



Legislation Text

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Contract Request Template (Contracts; IGAs; Leases)

Date Submitted: 7-31-2023

**Requesting Agency: Department of Safety
Division:**

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Item Title & Description:

(Do not delete the following instructions)

*These appear on the Council meeting agenda. Initially, the requesting agency will enter a 2-3 sentence description. Upon bill filling, the City Attorney's Office should enter the title above the description (the title should be in **bold** font).*

*Both the title and description must be entered between the red "title" and "body" below. Do **not** at any time delete the red "title" or "body" markers from this template.*

A resolution approving a proposed Third Amendatory Agreement between the City and County of Denver and The Empowerment Program Inc. to continue providing the jail-based behavioral health services screening, assessment and treatment for people in the Sheriff Department's custody, and to continue providing transition and follow-up case management services for housing, employment, continued treatment and other services, citywide.

Amends a contract with The Empowerment Program Inc. by adding \$156,906.18 for a new total of \$613,353.21 and one year for a new ending date of 6-30-2024 to continue providing the jail-based behavioral health services screening, assessment and treatment for people in the Sheriff Department's custody who have substance use disorders and co-occurring substance use and mental health disorders, and to continue providing transition and follow-up case management services for housing, employment, continued treatment and other services, citywide. (SAFTY-202368692 / 202054925). The last regularly scheduled Council meeting within the 30-day review period is on 8-28-2023. The Committee approved filing this item at its meeting on 8-2-2023.

Affected Council District(s) or citywide?
City wide

Contract Control Number:
-202368692 /

Vendor/Contractor Name (including any "DBA"):
The Empowerment Program Inc.

Type and Scope of services to be performed:

Article 1
Purpose and Target Population

Purpose. As used in this Statement of Work exhibit, the State and the Contractor together are referred to as the "Parties". The Parties understand and agree that the goal of the Jail Based Behavioral Health Services (JBBS) Program is to support county Sheriff's in providing screening, assessment and treatment for offenders with substance use disorders (SUD) and co-occurring substance use and mental health disorders, as well as transition case management services. Through funds authorized by the Colorado General Assembly (SB 12-163), the Behavioral Health Administration (BHA) intends to continue funding the Jail Based Behavioral Health Services Programs as set forth in this Contract

Target Population. Adults 18 years of age and older that are residing in the county jail with substance use disorder or co-occurring substance use and mental health disorders. In this regard, the subcontractor, in accordance with the terms and conditions of this Contract, shall develop, maintain, and provide behavioral health services in the county jails for individuals highlighted in section 1.2. The Contractor, in providing required services hereunder, shall utilize and maintain a partnership with community provider(s)/individuals that are licensed (LAC, LPC, LCSW, CAS), or, on a case by case basis, working towards licensure with provided learning plan, and are in good standing with the Department of Regulatory Agencies (DORA), have the ability to provide services within the jail or through televideo options, and have the capacity to provide free or low cost services in the community to inmates upon release.

Staff Agency Qualifications:

All education/treatment providers will meet Colorado Division of Behavioral Health licensure requirements. The Empowerment Program (EMP) must be licensed by and in good standing with the Colorado Division of Behavioral Health. If EMP's status changes at any time, or if one of its staff members is arrested for any reason, EMP must immediately notify the Denver Sheriff Department. Failure to do so may result in the termination of this contract.

The EMP staff must be adequately trained to deliver Trauma education and treatment services. Staff members must be certified addiction counselors and/or meet the requirements for mental health licensure according to Colorado Division of Behavioral Health and DORA; they must be in good standing with their licensure/certification. Staff should be trained in mental health issue identification and treatment to be qualified to provide co-occurring substance abuse and mental health services.

EMP, with DSD Program Manager approval, may provisionally hire staff with a conferred master's degree in Mental Health Counseling or Social Work as a Case Manager, contingent upon their ability to obtain candidacy status with DORA. Candidacy status must be obtained within the first 60 days of hire or with a documented plan in place if more time is needed.

All services and materials shall be made available to English and Spanish speaking participants. Staff will be trained in the delivery of culturally competent services.

All staff will be trained in Motivational Interviewing (MI) and current evidence-based treatment services. At the provider's expense, EMP staff will receive ongoing MI coaching and supervision through MI supervision practices. Staff delivering cognitive-based treatment services shall be trained to deliver the curriculum with fidelity.

The provision of jail-based services must be in accordance with the DSD access requirements including:

- Criminal background checks
- Clearance to deliver services in the Jail

- Completion of a civilian safety course

EMP employees must comply with Prison Rape Elimination Act (PREA) National Standards, to include annual PREA training requirements. As well as efforts to prevent, detect, and respond to allegations and suspicions of sexual abuse and sexual harassment for the purpose of ensuring a zero-tolerance policy at DSD for sexual abuse and sexual harassment at DSD facilities.

