Hughes, Administrative Analyst

During the Exit Conference, the following topics were discussed:

- Submitting follow-up evidence
- Due date for evidence submission

SUMMARY OF FY 2022-23 COMPLIANCE DEFICIENCIES (CD)

<u>Section:</u>	<u>Number of CDs</u>
1.0 Availability of DMC-ODS Services	3
2.0 Coordination of Care Requirements	0
3.0 Quality Assurance and Performance Improvement	0
4.0 Access and Information Requirements	1
5.0 Beneficiary Rights and Protections	0
6.0 Program Integrity	0

CORRECTIVE ACTION PLAN (CAP)

Pursuant to the Intergovernmental Agreement, Exhibit A, Attachment I, Part III, Section QQ each CD identified must be addressed via a CAP. The CAP is due within sixty (60) calendar days of the date of this monitoring report.

Please provide the following within the completed FY 2022-23 CAP:

- a) A list of action steps to be taken to correct the CD.
- b) The name of the person who will be responsible for corrections and ongoing compliance.
- c) Provide a specific description on how ongoing compliance is ensured.
- d) A date of completion for each CD.

The CPOMB liaison will monitor progress of the CAP completion.

Category 1: AVAILABILITY OF DMC-ODS SERVICES

A review of the administrative trainings, policies and procedures was conducted to ensure compliance with applicable regulations, and standards. The following deficiencies in availability of DMC-ODS services were identified:

COMPLIANCE DEFICIENCIES:

CD 1.2.2:

Intergovernmental Agreement Exhibit A, Attachment I, III, J, 3

3. The Contractor shall only select providers that have a Medical Director who, prior to the delivery of services under this Agreement, has enrolled with DHCS under applicable state regulations, has been screened in accordance with 42 CFR 455.450(a) as a "limited" categorical risk within a year prior to serving as a Medical Director under this Agreement, and has signed a Medicaid provider agreement with DHCS as required by 42 CFR 431.107.

Findings: The Plan did not provide evidence to demonstrate network providers only select providers that have a Medical Director who:

- Enrolled with DHCS under applicable state regulations.
- Screened as a "limited" categorical risk within a year prior to serving as a Medical Director.
- Signed a Medicaid provider agreement with DHCS.

CD 1.3.1:

Intergovernmental Agreement Exhibit A, Attachment I, III, B, 1, v

- v. Physicians shall receive a minimum of five hours of continuing medical education related to addiction medicine each year.

Findings: The Plan did not provide evidence to demonstrate Imperial County's physicians received any of the annual five (5) hours of continuing medical education in addiction medicine.

The Plan did not provide evidence to demonstrate physicians from two (2) subcontracted network providers received the five (5) hours of annual continuing medical education in addiction medicine, specifically:

- The continuing medical education submitted for calendar year 2021 for Imperial Valley Medical Clinic's physician totaled only four (4) hours.

CD 1.3.4:

Intergovernmental Agreement Exhibit A, Attachment I, III, MM, 3, ii, c

- c. The Contractor shall ensure that all personnel who provide WM services or who monitor or supervise the provision of such service shall meet additional training requirements set forth in BHIN 21-001 and its accompanying exhibits.

BHIN 21-001

Findings: The Plan did not provide evidence to demonstrate all personnel who provide Withdrawal Management (WM) services or who monitor or supervise the provision of such service meet the additional training set forth in BHIN 21-001, specifically;

- Certified in cardiopulmonary resuscitation;
- Certified in first aid;
- Trained in the use of Naloxone;
- Six (6) hours of orientation training for all personnel providing WM services, monitoring and supervising the provision of WM services;
- Repeated orientation training within 14-days for returning staff following a 180 continuous day break in employment;
- Eight (8) hours of training annually that covers the needs of residents who receive WM services;
- Training documentation must be maintained in personnel records; and
- Personnel training shall be implemented and maintained by the licensee pursuant to CCR, Title 9, Section 10564(k).

Category 4: ACCESS AND INFORMATION REQUIREMENTS

A review of the access and information requirements for the access line, language and format requirements, and general information was conducted to ensure compliance with applicable regulations and standards. The following deficiency in access and information requirements was identified:

COMPLIANCE DEFICIENCY:

CD 4.3.2:

Intergovernmental Agreement Exhibit A, Attachment I, III, CC, 15, i-xiii

15. Federal Law Requirements:

- i. Title VI of the Civil Rights Act of 1964, Section 2000d, as amended, prohibiting discrimination based on race, color, or national origin in federally funded programs.
- ii. Title IX of the Education Amendments of 1972 (regarding education and programs and activities), if applicable.
- iii. Title VIII of the Civil Rights Act of 1968 (42 USC 3601 et seq.) prohibiting discrimination on the basis of race, color, religion, sex, handicap, familial status or national origin in the sale or rental of housing.
- iv. Age Discrimination Act of 1975 (45 CFR Part 90), as amended (42 USC Sections 6101 – 6107), which prohibits discrimination on the basis of age.
- v. Age Discrimination in Employment Act (29 CFR Part 1625).
- vi. Title I of the Americans with Disabilities Act (29 CFR Part 1630) prohibiting discrimination against the disabled in employment.
- vii. Americans with Disabilities Act (28 CFR Part 35) prohibiting discrimination against the disabled by public entities.
- viii. Title III of the Americans with Disabilities Act (28 CFR Part 36) regarding access.
- ix. Rehabilitation Act of 1973, as amended (29 USC Section 794), prohibiting discrimination on the basis of individuals with disabilities.
- x. Executive Order 11246 (42 USC 2000(e) et seq. and 41 CFR Part 60) regarding nondiscrimination in employment under federal contracts and construction contracts greater than \$10,000 funded by federal financial assistance.
- xi. Executive Order 13166 (67 FR 41455) to improve access to federal services for those with limited English proficiency.
- xii. The Drug Abuse Office and Treatment Act of 1972, as amended, relating to nondiscrimination on the basis of drug abuse.
- xiii. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism.

