

**ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
JUVENILE JUSTICE SERVICES DIVISION
Contract Year 2009-2010
SERVICE SPECIFICATIONS
Full Procurement
MENTAL COMPETENCY RESTORATION
Service Codes 260, 263, and 267**

SERVICE DEFINITION:

To provide Mental Competency Restoration services to persons less than eighteen (18) years of age in order to attempt to restore the juvenile to competency.

OVERVIEW:

Restoration Plan: Upon referral from a Superior Court, utilize the Court's Mental Health Expert's competency evaluation report to assess the juvenile and develop an individual Restoration Plan.

Educational Program: Provide education using the training materials as a guide, provided in the *Competency Training Juvenile Handbook*, published by the Arizona Supreme Court (ASC), Administrative Office of the Court (AOC) (A copy of which is attached to this Application, attachment one), or any modified/amended training materials provided by the ASC.

Reporting By Mental Health Expert: Preparation of a post-treatment/education report to the court as defined in A.R.S. §8-291.07 (A), (B), (C) and (D), provided by a mental health expert as defined in A.R.S. §8-291.

Supervision By Mental Health Expert: The Mental Health Expert must provide supervision to the restoration specialist in the development of the restoration education plan and provide on-going supervision during restoration services.

EDUCATIONAL/LICENSURE/TRAINING REQUIREMENTS:

Restoration Specialist - Education Program: Preferably the Contractor will provide services through instructors certified by the Arizona Department of Education to teach elementary school (grades K through 8). However, the Administrative Office of the Courts (AOC) will accept persons who hold a Masters degree in education or a Masters degree in a human services field. If applicable, services should be provided by instructors certified to teach learning disabled (LD) and emotionally disabled (ED). All services must be available in English and Spanish. It is preferable for instructors to have experience in teaching At risk learners and to have work experience in alternative schools or in secure care settings.

All providers contracting with the ASC to provide the Educational Program, must ensure that all employees and/or contractors providing or supervising services in connection with the Educational Program, receive competency restoration training and it is documented in each personnel file. Restoration Specialist must be proficient in the youth's primary language.

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Mental Health Expert: Services will be provided by a psychiatrist or psychologist as described in Section V, *Minimum Personnel Qualifications to Provide Services to Clients*, paragraph 36, subsections (a) (i) and (a) (ii) contained in the *Standard Terms & Conditions* AND who is familiar with this state's competency standards and statutes; familiar with the treatment, training and restoration programs that are available in this state and certified by the local Superior Court as meeting court developed guidelines. The certification by the local Superior Court may occur any time prior to execution of a contract with the ASC and must occur prior to accepting a referral from the local Superior Court. One mental health expert for each youth shall be utilized to supervise restoration services, unless extenuating circumstances arise or unless otherwise ordered by the referring Superior Court. Mental Health Expert must be proficient in the youth's primary language.

UNITS OF SERVICE:

Assessment / Restoration Plan development: One unit equals one hour; however, services must be billed in quarter hour increments

Education Program service delivery: One unit equals one hour, (50 minutes for instruction and 10 minutes for records documentation)

Reporting by Mental Health Expert: One unit equals one hour, maximum three hours per report. The three hour limit includes any clinical interviews with the youth.

Consultation by Mental Health Expert: (Supervision of the restoration plan development and on-going supervision of the education specialist) One unit equals one hour; however; services must be billed in quarter hour increments.

Court Testimony by Mental Health Expert: One unit equals one hour; however, services must be billed in quarter hour increments.

SERVICE GOAL:

To provide restoration education services to persons less than eighteen (18) years of age in order to attempt to restore the youth to competency.