EMP employees must comply with American Correctional Association (ACA) standards relating to the RISE program.

Services Description

Denver Sheriff Department JBBS SUD program is known as RISE (Recovery in a Secure Environment) and provides treatment therapy for male and female inmates with substance abuse and/or co-occurring disorders who are in custody with the Denver Sheriff Department. In addition, the participants can be either sentenced or unsentenced with a goal of a minimum time to be served of thirty (30) days in the RISE Program. RISE is targeted to serve between 200 and 300 participants annually with continued service in the community.

Article 2 Activities and Services

Licensed Substance Use Disorder Treatment Requirements.

- a. Eligibility. Per program authorizing legislation, individuals must have a substance use disorder and/or a co-occurring mental health disorder (determined by SUD and MH screening) to be eligible to receive services under the JBBS program.
- b. Treatment providers must hold a Substance Use Disorder Provider license and be in good standing with the Colorado Department of Regulatory Agencies (DORA).
- c. DSD shall implement policies and procedures on how subcontracted treatment provider(s) will manage and maintain clinical records for the individuals served at the outpatient community location. The providers must follow the same protocols and policies for record management for services offered in the jail.
- d. Sub-contractor shall provide appropriate screening(s), assessment(a), brief intervention and linkage to care in the community, based on an individualized treatment and/or transition plan.
 - i. Sub-contractor shall utilize evidence-based screening processes and tools, subject to approval by BHA, to screen for mental health disorders, substance use disorders, trauma, and traumatic brain injuries.
- e. Each participant's treatment / transition plan should incorporate:
 - i. Summary of the continuum of services offered to individuals based on evidence-based curricula.
 - ii. Frequency and duration of services offered.
 - iii. If individual's treatment will be provided by more than one treatment provider, describe how services are distributed between providers.
 - iv. Incorporation of criminogenic risk factors in service and transitional case planning as determined from the Level of Supervision Inventory (LSI) for individuals who are enrolled and participating in JBBS for at least 30 days.
 - v. The individual's natural communities, family support and pro-social support.
 - vi. A plan to transition individuals from jail-based services to appropriate behavioral health and other needed community services upon release from incarceration.
 - vii. Sub-contractor shall provide treatment to individuals in need of services in accordance with the treatment and transition plan described above.

EMP, while working with the RISE Program, will provide the necessary therapeutic milieu management in cooperation with the parameters set by the Denver Sheriff Department (DSD) and its requirements for maintaining the safety and security of the secured facility (e.g. County Jail). The therapeutic milieu management will not supersede any interventions that are necessary and set forth by DSD uniformed and/or civilian staff. Therapeutic milieu management, including all methods/techniques exercised by EMP, staff will work in cooperation with the protocols, methodologies, and required actions that may have to be taken by staff of the Denver Sheriff Department.

EMP services that accommodate the RISE participants include group and psychoeducation will be offered 2-4 hours weekly. Screening and assessment are ongoing and occur daily, lasting between 60 minutes and 120 minutes. Individual counseling occurs as agreed upon by the client and behavioral health specialist with sessions lasting 15 to 60 minutes. Crisis intervention also occurs as needed.

Finally, transition planning and vocational services planning occur daily for 30-60 minutes. Milieu management is ongoing and occurs daily.

The following services will be included as needed based on individual assessments of participants and as approved by DSD RISE Program Coordinator.

- Assessments
 - Mental Health Disorder Screening
 - Trauma Screening
- Trauma Education Groups such as:
 - Seeking Safety
 - Helping Men Recover
 - Men's Trauma Recovery and Empowerment Model (M-TREM)
- Individual Therapy sessions as needed per assessment
- Case Management Services for transition planning
- 1-2 hours of community building on the unit each week through graduation and community meeting
- Milieu management
- Written transition plans
- Entering required information into state databases for mental health and substance use services, JBBS tracking software, as well as DSD RISE tracking.

Case Management and other services will be determined based on need per participant and determined by DSD RISE Program Coordinator in conjunction with EMP.

EMP staff and their direct supervisor and/or clinical supervisor will participate in bi-weekly collaboration meetings with the DSD RISE Program Coordinator to staff cases and address workflow and processes. In addition, EMP staff and supervisor will participate in monthly meetings with all RISE staff to address workflow and processes. EMP leadership will participate in monthly management meetings with the RISE Program Coordinator, Program Manager, and Director of Inmate Programs.

Work collaboratively with the DSD to ensure all workflow and processes are in place and agreed upon.

Article 3 Standards & Requirements

Level of program care. Services offered by the Contractor hereunder shall meet ASAM Level 1 or 2.1 level of care.

Services

EMP will provide 1.0 employee (40 hours) weekly at Denver Sheriff Department for the development and programming of the RISE unit for men. The staff will be committed to the program 40 hours/week and will be located at the jail at least 32 hours per week.