Intergovernmental Agreement Exhibit A, Attachment, III, CC, 18, i

18. Subcontract Provisions

- i. Contractor shall include all of the foregoing provisions in all of its subcontracts.

Findings: The Plan did not provide evidence to demonstrate all federal law requirements from the Intergovernmental Agreement, Exhibit A, Attachment I, III, CC, 15, i-xiii, foregoing provision is included in all subcontracts, specifically:

- Title IX of the Education Amendments of 1972
- The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616)

TECHNICAL ASSISTANCE

Imperial County did not request Technical Assistance during the review.



MICHELLE BAASS
DIRECTOR

State of California—Health and Human Services Agency
Department of Health Care Services



GAVIN NEWSOM
GOVERNOR

April 06, 2022

Sent via e-mail to: letyplancarte@co.imperial.ca.us

Leticia Plancarte-Garcia
Imperial County Behavioral Health Director
202 North 8th Street
El Centro, CA 92243

SUBJECT: Annual DMC-ODS County Compliance Unit Findings Report

Dear Director Plancarte-Garcia:

The Department of Health Care Services (DHCS) is responsible for monitoring compliance to the requirements of the Drug Medi-Cal Organized Delivery System (DMC-ODS) Waiver and the terms of the Intergovernmental Agreement operated by Imperial County.

The County Compliance Unit (CCU) within the Audits and Investigations Division (A&I) of DHCS conducted a review of the County's compliance with contract requirements based on responses to the monitoring instrument, discussion with county staff, and supporting documentation provided by the County.

Enclosed are the results of Imperial County's State Fiscal Year 2021-22 DMC-ODS compliance review. The report identifies deficiencies, required corrective actions, new requirements, advisory recommendations, and referrals for technical assistance.

Imperial County is required to submit a Corrective Action Plan (CAP) addressing each compliance deficiency (CD) noted to the Medi-Cal Behavioral Health Division (MCBHD), Plan and Network Monitoring Branch (PNMB), County/Provider Operation and Monitoring Branch (CPOMB) Analyst by 6/6/2022. Please use the enclosed CAP form and submit the completed CAP and supporting documentation via email to the CPOMB liaison at MCBHDMonitoring@dhcs.ca.gov.

If you have any questions or need assistance, please contact me at emanuel.hernandez@dhcs.ca.gov.

Sincerely,

Emanuel Hernandez
(916) 713-8667

Audits and Investigations Division
Medical Review Branch
Behavioral Health Compliance Section
County Compliance Unit
1500 Capitol Ave., MS 2305
Sacramento, CA 95814
<http://www.dhcs.ca.gov>

Distribution:

To: Director Plancarte-Garcia,

CC: Mateo Hernandez, Audits and Investigations, Medical Review Branch Acting Chief
Lanette Castleman, Audits and Investigations, Behavioral Health Compliance Section Chief
Ayesha Smith, Audits and Investigations, Behavioral Health Compliance Unit Chief
Michael Bivians, Audits and Investigations, County Compliance Monitoring II Chief
Cindy Berger, Audits and Investigations, Provider Compliance Unit Chief
Sergio Lopez, County Provider Operations Monitoring Section I Chief
MCBHDMonitoring@dhcs.ca.gov, County Provider Operations and Monitoring Branch
Gabriela Jimenez, Imperial County Behavioral Health Deputy Director
Sarah Moore, Imperial County Behavioral Health Manager

COUNTY REVIEW INFORMATION

County:
Imperial

County Contact Name/Title:
Sarah Moore, Imperial County Behavioral Health Manager

County Address:
202 N Eighth St
El Centro, CA 92243

County Phone Number/Email:
422-265-1560
SarahMoore@co.imperial.ca.us

Date of DMC-ODS Implementation:
07/01/2018

Date of Review:
02/09/2022

Lead CCU Analyst:
Emanuel Hernandez

Assisting CCU Analyst:
N/A

Report Prepared by:
Emanuel Hernandez

Report Approved by:
Ayesha Smith

REVIEW SCOPE

- I. Regulations:
 - a. Special Terms and Conditions (STCs) for California's Medi-Cal 2020 section 1115(a) Medicaid Demonstration STC, Part X: Drug Medi-Cal Organized Delivery System
 - b. Code of Federal Regulations, Title 42, Chapter IV, Subchapter C, Part 438; section 438.1 through 438.930: Managed Care

- II. Program Requirements:
 - a. Fiscal Year (FY) 2020-21 Intergovernmental Agreement (IA)
 - b. Fiscal Year (FY) 2021-22 Intergovernmental Agreement (IA)
 - c. Mental Health and Substance Use Disorders Services (MHSUDS) Information Notices
 - d. Behavioral Health Information Notices (BHIN)

ENTRANCE AND EXIT CONFERENCE SUMMARIES

Entrance Conference:

An Entrance Conference was conducted via WebEx on 2/9/2022. The following individuals were present:

