



DENVER
THE MILE HIGH CITY

2020 Denver Health Operating Agreement Follow-Up

Wednesday October 16, 2019
Safety, Housing, Education, and
Homelessness Committee

FOR CITY SERVICES VISIT | CALL
DenverGov.org | **311**

- Introductions
- Review of Non-Core Services
- Further Updates to the 2020 Operating Agreement
- Questions and Close

Appendix	Responsible City Agency
B.1 Center for Occupational Safety and Health (COSH) and Worker’s Compensation Triage Line (OUCH Line)	Department of Finance, Risk Management
B.2 Nurseline Services	DDPHE
B.3 Acute and Chronic Health Care at Denver County Jail and Downtown Detention Center	Denver Sheriff Department
B.6 Marijuana Public Health Impact Monitoring and Epidemiology	DDPHE
B.7 Park Hill Clinic (CIP Payment)	DDPHE
B.7 Federico Pena Clinic (CIP Payment)	DDPHE
B.7 Office of the Medical Examiner Services	DDPHE
B.7 Treatment on Demand: Substance Use Disorder treatment	DDPHE
B.8 Sexual Assault Nurse Examiner (SANE)	Denver Police Department
B.8 Blood Alcohol Draws	Denver Police Department
B.8 At-Risk Intervention and Mentoring Program	Department of Safety
B.8 Heartsaver First Aid CPR AED Training	Denver Fire Department
B.8 Tactical Casualty Care (TCC) for Law Enforcement Training	Denver Police Department
B.8 Department of Safety Fit for Duty Psychiatric Evaluations	Department of Safety
B.8 Capital Improvement Plan – Correctional Care Facility	Denver Sheriff Department
B.9 Expert Witness	District Attorney
B.9 Non-Intra-Familial Abuse Services	Denver Human Services
B.9 Competency Examination	Denver County Courts

Question: What is the dispute resolution mechanism for non-core services?

Answer:

- Non-core services do not follow the dispute resolution process outlined for core services. The Core Services dispute process would take more than a year to execute, and Non-Core Services are added and dropped annually. Non-Core Services need a more nimble mechanism.
- Dispute resolution is tailored for each section/service in the Operating Agreement.
- Dispute communication protocols are defined outside the Operating Agreement, and are updated regularly as personnel turn over.
- Generally, disputes are raised by staff, discussed at the agency point of contact, and escalated to agency leadership, the Liaison and Operating Agreement Manager, and to City Leadership, if needed.
- Existing language in Article V addresses Accountability generally, and specifically, the Liaison's role in facilitating resolution to concerns from the Mayor's Office, City Council, and constituents regarding the Authority's performance in meeting the Standard of Care.

Changes for 2020: New language for non-core services articulates notice for termination, if that is the outcome of the dispute resolution process.

Notice to Terminate: Either party shall provide 120 days' prior written notice to cancel the services provided pursuant to the operating agreement. The written notice to cancel shall not, in it of itself, extend the then current term of the Operating Agreement.

Question: Respective to non-core services, how does the City express concerns about contracted personnel performance? What is the Authority's responsibility to respond to concerns?

Answer:

- Current language varies by section. B-1 (COSH) addresses this with robust language about how performance-related issues are remedied.
- B-3 (Jail Medical) allows for the City to review a staffing plan and make changes.
- The City does not determine the standard of care, but can request for the Authority to review adherence to the standard of care through the informal dispute resolution processes currently in place.

Changes for 2020: New language for non-core services articulates process for City to request a review of Authority employee performance and the Authority's commitment to respond in writing outside of a litigation situation.

