



LOIS M. SAHYOUN  
Clerk of the Board

ASSESSOR RECORDER  
COUNTY CLERK  
GARY W. FREEMAN

# BOARD OF SUPERVISORS

02 SEP 10 PM 3:16  
SAN JOAQUIN COUNTY

222 EAST WEBER AVENUE, ROOM 701  
STOCKTON, CALIFORNIA 95202  
TELEPHONE: 209/468-3113  
FAX: 209/468-3694

BY *Peterson*  
DEPUTY

VICTOR MOW  
Chairman  
Third District

JACK A. SIEGLOCK  
Vice Chairman  
Fourth District

DARIO L. MARENCO  
Second District

STEVEN GUTIERREZ  
First District

LYNN G. BEDFORD  
Fifth District

August 19, 2002

George J. Abdallah, Jr., Presiding Judge  
San Joaquin County Superior Court  
Courthouse  
222 East Weber Avenue – Room 303  
Stockton, CA 95202

**Subject: San Joaquin County Response to 2001-02 Grand Jury Case # 0601  
San Joaquin County Office of Substance Abuse**

Enclosed is the San Joaquin County response to the "San Joaquin County Grand Jury Case #0601 – San Joaquin County Office of Substance Abuse." Pursuant to Section 933.05 of the California Penal Code, the response is in accordance with the requirement that the San Joaquin County Board of Supervisors respond in writing to the Presiding Judge of the San Joaquin County Superior Court within 90 days of the publication of the report.

Should you have any questions or need additional information, please contact the appropriate Department(s) as referenced in the response.

Sincerely,

Victor Mow, Chairman  
San Joaquin County Board of Supervisors

## Attachments

- c: Foreperson of the 2001-02 Grand Jury
- Board Members
- Manuel Lopez, County Administrator
- Roger I. Speed, Director, Health Care Services
- Recorder's Office/County Clerk



02 SEP 10 PM 3:16

SAN JOAQUIN COUNTY

BY *Patricia Paulsen*  
DEPUTY

August 19, 2002

Board of Supervisors  
Courthouse  
Stockton, CA

Dear Board Members:

**Response to Grand Jury Report—Case #0601**  
**San Joaquin County Office of Substance Abuse**

**Recommendation**

That the Board of Supervisors accept the response to the Fiscal Year 2001-02 Grand Jury Report Case #0601 regarding the Office of Substance Abuse; and

That the Chairman be authorized and directed to transmit the response to the Presiding Judge of the Superior Court.

**Reason for Recommendation**

The 2001-02 San Joaquin County Civil Grand Jury issued a final report regarding Case #0601-San Joaquin County Office of Substance Abuse. The reason for this investigation surrounded a July 2001 news story alleging the improper disposal of confidential treatment records near the Stockton Airport.

The following are the responses to the specific findings and recommendations in the Final Grand Jury Report that pertain to the above referenced matter.

**FINDING #1**

**State and Federal Regulations require all confidential treatment records be retained for seven years.**

RESPONSE: Agree.

FINDING #2

Confidential records are destroyed by shredding.

RESPONSE: Agree.

FINDING #3

Client treatment records for the County Office of Substance Abuse are stored in two locations:

- 1) Ward 14 on the grounds of the San Joaquin General Hospital; and
- 2) In the basement of Railroad Square.
- 3) Access to the facility is gained by checking out the key to the building from the maintenance office on the grounds. Files were found to be in a locked room, accessible with a key in the possession of the Director of the Office of Substance Abuse.
- 4) The boxes of records were not stored in any type of methodical order, such as by year or program. There is no Inventory system of tracking the stored files.

RESPONSE: Agree.

FINDING #4

Prior to the July 2001 news story, housekeeping staff customarily transported client records between program locations and storage facilities.

RESPONSE: Agree.

FINDING #5

The lack of coordination between the Family Ties and Railroad Square resulted in the files being discarded improperly.

RESPONSE: Agree.

FINDING #6

A new policy was drafted in August 2001, which requires client files be kept in locked file cabinets, and when moved to storage, are to be moved by a housekeeper accompanied by a counselor from the program.