- Representing DHCS:
Emanuel Hernandez, Associate Governmental Program Analyst (AGPA)
Ana Lopez, Associate Governmental Program Analyst (AGPA)
- Representing Imperial County:
Jessica Perea, Imperial County Behavioral Health Administrative Analyst
Gabriela Izaguirre, Imperial County Behavioral Health Administrative Analyst
Ana Contreras, Imperial County Behavioral Health Manager
Victoria Mansfield, Imperial County Behavioral Health Manager
Sara Moore, Imperial County Behavioral Health Manager
Ryan Taylor, Imperial County Behavioral Health Administrative Analyst
Jonathan Garcia, Imperial County Behavioral Health Administrative Analyst
Nancy Del Real, Imperial County Behavioral Health Deputy Director
Adolfo Estrada, Imperial County Behavioral Health Manager

During the Entrance Conference, the following topics were discussed:

- Introductions
- Overview of the monitoring process
- Imperial county overview of services

Exit Conference:

An Exit Conference was conducted via WebEx on 2/9/2022. The following individuals were present:

- Representing DHCS:
Emanuel Hernandez, AGPA
Ana Lopez, AGPA
- Representing Imperial County:
Jessica Perea, Imperial County Behavioral Health Administrative Analyst
Gabriela Izaguirre, Imperial County Behavioral Health Administrative Analyst
Ana Contreras, Imperial County Behavioral Health Manager
Victoria Mansfield, Imperial County Behavioral Health Manager
Sara Moore, Imperial County Behavioral Health Manager
Ryan Taylor, Imperial County Behavioral Health Administrative Analyst
Jonathan Garcia, Imperial County Behavioral Health Administrative Analyst
Nancy Del Real, Imperial County Behavioral Health Deputy Director
Adolfo Estrada, Imperial County Behavioral Health Manager

During the Exit Conference, the following topics were discussed:

- Submitting follow-up evidence
- Due date for evidence submission

SUMMARY OF FY 2021-22 COMPLIANCE DEFICIENCIES (CD)

<u>Section:</u>	<u>Number of CD's</u>
1.0 Availability of DMC-ODS Services	4
2.0 Coordination of Care	0
3.0 Quality Assurance and Performance Improvement	1
4.0 Access and Information Requirements	0
5.0 Beneficiary Rights and Protections	0
6.0 Program Integrity	0

CORRECTIVE ACTION PLAN (CAP)

Pursuant to the Intergovernmental Agreement, Exhibit A, Attachment I, Part III, Section KK, 2, i each CD identified must be addressed via a CAP. The CAP is due within sixty (60) calendar days of the date of this monitoring report.

Please provide the following within the completed FY 2021-22 CAP:

- a) DHCS' CAP Template used to document process.
- b) A list of action steps to be taken to correct the CD.
- c) The name of the person who will be responsible for corrections and ongoing compliance.
- d) Provide a specific description on how ongoing compliance is ensured
- e) A date of completion for each CD.

The CPOMB liaison will monitor progress of the CAP completion.

Category 1: AVAILABILITY OF DMC-ODS SERVICES

A review of the administrative trainings, policies and procedures was conducted to ensure compliance with applicable regulations, and standards. The following deficiencies in availability of DMC-ODS services were identified:

COMPLIANCE DEFICIENCIES:

CD 1.4.2:

Intergovernmental Agreement Exhibit A, Attachment I, III, A, 1, ii

- ii. Non-professional staff shall receive appropriate onsite orientation and training prior to performing assigned duties. A professional and/or administrative staff shall supervise non-professional staff.

Findings: The Plan did not provide evidence demonstrating non-professional staff employed by Imperial County receive appropriate onsite orientation and training prior to performing assigned duties. The Plan did not provide evidence for:

- Two (2) non-professional staff hired by Imperial County during FY 2020-21.

CD 1.4.7:

Intergovernmental Agreement Exhibit A, Attachment I, III, GG, 3, ii, a

3. Training to DMC Subcontractors

- i. The Contractor shall require subcontractors to be trained in the ASAM Criteria prior to providing services.
 - a. The Contractor shall ensure that, at minimum, providers and staff conducting assessments are required to complete the two e-Training modules entitled "ASAM Multidimensional Assessment" and "From Assessment to Service Planning and Level of Care". A third module entitled, "Introduction to The ASAM Criteria" is recommended for all county and provider staff participating in the Waiver. With assistance from the state, counties will facilitate ASAM provider trainings.

Findings: The Plan did not provide evidence demonstrating all subcontractor staff conducting assessments complete two ASAM Criteria e-Training modules prior to providing services.

CD 1.4.8:

Intergovernmental Agreement Exhibit A, Attachment I, III, A, 1, iv

- iv. Physicians shall receive a minimum of five hours of continuing medical education related to addiction medicine each year.

Findings: The Plan did not provide evidence demonstrating the subcontractor's physicians received the annual five (5) hours of continuing medical education in addiction medicine. Specifically:

- The continuing medical education submitted for calendar year 2019 and 2020 for the Tarzana physician were not provided.

CD 1.4.9:

Intergovernmental Agreement Exhibit A, Attachment I, III, A, 1, v

- v. Professional staff (LPHAs) shall receive a minimum of five hours of continuing education related to addiction medicine each year.

Findings: The Plan did not provide evidence demonstrating Imperial County's professional staff (LPHAs) received the annual five (5) hours of continuing education units in addiction medicine.

Specifically:

- The Plan submitted continuing education units for two (2) of three (3) County LPHA staff for calendar years 2019 and 2020.
- No continuing education units were submitted for calendar years 2019 and 2020 for Sergio Lopez. The plan advises that Lopez begin working in January of 2021. The plan did not submit an alternate submission in his place.

The Plan did not provide evidence demonstrating Tarzana professional staff (LPHA) received the annual five (5) hours of continuing education in addiction medicine. Specifically:

- The Plan submitted continuing education units for three (3) of three (3) subcontractor LPHA staff for calendar year 2019.
- The continuing education units submitted for calendar year 2019 for Doreen McCandless totaled only four (4) hours.

