



STATE OF WASHINGTON HEALTH CARE AUTHORITY

REQUEST FOR INFORMATION (RFI)

RFI NO. 3591

NOTE: If you download this RFI from the Health Care Authority website, you are responsible for sending your name, address, e-mail address, and telephone number to the RFI Coordinator in order for your organization to receive any RFI amendments or vendor questions/agency answers. HCA is not responsible for any failure of your organization to send the information or for any repercussions that may result to your organization because of any such failure.

SCOPE TITLE: Outpatient Competency Restoration Program (OCRP) Regional Partner WebEx Workgroups

RFI RELEASE DATE: September 4, 2019

WEBEX PRESENTATION WORKGROUP: The Regions listed below are invited to participate in a WebEx presentation conducted by Health Care Authority (HCA) and Department of Social and Health Services (DSHS). Participants will need to RSVP via email to the RFI Coordinator, Holly Jones at contracts@hca.wa.gov. See the WebEx Workgroup schedule for the three regions listed below.

If you will be attending the WebEx in a group, each individual participant does not need to RSVP; only one person/contact needs to RSVP for the group.

E-mailed submissions will be accepted. Faxed submissions will not be accepted.

Schedule for WebEx Presentation Workgroup		
Southwest Region (Clark, Skamania, Klickitat Counties)	Pierce Region (Pierce County)	Spokane Region (Spokane, Okanogan, Ferry, Stevens, Pend Oreille, Lincoln and Adams Counties)
September 20, 2019 10:30am – 12:00p m	September 23, 2019 1:00pm – 2:30pm	September 27, 2019 1:30pm – 3:00pm
RSVP by COB September 13, 2019	RSVP by COB September 13, 2019	RSVP by COB September 13, 2019

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1. Introduction

This Request for Information (RFI) is seeking information that will assist the Washington state Health Care Authority (HCA) in the implementation of Outpatient Competency Restoration Programs (OCRP) in Pierce County, Southwest Region (Clark, Skamania, Klickitat Counties) and Spokane Region (Spokane, Okanogan, Ferry, Stevens, Pend Oreille, Lincoln and Adams Counties). HCA, in collaboration with the Department of Social and Health Services (DSHS), will be hosting a WebEx presentation for each of the regions, inviting interested community partners to receive information on the proposed OCRP model, the Breaking Barriers Competency Restoration Program, and potential implementation strategies.

2. Background

All criminal defendants have the constitutional right to assist in their own defense. If a court believes a mental disability may prevent a defendant from assisting in their own defense, the court puts the criminal case on hold while an evaluation is completed to assess the defendant's competency. If the evaluation opines the defendant competent, they are returned to stand trial. However, if, based on the evaluation, the court finds the person is not competent, the court may then order the defendant to receive competency restoration treatment.

In 2018, The Department of Social and Health Services (DSHS) entered into a settlement agreement as part of the litigation known as A.B., by and through Trueblood, et al., vs. DSHS, et.al., No. 15-35462 ("Trueblood") more information at <https://www.disabilityrightswa.org/wp-content/uploads/2014/08/Trueblood-Proposed-Settlement-Agreement-8.16.18.pdf>. The court established that the length of time taken by DSHS to provide competency services was a violation of constitutional rights. As a result, the settlement agreement and subsequent legislation (Senate Bill 5444 (2019) provided guidelines pertaining to the implementation of Outpatient Competency Restoration Program (OCRP) which will permit competency restoration treatment to be provided in community settings instead of inpatient units within a state psychiatric hospital or other competency restoration facility.

After a competency evaluation is completed and the individual is found not competent to stand trial, the court orders the person to receive competency restoration treatment. Until now, DSHS has provided competency restoration treatment on an inpatient basis only. This new program, OCRP, will provide an option for courts to order restoration to defendants who are suitable to receive services in a less restrictive environment.