EMP will provide 1.0 employee (40 hours) weekly at Denver Sheriff Department for the development and programming of the RISE unit for women. The staff will be committed to the program 40 hours/week and will be located at the jail at least 32 hours per week.

EMP employees shall be subject to the same policies and procedures, rules and regulations of the DSD to the extent that such policies, procedures, rules and regulations do not conflict with those of EMP.

EMP and DSD Program Manager may provide a temporary modification to the 40 hour per week schedule on a case-by-case basis. The purpose of modifications will be to meet staffing needs and the needs of the program and will be temporary until full-time staff requirements can be met.

EMP may be provided the opportunity for a work from home schedule, as approved by the RISE Program Coordinator or Program Manager, to exceed no more than 8 hours per week. Staff working remotely must be available by phone and by email. All computer work should be conducted on a DSD or EMP provided computer, as opposed to a personal computer. EMP will be responsible for monitoring staff work at home time to ensure all

hours billed to the contract are worked on this program and will be responsible for providing DSD with a copy of their EMP internal remote work policy.

Employees will follow the same holiday schedule and leave policies as other EMP employees.

EMP will provide continuing coverage during EMP employee's extended absences due to illness, vacations, emergencies, and other reasons if exceeding 10 days annually. EMP will not be required to provide continuing coverage for staff off site training, supervision meetings, and all required staff meetings.

For employees completing program management and supervision, their time spent on RISE shall be proportionate to the administrative fees in the contract.

EMP shall report any program/treatment non-compliance by the next business day.

EMP staff will work to coordinate transition services such as appropriate housing, employment, transportation, further treatment services and other needed services.

Prior to the client leaving the Jail, EMP will work with clients to determine income and ability to pay for services including all education, therapy, cognitive skill, and monitoring. Eligible clients will be offered a sliding fee scale charge according to their ability to pay. The fees will include the following EMP treatment services. This is not an inclusive list:

- Substance abuse
- Evaluation to assess readiness for treatment and mental health screen with a referral for further evaluation
- Treatment level that matches assessed needs including Intensive Outpatient, Outpatient Substance Abuse Treatment, trauma education and therapy
- Cognitive behavioral treatment

EMP services will take place in the Jail, Monday through Friday and will continue to the community.

EMP will assist DSD, and additional RISE partners, in marketing needs of the program to facilitate education of RISE programming to internal and external stakeholders. Marketing materials will be reviewed and revised at least annually.

Article 4 Data Reporting

Subcontractor is required to report information in the BHA Jail Based Behavioral Health Services (JBBS) CiviCore Database or another database as prescribed by BHA. Data must reflect current individual enrollment and services provided by the 15th day of each calendar month to allow BHA staff to utilize current data. The following data elements will be captured in the CiviCore JBBS database or another database as prescribed by BHA:

- a. A record for each individual who screened "positive" for a mental health disorder or substance use disorder; other screenings completed and results thereof.
- b. Basic demographic and working diagnosis information (including veteran status and pregnancy status, if applicable).
- c. For individuals in jail more than 30 days and who are admitted to the JBBS program, it is recommended that a Level of Supervision Inventory (LSI/LSI-R) risk assessment be completed.
- d. The type and dosage of medications provided for Medication Assisted Treatment (MAT). Please see Exhibit B for allowable medications.
- e. Number of individuals who successfully transition to community-based services upon release.
- f. Program discharge outcomes and treatment status in the community after discharge.

The Contractor agrees to respond to BHA's inquiries about data submissions within two (2) business days and work with BHA to quickly resolve any data issues.

The Subcontractor agrees to respond to BHA’s inquiries about data submissions within two (2) business days and work with BHA to quickly resolve any data issues.

The following data elements will be captured in the DSD RISE tracking spreadsheet or other database as prescribed by DSD:

- a. Basic demographic information
- b. PCL-5 Score
- c. PCL-5 Score Category
- d. CCAR
- e. CCAR Discharge
- f. Survey Question Responses (shared responsibility)
- g. Probation Officer Name (shared responsibility)
- h. Any additional information deemed necessary by Program Coordinator

Article 5 Performance Measures

Performance Measures:

- a. Transition Tracking Outcomes.** The goal of the JBBS program is to identify treatment service needs and assist with engagement in community-based treatment services upon release. The Subcontractor shall make reasonable efforts to contact all JBBS individuals who are successfully discharged from the program and released to the community at one, two, six- and 12-months post release. The individual’s treatment status shall be recorded in the CiviCore JBBS database, or another data system as prescribed by BHA. If a client remains engaged in treatment post-release, JBBS may continue to provide support through the Subcontractor’s Recovery Support Services section of their budget, for up to 12 months. The following are the treatment status options:
 - i. Deceased - In the event of death of the individual post-release.
 - ii. In Treatment - Individual is engaged in community-based treatment services as recommended in the transition plan.
 - iii. New Crime/Regressed - Individual returned to jail for violations or committed a new crime.
 - iv. Not Applicable - Individual sentenced to Department of Corrections, Probation, Community Corrections, or treatment status not applicable at month two, six, or 12 due to prior tracking status of Deceased, New Crime/Regressed, or Treatment Completed.
 - v. Not in Treatment - Individual is reported by the community-based treatment provider as not in treatment or the individual reports to not be in treatment services as recommended on the transition plan.
 - vi. Status Unknown - Individual cannot be located.
 - vii. Treatment Completed - Individual has completed treatment as recommended in the transition plan.
- b. Recidivism.** JBBS aims to decrease the rate of reincarceration of former JBBS participants for crimes related to substance use and drug possession. BHA may conduct an annual analysis of recidivism. The following will apply to this analysis:
 - i. JBBS participants who have received SUD-related treatment services or groups will be included in the recidivism analysis

Performance Measure Target

- a. Performance Measure Target.** Programs will be compliant with the contract requirements if a total of 55% or more of individuals who were released from the program with a “Successful Discharge” are considered “In Treatment” or “Treatment Completed” at the one-month transition tracking interval.
- b. Recidivism Target.** Programs will ensure the data in the JBBS CiviCore Database pertaining to the most recent complete fiscal year (July 1 - June 30) is verified and correct by 15th of July following the fiscal year so that the recidivism analysis may be completed by BHA.
 - i. DSD may withhold payment of subcontractor’s invoices if entries into the JBBS CiviCore Database are not complete by the deadline stated above.
- c. Plan of Action.** Programs who do not meet the performance benchmark for transition tracking or

recidivism analysis shall be asked to submit a plan of action to improve program performance for the next fiscal year. Failure to comply with this performance measure could result in reduction of subsequent years' program budgets.

Performance Measures and Reports as required by BHA

Collect, maintain, and submit data to be reported on a regular basis. All reports are due on the last day of the month following the time period required for the report.

Article 6 Deliverables

Deliverables for All JBBS Programs

- a. **Workgroup Attendance.** Workgroup Attendance. BHA facilitates JBBS Program Meetings every other month. The subcontractor shall ensure that a representative from each jail participates in the meetings. The representative(s) who attends the meetings shall be responsible for relaying the information discussed during the meetings to the rest of the subcontractor's program organizational structure.
- b. **Critical Incidents.** The subcontractor shall share the following information by email with the RISE Program Coordinator if a critical incident occurs during a session or in the presence of clinical staff funded by the JBBS funds by close of business of the date the incident occurs:
 - i. Date and time of incident;
 - ii. Location of the incident;
 - iii. The nature of the incident;
 - iv. How the incident was resolved;
 - v. Name[s] of staff present; and
 - vi. Whether the incident resulted in any physical harm to the participant or any staff

A Critical incident is defined as any significant event or condition that is of public concern and/or has jeopardized the health, safety and/or welfare of individuals or staff. To include but not limited to: self-harm, including suicide attempt, completed suicide, assault on staff, assault on inmate

Budget

- Line-item budget deviations under 25% are allowed without prior approval. Overall budget must not exceed total approved amounts. Any spending outside of the approved budget lines, or creation of new budget lines, will require prior approval.
- One-time retention payments may be utilized for staff that have remained employed by The Empowerment Program for RISE for 6 months or longer when vacancy savings exist within the personnel budget but may not exceed overall contract amount.

Location (if applicable):

WBE/MBE/DBE goals that were applied, if applicable (construction, design, Airport concession contracts):

N/A

Are WBE/MBE/DBE goals met (if applicable)?

N/A

Is the contract new/a renewal/extension or amendment?

amendment

Was this contractor selected by competitive process or sole source?

Competitive process

For New contracts

Term of initial contract:

Options for Renewal:

How many renewals (i.e. up to 2 renewals)?

Term of any renewals (i.e. 1 year each):

Cost of initial contract term:

Cost of any renewals:

Total contract value council is approving if all renewals exercised:

For Amendments/Renewals Extensions:

Is this a change to cost/pricing; length of term; terms unrelated to time or price (List all that apply)?

Cost 7 length of term

If length changing

What was the length of the term of the original contract?

7/01/2020 - 6/30/2023

What is the length of the extension/renewal?

One year

What is the revised total term of the contract?

7/01/2020 - 6/30/024

If cost changing

What was the original value of the entire contract prior to this proposed change?

\$456,447.03

What is the value of the proposed change?

\$156,906.18

What is the new/revised total value including change?

\$613,353.21

If terms changing

Describe the change and the reason for it (i.e. compliance with state law, different way of doing business etc.)