The Plan did not provide evidence demonstrating the Volunteers of America professional staff (LPHA) received the annual five (5) hours of continuing education in addiction medicine. Specifically:

- The Plan submitted no continuing education units for subcontractor LPHA staff for calendar years 2019 and 2020. The Plan advises that the contract for Volunteers of America (VOA) started on July 1, 2020. They did not provide an alternate subcontractor submission in its place to provide evidence of compliance.

Category 3: QUALITY ASSURANCE AND PERFORMANCE IMPROVEMENT

A review of the practice guidelines, monitoring, and other quality assurance requirements was conducted to ensure compliance with applicable regulations and standards. The following deficiency in quality assurance and performance improvement was identified:

COMPLIANCE DEFICIENCY:

CD 3.2.3:

Intergovernmental Agreement Exhibit A, Attachment I, III, PP, 5, i-ii

- i. The SUD Medical Director's responsibilities shall, at a minimum, include all of the following:
 - a. Ensure that medical care provided by physicians, registered nurse practitioners, and physician assistants meets the applicable standard of care.
 - b. Ensure that physicians do not delegate their duties to non-physician personnel.
 - c. Develop and implement written medical policies and standards for the provider.
 - d. Ensure that physicians, registered nurse practitioners, and physician assistants follow the provider's medical policies and standards.
 - e. Ensure that the medical decisions made by physicians are not influenced by fiscal considerations.
 - f. Ensure that provider's physicians and LPHAs are adequately trained to perform diagnosis of substance use disorders for beneficiaries, and determine the medical necessity of treatment for beneficiaries.
 - g. Ensure that provider's physicians are adequately trained to perform other physician duties, as outlined in this section.
- ii. The SUD Medical Director may delegate his/her responsibilities to a physician consistent with the provider's medical policies and standards; however, the SUD Medical Director shall remain responsible for ensuring all delegated duties are properly performed.

Intergovernmental Agreement Exhibit A, Attachment I, III, PP, 6, v

- v. Written roles and responsibilities and a code of conduct for the Medical Director shall be clearly documented, signed and dated by a provider representative and the physician.

Findings: The Plan did not provide evidence demonstrating the written roles and responsibilities for Clare Matrix Medical Director Dr. Quach includes all required elements. The following required elements are missing, specifically:

- Signed and dated by the physician;
- Signed and dated by a provider representative;
- Ensure that medical care provided by physicians, registered nurse practitioners, and physician assistants meets the applicable standard of care;
- Ensure that physicians do not delegate their duties to non-physician personnel;
- Develop and implement medical policies and standards for the provider;
- Ensure that physicians, registered nurse practitioners, and physician assistants follow the provider's medical policies and standards;
- Ensure that the medical decisions made by physicians are not influenced by fiscal considerations; and

- Ensure that provider's physicians are adequately trained to perform other physician duties.

TECHNICAL ASSISTANCE

No technical assistance was requested by the County.

Planning Department

From: Lynsey Jensen <lynseyjensen@yahoo.com>
Sent: Wednesday, September 27, 2023 3:07 PM
To: Planning Department
Subject: Please forward to every Planning Commissioner

[You don't often get email from lynseyjensen@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

[EXTERNAL EMAIL] This email originated from outside of the organization. Please be mindful when opening attachments and embedded links.

To Whom it May Concern:

My name is Lynsey Brady and I reside in Brawley, CA. with my husband and 3 children. It has been brought to my attention that the City of Brawley is wanting to open a mental health/ treatment clinic on Legion road between the hospital and Gateway Church. I am writing to you to voice my concerns regarding opening this clinic in our city and more specifically at this location. As shown in the attached photographs that were taken at another methadone clinic in El Centro, opening this clinic will attract individuals that have addictions and a history with drugs. The new location would be directly next to Gateway Church which is a home to Brawley Christian Academy where my daughter attends preschool. With the individuals that will be around this area, I am extremely concerned for the safety of my daughter, others that attend this school, and also for the citizens of our town.

While I support helping others in need, I do not support the new location of this clinic and feel as though there are major conflicts with putting this clinic directly next to a school.

I truly hope you take my concerns into consideration and find another location outside of our city limits to place this clinic.

Sincerely,
Lynsey Brady







**BRAWLEY RESIDENTS OPPOSED TO
ADULT SUBSTANCE USE DISORDER TREATMENT CLINIC
IN OUR BUSINESS AND RESIDENTIAL NEIGHBORHOODS**

We, the undersigned residents of Brawley, CA, attest that we are in opposition to the installation of an Adult Substance Use Disorder Treatment Clinic on the property located 197 W. Legion Rd., for the following reasons:

- It will bring people struggling with substance abuse addiction from various parts of the county to this neighborhood and the probability of them staying in the area is high.
- This type of facility is needed in today's society; however it should be in a more responsible location. Adjacent to a church, daycare center, hospital, private offices, parks, and neighborhoods is not appropriate.
- This location would create numerous risks to public safety.
- This type of facility would have negative impacts on property values of home and business owners in the neighborhood. People won't want to buy property knowing it's near a business of this nature.
- The loitering and crime rates associated with the clientele at these types of facilities will create a burden to our law enforcement, which is already stretched thin in our city.
- The felt safety and security of this area for residents, business owners, church members, daycare children, and hospital patients should be preserved.

Thank you for your thoughtful reconsideration of this project and the concerns of your constituents.