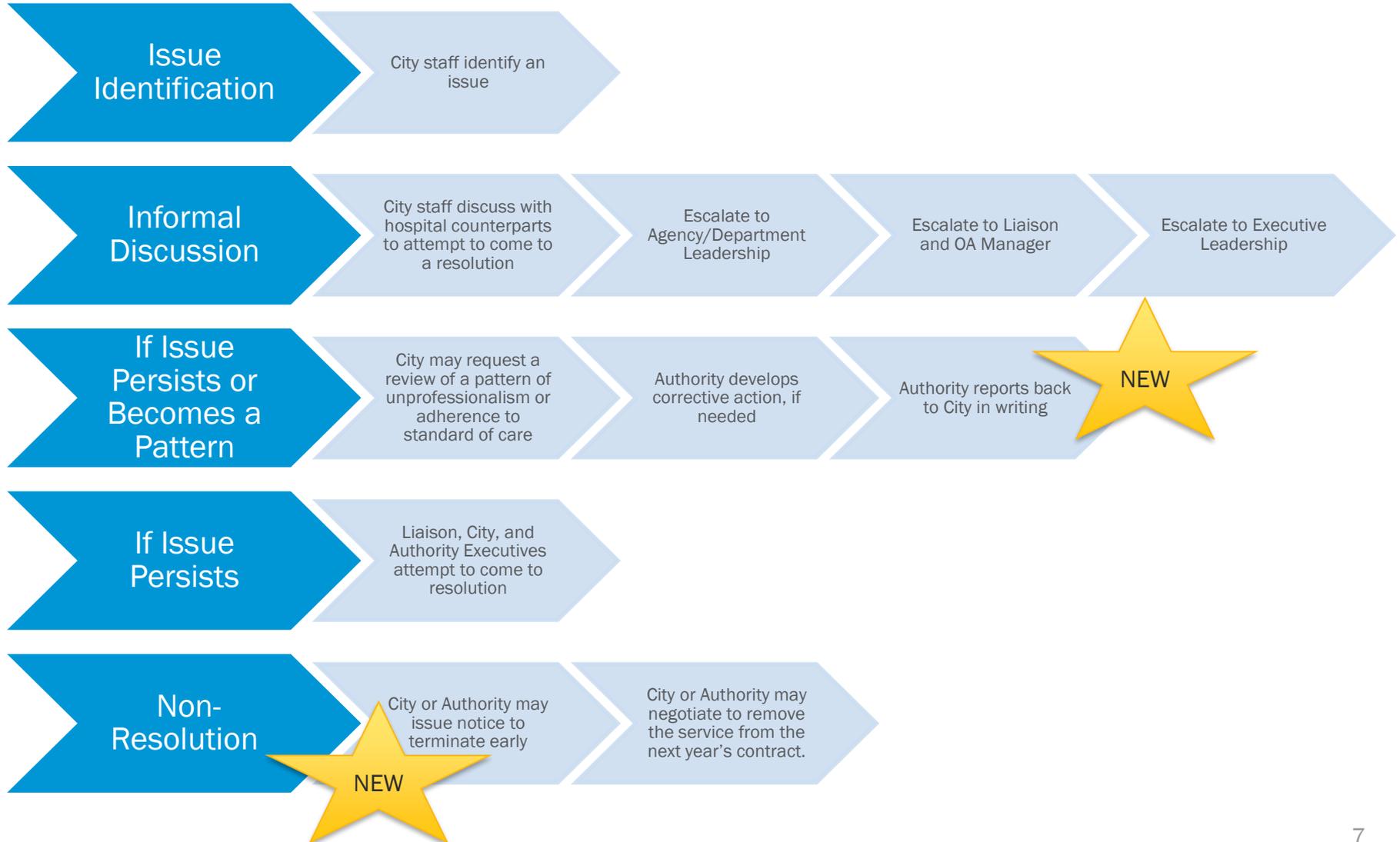
Review of Performance Concerns: The medical services provided by the Authority shall comply with applicable federal, state, and local law. If an Authority provider exhibits a pattern of unprofessional behavior or one that is inconsistent with existing standards of medical care, as determined by the Authority, the City shall request a review of the behavior or provider in question. The Authority shall review the situation and develop a plan of action and/or remediation for that provider, if necessary. The Authority shall communicate the results of that review and the actions taken by the Authority, if any, with the City officer responsible for the Appendix.

Question: How do we ensure the Authority responds to inquiries related to litigation related to Jail Medical (B-3)?

Changes for 2020: New language in B-3 articulates the Authority's commitment to respond in writing within 30 days.

New Language to be inserted in Appendix B-3, Section 1.9 Liability & Cooperation

The Authority agrees that, unless the City or Authority are defending a pending or threatened third party claim, it and all of its personnel who are employed at DDC or DCJ shall fully cooperate in any internal investigations concerning the correctional care facilities or employees of the Denver Sheriff's Department undertaken by the City, subject to state and federal privacy and confidentiality laws and provided that the Authority's legal counsel is afforded the opportunity to be present. If the City or Authority is defending a pending or threatened claim, the Sheriff Internal Affairs Investigators shall be allowed to interview nurses or other Authority personnel who work at the DDC or County Jail by submitting written questions to the Authority. The Authority shall, with the advice of its legal counsel, respond to inquiries from the City within 30 days of receipt. If ambiguities or other reasonable concerns arise during a particular written question, the parties will discuss them as soon as possible to avoid unnecessary delays.



- If Committee Approves Today:
 - Mayor Council – 10/23/19
 - First Reading – 10/28/19
 - Second Reading – 11/4/19
- Briefing on recent DSD and DHHA Jail Medical policies

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