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SERVICE TASKS:

Assessment/Restoration Plan:

1. Upon referral from a Superior Court and receipt of a Service Authorization Form, obtain a copy of the Mental Health Expert's Competency Report to the court. The report should specifically outline the services necessary to restore the youth to competency. Using this report, provide services as detailed in Sections X and XI, Paragraphs 46 through 49, of the *Standard Terms & Conditions*, incorporating all the findings and recommendations of the Court's Mental Health Expert. In the event the report is inadequate to develop a Restoration Plan, consult with the Court's Mental Health Expert and supplement with additional information and recommendations, as necessary. In the event the Court's Mental Health Expert's report includes recommendations for services which are not included within this Service Specification, notify the referring court by filing a letter with the referring court's clerk. Please specify what services were suggested that are not currently covered in this Service Specifications or covered under the Contractor's contract with the Arizona Supreme Court and providing recommendations for uncovered services. If there is no contracted service available, make specific reference to the service in the letter and wait for further instructions from the referring court. Fax and mail a copy of the letter to the assigned judge and the prosecuting and defense attorneys. Under no circumstances should a service be performed which is not covered in this Service Specification or covered under a Contractor's current contract with the Arizona Supreme Court and authorized by the referring court in the Service Authorization Form.

In the event the referring court requests services which are not covered in this Service Specification or covered under a Contractor's contract with the Arizona Supreme Court, the referring court must make arrangements to pay for these services. The uncovered services will not be paid for by the Arizona Supreme Court, Administrative Offices of the Courts.

2. The Restoration Plan must be developed in consultation with the supervising mental health expert. The plan must be signed, dated, and updated by both the restoration specialist and the supervising mental health expert.
3. The requirements of Section IX, Paragraph 45 (a) are not applicable.
4. The requirements of Section X, Paragraph 46 (b) and (c) are not applicable.
5. The Restoration Plan must specifically detail all additional services, beyond those of the educational program, (if any) necessary to restore the youth to competency.
6. The Assessment must be completed within five (5) business days of referral.

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7. The Restoration Plan must be completed within three (3) business days of the completion of the Assessment.

Education Program:

1. Provide individual or group instruction using the training material, as a guide, provided in the “Competency Training Juvenile Handbook” published by the Arizona Supreme Court, Administrative Office of the Courts. At a minimum, instruction will occur twice a week. The need for an increase in the frequency of instruction and the plan for individual versus group instruction should be established after consideration of the youth’s needs during the restoration assessment.
2. The training material and introduction methods must be modified as necessary to meet the individualized needs for youth and consider cultural, educational, behavioral and mental health needs.
3. In addition to the records requirements specified in Section XII, Paragraphs 50 and 51, contained in the *Standard Terms & Conditions*, all progress notes shall include the degree and title of the staff providing the services. Subparagraphs (xi) and (xii) of paragraph 50 of the *Standard Terms & Conditions* do not apply.
4. Consult with the ‘Mental Health Expert’ who supervises the treatment of the juvenile at least every other week.
5. At no time during the Education Program should there be any discussion with the youth regarding the specific purported offense or of the pending case.

Reporting by Mental Health Expert:

1. The mental health expert must supervise the treatment and education of the youth by providing and documenting case consultation, supervision and review of the case at least every other week in order to determine if there continues to be a substantial probability that the juvenile will regain competency and to make modifications to the Restoration Plan as necessary.
2. Submit written reports to the referring Superior Court as required by A.R.S. §8-291.07 (A), (B), and (C) as follows:
 - a. Competency restoration progress reports shall be submitted by the mental health expert prior to every competency hearing or review or every 60 days while the youth

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is in the restoration program. Competency restoration progress reports should address the following:

- i. Opinion as to the likelihood that the youth will regain competency,
 - ii. Estimated additional time needed for restoration,
 - iii. Recommendation for modification of treatment, if any.
 - b. Final written competency restoration progress reports and information as follows:
 - i. When the youth is believed to be competent, or
 - ii. When there is no reasonable basis to believe restoration will be successful, &
 - iii. Fourteen days before the restoration order expires.
 - iv. Final reports shall include the mental health expert's findings and the information required under section A.R.S. §8-291.07. If the report states that the juvenile remains incompetent, the report shall state the likelihood that the juvenile will regain competency, an estimated time period for the restoration of competency and recommendations for program modifications, if necessary.
 - v. If the report states that the juvenile has regained competency, the report shall state the effect, if any, of any limitations that are imposed by any medications used in the effort to restore the youth's competency.
 - c. A report shall be submitted whenever the mental health expert believes that there is no substantial probability that the youth will regain competency before the expiration of the order for participation in a competency restoration program.
3. Prior to submission of any report, the mental health expert may conduct a clinical interview with the youth.
 4. All reports must be submitted no later than five (5) days before the dates set for the court hearing or review. If Contractor determines that they are unable to meet this requirement they are to contact Juvenile Court Administration at the referring Superior Court. Providers will be notified by the referring Superior Court in writing of all the dates for hearings and reviews. Providers will be notified by the referring Superior Court by telephone of all changes in hearing dates or location.
 5. All reports must be submitted with one original to the Clerk of the referring Superior Court. The Clerk shall seal and file the original. The Mental Health Expert shall provide a copy to the assigned defense counsel by fax for redaction. Within twenty-four hours after the defense attorney receives a copy of the report, the defense attorney shall provide copies of the redacted report to the state and the court.

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6. No report shall contain any facts related to the purposed offense or the case pending against the youth.
7. Once the referring Superior Court finds the youth competent or incompetent, not restorable, restoration services shall be terminated (unless further ordered by the referring Superior court.)

Contractor Reporting:

A letter shall be submitted by the Contractor to the referring Superior Court when unsuccessful attempts have been made to locate the youth to provide restoration or the youth does not attend scheduled restoration services. Prior to the submission of this report, at least two documented efforts shall be made to contact the youth's assigned probation officer to determine the youth's whereabouts.

SPECIAL CONDITIONS:

Records-Confidentiality

1. Any record maintained in connection with any service associated with this Service Specification shall be kept confidential. The records should be clearly segregated from other client records (even if pertaining to the same youth) and marked confidential. The Arizona Supreme Court, Administrative Office of the Court may review the records for contract compliance.
2. Section II, paragraph 21 of the *Standard Terms and Conditions*, subsections (a) and (b) are modified to prohibit release of records or information contained in records to the referring Superior Court, except as provided for in this Service Specification or upon direct written order of the Superior Court.
3. Section XII, paragraph 51, subsection (d) is modified to prohibit the staff of the appropriate Juvenile Superior Court from examining or reviewing or copying client records for the purpose of probation enforcement, unless upon direct written order of the superior court.

Referral/Travel

No services shall be performed without first receiving a Service Authorization Form from a referring superior court.

Reimbursement for travel conducted to provide restoration services more than ten miles each way may be requested on the Service Authorization Form provided by the referring Superior Court.

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By signing this service specification, the Contractor agrees to attend any upcoming competency training that is provided by the AOC and the 2000 Training Mental Health Experts in Legal Competency video and Restoration Handbook will be reviewed and utilized prior to the delivery of service.

I have read and fully understand the requirements to provide Mental Competency Restoration services, agree to all requirements and restrictions and propose the following rate:

Proposed Contract Rate:

Education:

Assessment/Restoration Plan (service code 260)	\$ _____ / Hour
Group Education Service (service code 267)	\$ _____ / Hour / Client
Individual Education Service (service code 260)	\$ _____ / Hour

Mental Health Expert:

Consulting/Testimony (service code 180)	\$ _____ / 15 Minutes
Clinical Interview/Reporting (service code 263)	\$ _____ / Hour

Other Proposed Agreement: _____

Provider Signature / Date

AOC USE ONLY: DO NOT FILL IN BEYOND THIS LINE

Final Contract Rate:

Education:

Assessment/Restoration Plan (service code 260)	\$ _____ / Hour
Group Education Service (service code 267)	\$ _____ / Hour / Client
Individual Education Service (service code 260)	\$ _____ / Hour

Mental Health Expert:

Consulting/Testimony (service code 180)	\$ _____ / 15 Minutes
Clinical Interview/Reporting (service code 263)	\$ _____ / Hour

Other Agreement: _____

Provider Signature / Date

AOC Signature / Date