Sali Properties 4231 Hwy 86 Brawley

Sally Maresca
Jim Zabol
Dante M. Ranche

Y. Maresca

4231 Hwy 86, Brawley

MBelle

4231 Hwy 86 Brawley CA 92227

ROBERTO TAPIA
MANAGER
STAXUP STORAGE
AND RESIDENT

4223^{US} HIGHWAY 86, BRAWLEY, CA
92227

Memorati Goyal

196 W Legion Rd. Brawley - CA 92227

Jose Zamarrin

1524 W. Holt Ave El Centro, CA 92243

Aaron Bacza ~~196~~ 196 W Legion 10

Afucielis Gomez 196 W. Legion Rd.

KRISTINA CASTRO 195 W. Legion Rd. Brawley

Edith Madrigal 1034 RONALD ST. Brawley
195 W. Legion Rd.

Dominique Mercado 396 Cattle Call Dr. 14

Crystal Noriega 195. W. Union

Kimberly
Chavez 195. W Legion

Teresa Ruiz 195 W. Legion Rd

Dora Chavez 195 W. Legion Rd

Sandy Lopez 197 W Legion Rd

Milagros Quintan 197 W Legion Rd.

Stephanie Camacho 197 W Legion Rd.

Clara Piz 197 W Legion Rd.

Geo Aldama 197 W. Legion Rd.

Cristina Izaguirre 197 W. Legion Rd

Soma Mercado 197 W. Legion Rd.



Brawley Elementary School District

261 D Street • Brawley, CA 92227-1991 • (760) 344-2330 • FAX (760) 344-8928

October 2, 2023

VIA ELECTRONIC MAIL

City of Brawley Planning Commission
C/O: Thomas Garcia, Assistant to the City Manager
383 Main Street
Brawley, CA 92227
tgarcia@brawley-ca.gov

Re: Conditional Use Permit 23-07
Location: 197 W. Legion Rd
APN: 048-320-002

Dear Brawley Planning Commission,

As the Superintendent of the Brawley Elementary School District (District), I am writing to address my concerns regarding the conditional use permit (CUP) for the Adult Substance Use Disorder Treatment Program Clinic (SUD Clinic) that has been proposed by Imperial County Behavioral Health/Shine Investments & Catalyst Development LLC (Ray Roben) in a location very near Myron D. Witter Elementary School, a school of the District. The Board of Trustees formally opposed the placement of the SUD Clinic on October 2, 2023. A copy of this Resolution is enclosed herewith. Although the District understands the need to support those who are experiencing substance use issues in our community, we are adamantly opposed to the location that has been selected and are gravely concerned with the impact of the SUD Clinic on our students' safety.

The Development Review Committee Staff Report (the Staff Report) for this CUP documents that where similar adult SUD Clinics were located within Imperial County, an increased incidence of loitering, unpermitted encampments, and blight occurred within the project site vicinity. I have personally observed drug use out in the open, loitering, and unpermitted encampments in these areas. If the CUP is granted as proposed, these types of issues can also be expected in the vicinity of this SUD clinic, which will significantly undermine the safety of District students.

The location for the proposed SUD Clinic is near Myron D. Witter Elementary School, a school serving children ages four through twelve years. The location proposed for the SUD Clinic is directly in the path that many District students travel when walking to and from school. This age group of students is the most vulnerable because they cannot appreciate the danger that could be present walking by unpermitted encampments where drugs or drug paraphernalia may be found which makes them the perfect prey. Should the CUP for this SUD Clinic be approved, it is clear

the location of the SUD Clinic is a recipe for disaster and **poses a direct and imminent threat to the safety of District students.**

On behalf of the District, I implore that you deny the proposed CUP for this SUD Clinic. The Brawley Municipal Code states that you – the planning commission – shall deny a requested CUP where an applicant “has failed to show that the requested use will not jeopardize, adversely affect, endanger or otherwise constitute a menace to the public health, safety or general welfare or be materially detrimental to the property of other persons located in the vicinity of such use. . . .” Here, the applicant has not shown how their requested use will not jeopardize the health and safety of District students. With the approval of this CUP, you will increase crime, possibly expose our students to drugs, and possibly make our students victims of such crimes. Our students have a constitutional right to an education on a campus that is safe and secure and your actions will impair that right by creating an unsafe environment.

Please know that in the event you grant the CUP, the District will appeal that decision to the City Council. If the CUP is granted and a single District student is harmed, it will be as a direct result of the decision to allow the SUD Clinic near a school. As such, I urge you to reconsider the location for the safety of our young students.

Sincerely,



Rauna Fox
Superintendent of Schools
Brawley Elementary School District

C: Ivan Vildosola, Principal, Myron D. Witter Elementary School
George A. Nava, Mayor, *via email at gnava@brawley-ca.gov*
Ramon Castro, Mayor Pro-Tempore, *via email at rcaastro@brawley-ca.gov*
Donald L. Wharton, Council Member *via email at dwharton@brawley-ca.gov*
Gil Rebollar, Council Member, *via email at grebollar@brawley-ca.gov*
Luke Hamby, Council Member, *via email at lhamby@brawley-ca.gov*

Enclosure: Resolution Opposing Placement of Substance Use Disorder Clinic Near Myron D. Witter Elementary School, dated October 2, 2023

**BRAWLEY ELEMENTARY SCHOOL DISTRICT
RESOLUTION NO. 08 2023-24**

**RESOLUTION OPPOSING PLACEMENT OF
SUBSTANCE USE DISORDER CLINIC NEAR MYRON D. WITTER ELEMENTARY
SCHOOL**

Imperial County Behavioral Health/Shine Investments & Catalyst Development LLC (Ray Roben) has applied to the Planning Commission for the City of Brawley for a Conditional Use Permit #23-07 (the "CUP") to place an Adult Substance Use Disorder Treatment Program Clinic ("SUD Clinic") on the commercial property located at 197 W. Legion Road, Brawley, CA 92227.