RESPONSE: Agree.

FINDING #7

There is no documentation of a specific policy outlining the procedure for identification of files for destruction.

RESPONSE: Agree.

FINDING #8

There is no system in place to record which files have been destroyed.

RESPONSE: Agree.

FINDING #9

In conjunction with the implementation of new Federal Privacy Regulations under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the County Health Care Services Agency has formed a workgroup to develop new policies and procedures which includes the treatment of confidential medical records.

RESPONSE: Agree.

RECOMMENDATION #1

The County Office of Substance Abuse develops a plan for record storage to be in a single secured location.

RESPONSE: This plan for a single secured location seems reasonable; however, logistically it is difficult to implement. Currently there are two secured locations. One is located In Ward 14 on the San Joaquin General Hospital grounds and the other in the basement at the Railroad Square complex. The bulk of the County Office of Substance Abuse (OSA) programs are evenly split between downtown

Stockton and the Hospital campus in French Camp. The reason for maintaining the two locations is quick and easy access to client files for the programs in each location. Quick access to the files is necessary because of clients returning for services.

RECOMMENDATION #2

The County Office of Substance Abuse install storage racks for the file boxes to make location and identification of the contents less onerous, and to provide a safer environment for staff members.

RESPONSE: The Office of Substance Abuse (OSA) concurs with this recommendation and is in the process of ordering storage racks. The County Records Storage Department has been contacted and they have given OSA the catalogue number required for placing the order for the storage racks.

RECOMMENDATION #3

The County Office of Substance Abuse develop and implement a written policy for records.

RESPONSE: The Office of Substance Abuse will develop and implement a written policy for record retention that includes a procedure to inventory the records.

RECOMMENDATION #4

The County Office of Substance Abuse develop and implement a policy assigning authorized staff members the responsibility of maintaining the storage facility and insuring the proper destruction of confidential records.

RESPONSE: The Office of Substance Abuse has assigned one staff person from OSA Administration and has dedicated responsibility of maintaining and inspecting the storage facility, and for insuring that once client records reach the time period for destruction, the files will be microfilmed and destroyed according to County policy related to confidential client records.

**Fiscal Impact**


There is no fiscal impact in accepting this report for the Fiscal Year 2002-2003.

Board of Supervisors  
August 19, 2002  
Page Five

**Action To Be Taken Following Approval**

After acceptance of the Health Care Services Response to the Fiscal-Year 2001-02 Grand Jury Final Report Case #0601 San Joaquin County Office of Substance Abuse, the Chairman will be authorized and directed to transmit the response to the Presiding Judge of the Superior Court.

Sincerely,

  
Roger I. Speed, Director  
Health Care Services

c: Presiding Judge of the Superior Court  
Recorder/County Clerk  
Foreperson of the 2001-2002 Grand Jury  
Health Care Services  
Clerk of the Board for Agenda 9/3/02

Attachments

# Before the Board of Supervisors

County of San Joaquin, State of California

B- -02-1105

MOTION: GUTIERREZ/MARENCO

**BOARD OF SUPERVISORS' RESPONSE**  
**TO THE 2001-2002 GRAND JURY REPORT**  
**CASE NUMBER 0601 - SAN JOAQUIN COUNTY OFFICE OF SUBSTANCE ABUSE**

THIS BOARD OF SUPERVISORS DOES HEREBY adopt its response to the 2001-2002 Grand Jury Report-Case Number 0601, a copy of which is on file in the Office of the Clerk of the Board of Supervisors.

FURTHER, THIS BOARD OF SUPERVISORS DOES HEREBY authorize and direct the Chairman to transmit the response to the Presiding Judge of the Superior Court.

9/3/02

I HEREBY CERTIFY that the above order was passed and adopted on \_\_\_\_\_ by the following vote of the Board of Supervisors, to wit:

AYES: BEDFORD, SIEGLOCK, GUTIERREZ, MARENCO, MOW

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

LOIS M. SAHYOUN  
Clerk of the Board of Supervisors  
County of San Joaquin  
State of California



*Lois M. Sahyoun*