The intent of this program is to help reduce the number of people waiting to receive competency restoration, to provide the services in a safe and cost effective environment, and to provide the most appropriate level of care to the individual.

In 2017 the Office of Forensic Mental Health Services (OFMHS) contracted with the Groundswell Services, Inc. for an assessment and summary of current services and gaps in establishing an Outpatient Competency Restoration Program (OCRP). This model is based on the recommendations from that study, input from forensic subject

matter experts and adherence to Washington State statutes. This model will be provided to persons who register for the WebEx described in this RFI.

3. Objectives and Goals

The goals of this RFI are:

- 1) To Inform – This RFI will permit community partners to provide feedback and suggestions through the submission of information in response to this RFI. Depending on the feedback and recommendations, the information received will help HCA determine next steps.

HCA and DSHS hope to inform the behavioral health provider community on the following:

- History of OCRP in Washington state including statutory authority;
 - Prospective OCRP Model and Breaking Barriers Competency Restoration Program; and
 - The major business and technical complexities HCA and DSHS anticipate for this implementation.
- 2) To Learn – HCA and DSHS aims to use this RFI as a means to learn from the behavioral health provider community regarding implementation of the OCRP program including:
 - Barriers to implementation in each region;
 - Recommendations for implementation in each region; and
 - Questions or feedback on OCRP Model; Give regional implementation communities opportunity to participate and inform the process for implementation of OCRP in each Region;
 - Determine the scope of services ; and
 - Create a distribution list for each Region.

4. Facts and Assumptions

- Each OCRP provider receiving a contract from HCA will be required to utilize the Breaking Barriers Program as its methodology in providing OCRP services to participants.
- DSHS will provide training to contracted providers on the Breaking Barriers Competency Restoration Program.
- HCA and DSHS recognize that each implementation region is unique, and therefore anticipate some differences in how each Regional OCRP is implemented.

5. RFI Responses

- 1) HCA and DSHS will be conducting a 90-minute WebEx Workgroup Presentation for each of the three-implementation regions on separate dates, (see WebEx Schedule). The presentation will be on the proposed OCRP model and implementation strategies with the intention to give community partners an opportunity to hear more about the plans and for them to provide feedback and suggestions on model implementation for each Region.
- 2) For participant's feedback and questions to be recorded with HCA, each participant attending the WebEx will need to do the following:
 - a. Answer the questions that pertain to your organization in Exhibit A.
 - b. Email Exhibit A to the RFI Coordinator by **COB October 7, 2019**. Please put in the email subject line – **RFI 3581- Exhibit A: OCRP Community Partner Workgroup (Name of Region)**.

6. Administrative Terms and Conditions

RFI Coordinator: Please submit Exhibit A, to the RFI Coordinator by **COB October 7, 2019** at the following email:

RFI Coordinator	Email
Holly Jones	contracts@hca.wa.gov

7. RFI Schedule - HCA reserves the right to change the RFI Schedule at any time.

Release RFI	September 4, 2019	
Participant WebEx Workgroup - <u>RSVP Due Dates</u> - Per Region		
	Due Date	Time
Pierce Region (Pierce County)	September 13, 2019	COB
Southwest Region (Clark, Skamania, Klickitat Counties)	September 13, 2019	COB
Spokane Region (Spokane, Okanogan, Ferry, Stevens, Pend Oreille, Lincoln and Adams Counties)	September 13, 2019	COB
HCA sends WebEx information and supporting	September 16, 2019	

documents via email to RSVP list.		
WebEx Presentation Workgroup Schedule – Per Region		
	WebEx Date	Time
Pierce Region (Pierce County)	September 23, 2019	1:00-2:00 PM
Southwest Region (Clark, Skamania, Klickitat Counties)	September 20, 2019	10:30-12:00 PM
Spokane Region (Spokane, Okanogan, Ferry, Stevens, Pend Oreille, Lincoln and Adams Counties)	September 27, 2019	1:30-3:00 PM
Exhibit A – Participant’s Questions and Feedback Deadline	October 7, 2019	4:00 PM
HCA’s Responses to participant questions and feedback posted on WEBS, HCA website, and list serves	October 15, 2019	

8. Response Format

Please submit all questions and feedback via email to RFI Coordinator Holly Jones at contracts@hca.wa.gov. Information can be provided on an attachment, such as Adobe Acrobat or Microsoft Word.