The proposed SUD Clinic would be located near the Myron D. Witter Elementary School of the Brawley Elementary School District ("BESD"), which is located at 150 K. Street, Brawley, CA 92227 and which serves over 800 elementary school students as young as four (4) years old.

Myron D. Witter Elementary is not shown on the map attached to the Development Review Committee Staff Report ("the Staff Report") regarding this CUP.

WHEREAS, the Board of Trustees ("Board") recognizes the importance of SUD Clinics to assist local community members suffering with substance abuse problems; and

WHEREAS, Article I, Section 28(f) of the California State Constitution provides that all students and staff of public primary, elementary, and junior high schools have the inalienable right to attend campuses which are safe, secure, and peaceful,

WHEREAS, adult SUD Clinics such as the one proposed for the CUP, experience loitering and encampments near the facilities as shown in the examples provided in the Staff Report; and

WHEREAS, the proposed SUD Clinic has applied for a CUP that allows for "medication services" and "medication for addiction treatment" which includes "services that include the ordering, prescribing, administering, and monitoring of medication for the treatment of chronic alcohol and opioid use disorders." Such medication services exacerbate the loitering, encampment and safety concerns for students; and

WHEREAS the location of the proposed SUD Clinic is where many of the Myron D. Witter Elementary School students pass by as they walk to and from school each day; and

WHEREAS, the proposed hours of operation for the SUD Clinic are Monday through Friday from 7:30 a.m. to 5:30 p.m. overlaps the Myron D. Witter Elementary School hours of operation which are from 7:30 a.m. until 6:00 p.m. each school day; and

WHEREAS, BESD encourages a data-informed, coordinated approach to evaluating the CUP for the proposed SUD Clinic that involves coordination, discussion, and the solicitation of feedback from BESD when its schools, operations, and/or students and families will be directly impacted by the SUD Clinic being located so close to the school and students' walking path to and from school;

WHEREAS, pursuant to Brawley Municipal Code Section 27.274, the planning commission shall deny a requested CUP “where . . . the planning commission determines that the applicant has failed to show that the requested use will not jeopardize, adversely affect, endanger or otherwise constitute a menace to the public health, safety or general welfare or be materially detrimental to the property of other persons located in the vicinity of such use, and reasonable restrictions or conditions to permit the establishment of the proposed use will not prevent detriment or menace as indicated;” and

WHEREAS, here, the CUP applicant has failed to meet its burden to show how the SUD Clinic will not jeopardize, adversely affect, endanger or otherwise constitute a menace to BESD’s student and staff’s safety;

WHEREAS, the CUP application was devised without any coordination, discussion, or solicitation of input from BESD; and

WHEREAS, the map attached to the Staff Report does not reflect the location of Myron D. Witter Elementary School,

WHEREAS, the CUP application does not include any meaningful information about the potential impact of the SUD Clinic on BESD school operations, including any measures that may be needed to ensure BESD student safety;

WHEREAS, the Board is concerned that the CUP will have a direct negative impact on BESD students and their families;

NOW, THEREFORE, BE IT RESOLVED, The Board of Trustees of the Brawley Elementary School District OPPOSES the CUP for the SUD Clinic located near the Myron D. Witter Elementary School without the opportunity for meaningful coordination, discussion and solicitation of input from BESD; and

BE IT FURTHER RESOLVED, The Board of Trustees of the Brawley Elementary School District delegates to the Superintendent and the Attorney for the District the authority to appeal a decision by the Planning Commission granting the CUP and to pursue the possibility of litigation to oppose the CUP for the SUD Clinic located near Myron D. Witter Elementary School.

PASSED and APPROVED on this 2nd day of October, 2023.

BRAWLEY ELEMENTARY SCHOOL DISTRICT



Board President

PIONEERS

MEMORIAL HEALTHCARE DISTRICT

September 29, 2023

Tomas Garcia
Assistant to the City Manager
383 Main Street
Brawley, CA 92227

RECEIVED
OCT 05 2023
CITY OF BRAWLEY
OFFICE OF CITY CLERK

RE: Conditional Use Permit 23-07 – Installation of an Adult Substance Use Disorder Treatment Clinic

Dear Members of the Brawley City Council:

We are writing to express our opposition in granting a permit, conditional or otherwise, for the installation of an adult substance use disorder treatment clinic to be located at 197 W. Legion Road (APN: 048-320-002).

While we understand the convenience of having the clinic close to the hospital, it becomes a question of safety and security for our patients and neighbors. For one, our hospital houses its own daycare center on-site. Additionally, there is another school adjacent to the proposed location. Pioneers Memorial Healthcare District (PMHD) already deals with increased security incidents due to individuals under the influence. Having another location with this type of population will place an undue financial and logistical burden on PMHD to manage, as this will require the hiring of additional security personnel.

PMHD strives to provide a safe and welcoming environment for all staff and visitors, which includes patients of all ages including very vulnerable elderly and pediatrics patients as well as staff members working 12-hour and overnight shifts. As the only hospital in the valley that currently provides pediatric services, we fear there will be an increase in drug users loitering in the area that will make visitors feel unsafe and unwilling to bring their loved ones in for care.

Medical staff and the security department working together to create a safe zone for our patients is top priority. Having the clinic so close to the hospital will only jeopardize the trust and confidence PMHD has built with the Imperial valley.

