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To: Montana Public Defender Commission

From: Wendy Johnson, Contract Manager

RE: First Quarter Report, FY 2017

State of the Contract Program.

Since my last report, there is a lot of information to provide to the Commission. There are approximately 250 contract/conflict attorneys, 30 investigators, and 80 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.

Contract Steering Committee Update

The Contract Steering Committee met on September 19, 2016. The agenda for this meeting was fairly lengthy and a number of topics were discussed, including the following:

- Current MOUs and potential updates or added provisions.
- Creating new MOU types, including MOUs for transcriptionists, administrative support, and expert witnesses.
- Current and proposed Fee Schedules for all provider types.
 - We discussed this issue at the October 3, 2016 Public Defender Commission meeting. Rates were approved for all provider types, including transcriptionists and individuals providing administrative support.
- Online billing system updates.
- Potential policy revisions as related to OPD's billing policy and the pre-approval policy.
- Contracts that are up for renewal, including the contract for OPD's case management system and the contract that relates to OPD's Mental Health Coordinator.

The members of the Contract Steering Committee provided guidance as to how to proceed with many of the above items, and I am currently working on the new MOUs, updating the MOU language, and ensuring that our policies accurately reflect the way in which work is being completed.

Proficiency Determinations

As I have noted previously, I work closely with other staff members to monitor contract attorney issues that run the gamut from billing issues to performance issues. In general, it is our practice to address these issues as they present themselves, not only when we are conducting an official evaluation. I am no longer providing a secondary review of all non-conflict claims, and anticipate that I will have more time in the future to dedicate to conducting attorney reviews. As such, proficiency determinations are ongoing.

FY 16 Online Claim Audits

For the 2nd, 3rd, and 4th Quarters of Fiscal Year 2016, internal audits were performed on 90 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.

Online Billing System

The development of the enhancements to our current online system are ongoing. We have 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 have put the billing standards in place internally. We will continue to monitor these values to determine whether or not the caps are appropriate, and plan to roll this out to our contract attorneys in January. As was noted in my previous report, in addition to the billing standards, additional enhancements are being developed including the following, to wit: adding our mental health providers, investigators, and other vendors to the voucher system; adding pre-approval request forms; adding conflict case referral forms; and adding requests for investigators and transcripts to the online system.

Miscellaneous Information

- Closing forms continue to be entered into our case management system for contract cases on a daily basis. The contract office continues to complete case audits on a region by region basis every month which is helping us to ensure that case counts and the information for each contract attorney is accurate.
- I am still working closely with OPD staff to brainstorm ways in which we can train staff and contractors with relation to the new enhancements to the online billing system. We will continue to work together to put together a training that is available as a manual, and also potentially some video tutorials. With the assistance of Kyle Belcher, I will participate in a breakout session at the OPD Annual Conference to provide

training and be available to answer questions relating to the enhancements that have been made.

- OPD continues to receive applications for additional attorneys, investigators, and mental health professionals to join our contract work force. Reference checks are routinely conducted before approving any applicant for an MOU, and our Investigator Supervisor and the Mental Health Coordinator are both instrumental in determining if applicants in those areas have the necessary qualifications.
- As noted above, I am no longer providing a secondary review of the non-conflict claims. I am going to work closely with the accounting staff to come up with an audit process to complete every month, but will generally only be involved at the claim level if there is a billing issue to resolve. We anticipate that this will result in a faster process, and the ability to provide the program heads and Commission with a more accurate financial forecast.
- There are several contractor issues that continue to be addressed with the assistance of the various program heads.