

ARIZONA SUPREME COURT  
ADMINISTRATIVE OFFICE OF THE COURTS  
JUVENILE JUSTICE SERVICES DIVISION  
Contract Year 2009-2010  
SERVICE SPECIFICATIONS  
MENTAL COMPETENCY RESTORATION  
Mental Health Expert  
Service Code 263

---

**SERVICE DEFINITION:**

To provide consultation, supervision and evaluation services for persons less than eighteen (18) years of age receiving outpatient competency restoration services.

**OVERVIEW:**

All services must be provided by a mental health expert as defined in A.R.S. ' 8-291 and approved by the referring Superior Court. Mental Health Expert must be proficient in the youth's primary language.

**Reporting By Mental Health Expert:** Preparation of progress and post-restoration reports 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.

**EDUCATIONAL/LICENSURE/TRAINING REQUIREMENTS:**

**Reporting by 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 34, 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.

All providers contracting with the ASC to supervise restoration services must receive competency restoration training or review the training materials and tapes provided and certify in writing on this service specification, that the materials have been reviewed.

**UNITS OF SERVICE:**

**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 Client. If a letter is sent to the referring Superior Court stating the reasons for the lack of a report, the billing shall not exceed one hour.

**Court Testimony by Mental Health Expert:** One unit equals one hour; however, services must be billed in quarter hour increments. The Mental Health Expert shall request of the court to testify telephonically in each case. In-person appearances shall be counted from the time of arrival at the court until dismissal following testimony, or at the time the court concludes the hearing or dismisses the Mental Health Expert, whichever is earlier. Telephonic appearances shall be counted from the time the phone call begins until it ends. Mental Health Expert testimony must be billed under the

**ARIZONA SUPREME COURT  
ADMINISTRATIVE OFFICE OF THE COURTS  
JUVENILE JUSTICE SERVICES DIVISION  
Contract Year 2009-2010  
SERVICE SPECIFICATIONS  
MENTAL COMPETENCY RESTORATION  
Mental Health Expert  
Service Code 263**

---

appropriate professional consultation service code (180).

**SERVICE GOAL:**

To provide consultation, supervision and evaluation services to persons less than eighteen years of age receiving outpatient competency restoration services.

**SERVICE TASKS:**

**Reporting by Mental Health Expert:**

1. The mental health expert must review case progress with the restoration specialist at least every other week in order to determine if there continues to be a substantial probability that the youth will regain competency and to make modifications to the Restoration Plan as necessary. The restoration plan must be signed, dated, and updated by the restoration specialist and the mental health expert. Consultation services provided to the assigned restoration specialist must be documented by the Mental Health Expert and maintained in the client's file. Consultation case review services shall not exceed 30 minutes per case at each review period.
2. Submit written reports to the referring superior court as required by A.R.S. § 8-291.10 (A) and (B) 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 is in the restoration program. Competency restoration progress reports should address the following:
    - i. Opinion as to the likelihood that the juvenile 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, and
    - iii. Fourteen days before the restoration order expires.

**ARIZONA SUPREME COURT  
ADMINISTRATIVE OFFICE OF THE COURTS  
JUVENILE JUSTICE SERVICES DIVISION  
Contract Year 2009-2010  
SERVICE SPECIFICATIONS  
MENTAL COMPETENCY RESTORATION  
Mental Health Expert  
Service Code 263**

---

- 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 youth 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 youth 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. Adequate time-frames must be considered when scheduling interviews to ensure all reports meet the request of the referring superior court. The client interview should be scheduled in a time frame which allows for rescheduling in the event the youth does not make the initial appointment.
  4. All reports must be submitted no later than five (5) days before the dates set for the court hearing or review. If the Contractor determines that they are unable to meet this requirement, a letter stating the reasons for the lack of a report shall be submitted by the Contractor to 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. 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. Invoicing for this letter shall not exceed an allotted time of thirty (30 minutes). 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.
  6. 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 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.

**ARIZONA SUPREME COURT  
ADMINISTRATIVE OFFICE OF THE COURTS  
JUVENILE JUSTICE SERVICES DIVISION  
Contract Year 2009-2010  
SERVICE SPECIFICATIONS  
MENTAL COMPETENCY RESTORATION  
Mental Health Expert  
Service Code 263**

---

7. No report shall contain any facts related to the proposed offense or the case pending against the youth.
8. 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).

**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 46, 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.
4. Upon termination of restoration services, the Contractor is required to release all documentation related to the youth's restoration case to the assigned restoration specialist. The restoration specialist is responsible for merging any documentation from the Mental Health Expert into the youth's closed file.

**Referral/Travel**

No services shall be performed without first receiving a Service Authorization Form from a referring Superior Court.

**ARIZONA SUPREME COURT  
ADMINISTRATIVE OFFICE OF THE COURTS  
JUVENILE JUSTICE SERVICES DIVISION  
Contract Year 2009-2010  
SERVICE SPECIFICATIONS  
MENTAL COMPETENCY RESTORATION  
Mental Health Expert  
Service Code 263**

---

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**

**Mental Health Expert:**

Consulting/Testimony (service code: 180)           \$ \_\_\_\_\_ / Hour  
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**

**Mental Health Expert:**

Consulting/Testimony (service code: 180)           \$ \_\_\_\_\_ / Hour  
Clinical Interview/Reporting (service code: 263)   \$ \_\_\_\_\_ / Hour

Other agreement: \_\_\_\_\_

\_\_\_\_\_  
Provider Signature / Date

\_\_\_\_\_  
AOC Signature / Date