If you have any questions regarding our position, please feel free to reach out to Aracely Smith, Clerk of the Board, at asmith@pmhd.org.

Respectfully,

PMHD Board of Directors

Planning Department

From: Kylie Trimm <kylie.trimm@gmail.com>
Sent: Monday, October 2, 2023 1:09 PM
To: Planning Department
Subject: Concern

You don't often get email from kylie.trimm@gmail.com. [Learn why this is important](#)

[EXTERNAL EMAIL] This email originated from outside of the organization. Please be mindful when opening attachments and embedded links.

To whom it may concern,

I am a parent, community member, healthcare provider, business owner, and land owner in the city of Brawley. Today I am reaching out as a very concerned parent in regards to the potential new methadone clinic in Brawley off Legion road. I am pleading with you to defer from placing this potential business next door to a preschool! As a very concerned parent I do not believe this location is the correct one to be placed next to my sweet little 2 and a half year old daughters Private Christian Preschool. As a healthcare provider myself I understand the need for a place of this nature however, I would humbly ask you to reconsider the location and for this to be changed to a different location in our town not next to children 2, 3, 4, and 5 year olds that play in the playground right next door. This would also increase traffic to this location which could potentially block emergency services from getting into Pioneers Hospital quickly.

Please veto this location and make sure that our children stay safe.

Thank you,

Kylie Trimm,
M.S-CCC SLP

Planning Department

From: Scott Dempsey <scottsdempsey@gmail.com>
Sent: Sunday, October 1, 2023 7:19 PM
To: Planning Department
Cc: Tyler Salcido
Subject: Adult Substance Use Disorder (SUD) Treatment Clinic

Some people who received this message don't often get email from scottsdempsey@gmail.com. [Learn why this is important](#)

[EXTERNAL EMAIL] This email originated from outside of the organization. Please be mindful when opening attachments and embedded links.

Dear Planning Commission,

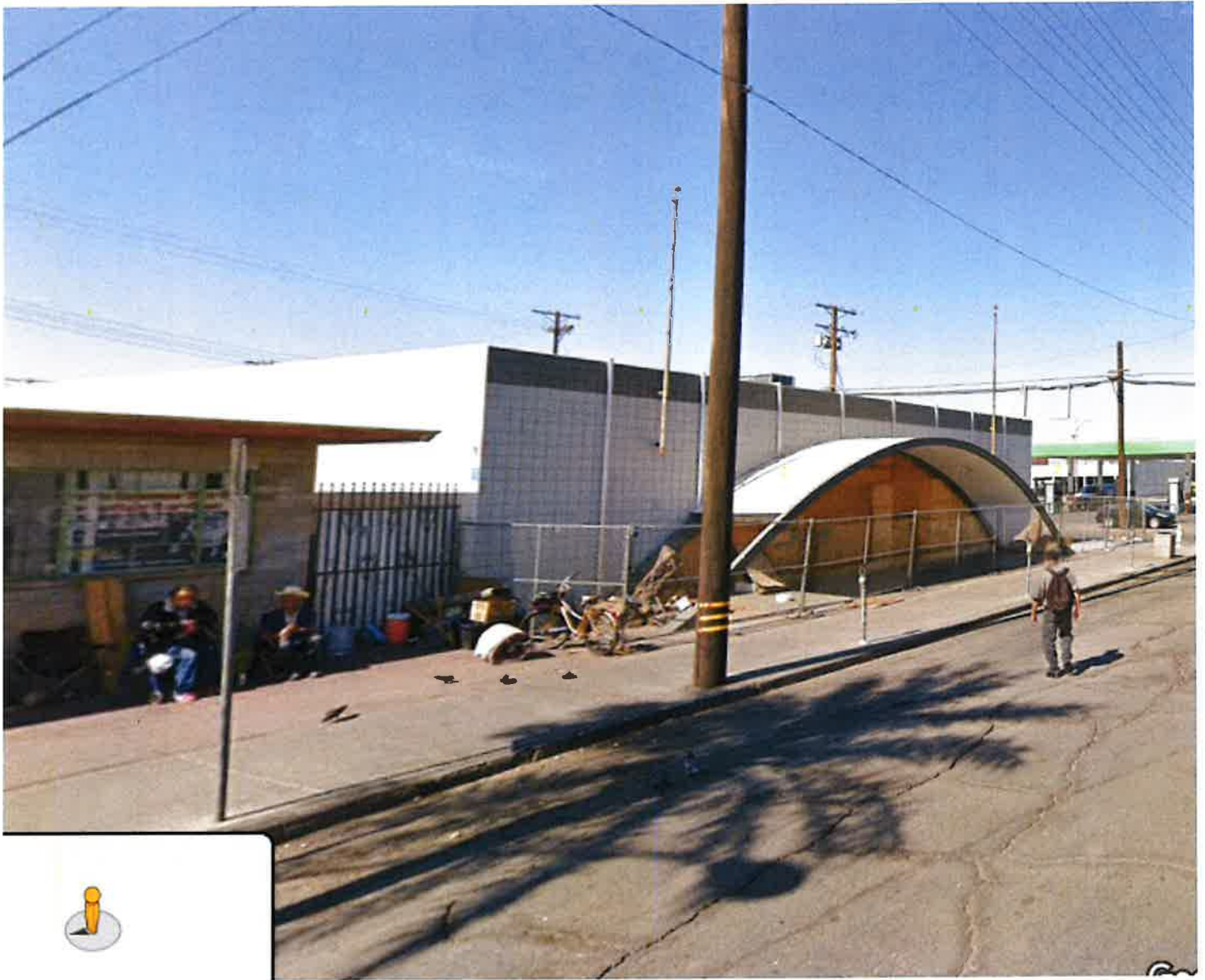
I am writing to express my opposition to the conditional use permit application for CUP 23-07, an Adult Substance Use Disorder (SUD) Clinic.

