

OFFICE OF THE STATE PUBLIC DEFENDER



STEVE BULLOCK
GOVERNOR

WILLIAM F. HOOKS
CHIEF PUBLIC DEFENDER

STATE OF MONTANA

Phone: (406) 496-6080
Fax: (406) 496-6098
www.publicdefender.mt.gov

44 WEST PARK STREET
BUTTE, MONTANA 59701

January 6, 2016

To: Montana Public Defender Commission

From: Wendy Johnson, Contract Manager

RE: Second Quarter Report, FY 2017

State of the Contract Program.

There are approximately 235 contract/conflict attorneys with a current MOU, 30 investigators with a current MOU, and 85 mental health providers with a current MOU.

Contract Manager Activity.

The following is a brief explanation of all that has taken place over the past few months.

MOUs

I met with the State Procurement Bureau Chief to review all the current OPD MOUs. OPD is exempt from Montana's procurement statutes as they pertain to contracted case-related services. However, the Procurement Bureau has a wealth of experience as it relates to drafting and executing contracts and were happy to share that experience with OPD. OPD has made several changes to provisions in the previous MOUs and we are also finalizing the MOUs for the new provider types that the Commission adopted fees for at the October 2016 meeting. I am still waiting for the final recommendations from the Procurement Bureau Chief. Once the final recommendations are received and the recommended changes can be reviewed and implemented, we will begin rolling out the new forms.

FY 2017 Online Claim Audits

For the first quarter of FY 2017, internal audits were performed on 30 random contractor claims that were submitted through the online system. These claims were randomly chosen from the online billing system files and consisted of claims for services in all three programs. The audits found that there were no mathematical errors in any of the claims that were reviewed.

Strategic Plan Objective Updates

There are several areas of the Strategic Plan that require an update to the Commission.

- Objective 2.2.4, Performance Measurement 2, requires OPD to develop a fixed fee contract for representation by contract attorneys in treatment courts. OPD staff

has not developed a contract at this point, primarily because OPD has tried to shift resources by having an FTE take on some of the duties related to treatment courts. This shift is a result of OPD's efforts to be fiscally responsible and control the level of participation by OPD in the treatment courts.

- Objective 3.1.3 requires that OPD ensure service providers are compensated in a timely fashion. The Performance Measure asks for 95% of claims paid within 30 days. OPD is complying with this performance measure.
- Objective 3.1.4 requires OPD to analyze data from the online billing system to develop a proposal to identify and implement case compensation limits. Please see the section below related to CRM for an update.

CRM

The second phase of development for enhancements to our current online system is complete. As was noted in my previous report, we spent a lot of time reviewing the data that is coming out of the system to try to come up with good values to use as billing standards. With the assistance of Kristina Neal, Conflict Coordinator, and Kyle Belcher, IT Supervisor, we put the billing standards in place internally in October. With the assistance of the Regional Deputy Public Defenders and the Program Manager, it will be important to meet in the very near future and evaluate whether the caps OPD has been using are appropriate. OPD is also still trying to come up with an adequate solution to allow manually adjusting the given case cap when the circumstances would require such a change. We have several options available to us, provided we are given funding to develop the solution.

Pre-approvals are now online for both the contract attorney work force and FTE staff. Mental health providers and investigators will also begin using the online billing system. These enhancements have only been rolled out this week, and we have yet to receive much feedback from the staff and various vendors.

Miscellaneous Information

- Kyle Belcher and I participated in a breakout session at the OPD Annual Conference and provided training related to CRM. We continue to be available to answer questions relating to the enhancements that have been made.
- Prior to his departure, Chief Administrator Scott Cruse advised that OPD should stop issuing new MOUs until we could evaluate the success of the mitigation plan. As such, I have not issued any new MOUs for the past couple of months.
- There are several contractor performance issues that continue to be addressed with the assistance of the various program managers. These issues relate to client complaints, billing issues, and a myriad of other problems.