9. Cost of Response

You will not be reimbursed for any costs associated with preparing or presenting any response to this RFI.

10. Response Property of HCA

All materials submitted in response to this RFI become the property of HCA. HCA has the right to use any of the ideas presented in any response to the RFI.

11. Public Records and Proprietary Information

Any information contained in the response that is proprietary or confidential must be clearly designated as such. The page and the particular exception(s) from disclosure must be identified. Each page claimed to be exempt from disclosure must be clearly identified by the word “confidential” printed on the ***lower right hand corner*** of the page. Marking the entire response as confidential will be neither accepted nor honored and may result in disclosure of the entire response.

To the extent consistent with chapter 42.56 RCW, the Public Records Act, HCA will maintain confidentiality of your information marked confidential or proprietary. If a request is made to view your proprietary information, HCA will notify you of the request and of the date that the records will be released to the requester unless you obtain a court order enjoining that disclosure. If you fail to obtain the court order enjoining disclosure, HCA will release the requested information on the date specified in its notice to you.

HCA's sole responsibility will be limited to maintaining the above data in a secure area and to notify you of any request(s) for disclosure for so long as HCA retains your information in HCA records. Failure to so label such materials, or failure to timely respond after notice of request for public records has been given, will be deemed a waiver by you of any claim that such materials are exempt from disclosure.

12. Revisions to the RFI

HCA reserves the right to amend this RFI at any time. In the event it becomes necessary to revise any part of this RFI, addenda will be provided via e-mail to all individuals who have made the RFI Coordinator aware of their interest. Addenda will also be published on Washington's Electronic Bid System (WEBS) at <https://fortress.wa.gov/ga/webs/>, and the HCA website at <https://www.hca.wa.gov/about-hca/bids-and-contracts#current-hca-acquisitions>. For this purpose, the published questions and answers and any other pertinent information will be provided as an addendum to the RFI and will be placed on the websites.

HCA reserves the right to cancel or reissue this RFI at any time, without obligation or liability.

13. No Obligation To Buy or Issue Solicitation

HCA will not contract with any vendor as a result of this RFI. While HCA may use responses to this RFI to draft a competitive solicitation for the subject of these services, issuing this RFI does not compel HCA to do so.

Responding to this RFI will not be a requirement of future solicitations. Responses and information provided in response to this RFI will not be considered when evaluating bidders responding to any future solicitation.

14. Security and Privacy Requirements

Any solution HCA procures and implements will need to comply with applicable state, federal, and industry regulations, such as the following:

- HIPAA Privacy, Security and Breach Notifications
- WA State OCIO Security Standard, OCIO 141.10
- 42 CFR Part 2
- RCW 70.02
- HCA Privacy and Security Policies, such as HCA 1-02 and HCA 6-16

- NIST 800-53 Rev 4

Further information about any of the above can be provided at vendor request.

Exhibit A

Region Name: _____

1. What is your role in your community as it relates to the criminal justice system or the delivery of behavioral health services?
2. Are you interested in serving as the agency that coordinates the OCRP in your Region? What is your capacity to operate OCRP in your Region? Do you have the capability to run a Region-wide program at a central location, as well as individualized or small group programs for persons in rural areas?
3. Please provide the potential barriers to the implementation of OCRP in your Region.
4. Please provide any feedback you may have about the model that was presented to you as part of this RFI process (either through written information or the WebEx).
5. Are there any features of the OCRP that would be important to have in place for you to consider applying to serve as the OCRP agency in your Region?