My name is Scott Dempsey and I live with my wife at 921 W Legion Rd in Brawley CA. I work as a Pilot who flies the air ambulance for REACH 11 based in out of Brawley airport. My wife also works for REACH as a flight nurse and also at Pioneer's hospital as an ER nurse. We bought our first house last summer here in Brawley and we plan to start a family very soon.

I have several concerns about this proposed project. First, I am concerned about the potential for increased crime and loitering in the area around the clinic. The applicant's current location in Calexico has clear issues with encampments and homelessness, not only along the side of the building but also at a nearby gas station, as demonstrated in the attached photos. While the proposal says that the applicant will be responsible for mitigation, there has been no effort made at their site on Third Street in Calexico to address this issue. This poses a significant risk to children attending the local school within 500 feet of the proposed building.

Second, I am concerned about the impact on adjacent property owners. Zone C-P is intended to provide areas for certain business and professional offices and related uses near residential areas while mitigating the impact of dynamic uses on these neighborhoods. When we purchased our home just under two years ago, we did so with the expectation that this area would remain zoned for commercial businesses. Adding this clinic will impact the value of our homes.

In light of these concerns, I urge the Planning Commission to reconsider the approval of Conditional Use Permit CUP 23-07 for the Adult Substance Use Disorder Treatment Clinic at 197 W. Legion Road.

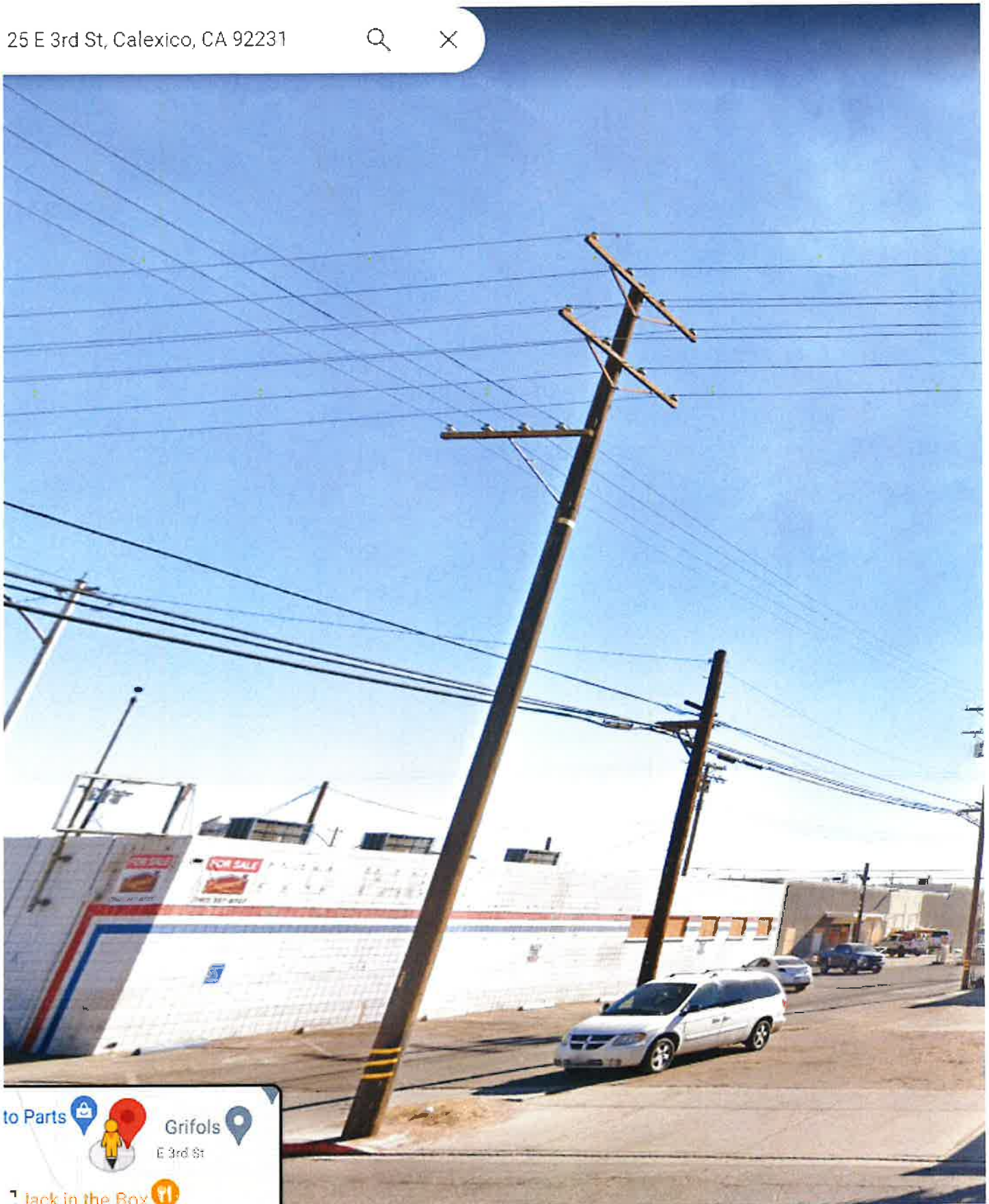


25 E 3rd St, Calexico, CA 92231



Go

25 E 3rd St, Calexico, CA 92231



to Parts Grifols
E 3rd St

Jack in the Box