

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

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Meeting Date: March 14, 2017	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing

Department: Department of Public Safety
Submitted By: Department of Public Safety
Submitted For: Division of Justice Services

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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: Second Amendment to Contract for Professional Services (R2015-1661), with Drug Testing and Counseling Services, Inc. for increasing the scope of services for drug treatment and testing services for individuals referred by the Adult Drug Court, Delinquency Drug Court, and Family Drug Court for the period October 1, 2015 through September 30, 2018.

Summary: This amendment will allow for a change in the scope of services in an area of the Drug Court program that is in need of additional drug testing services, specifically for opiate use. Expanded opioid tests will test for specific opioid/opiate activity such as codeine, morphine, 6-acetylmorphine, hydrocodone, hydromorphone, oxycodone, and oxymorphone as the abuse of these drugs have become more prevalent in the past year. The first contract amendment (R2016-1042) with Drug Testing and Counseling Services, Inc. was approved by the Board of County Commissioners on August 16, 2016 that reduced the contract for a not-to-exceed amount of \$872,175. This amendment expands the types of drug testing services that can be provided without changing the total contract amount. The amendment for Drug Testing and Counseling Services, Inc. was executed in accordance with R2015-1661 which authorized the County Administrator or designee to execute minor amendments and administrative documents associated with these contracts on behalf of the Board of County Commissioners, after approval of legal sufficiency by the County Attorney's Office, and within budgeted allocations. Countywide (LDC)

Background and Justification: The Palm Beach County Drug Courts are intervention models which emphasize a holistic focus on strengthening individuals and families by offering extensive and comprehensive wraparound services to the substance abusing individual. Cohesive linkages among stakeholders in the substance abuse treatment, and judicial systems assure that effective communication occurs through Drug Court Team collaborations, with representatives from all involved systems claiming team membership and providing accountability. The Drug Court programs are rehabilitation programs designed to identify, case manage, drug test, and provide outpatient and inpatient substance abuse treatment services to substance abusing individuals and/or parents of abused and neglected children.

Attachment:

- 1) Second Amendment to Contract for Professional Services with Drug Testing and Counseling Services, Inc.

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Recommended by:	<u>Stephanie Demore</u>	<u>2/13/17</u>
	Department Director	Date
Approved By:	<u>[Signature]</u>	<u>3-6-17</u>
	Deputy County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
Net Fiscal Impact	* =====	=====	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	0	0	0	0	0

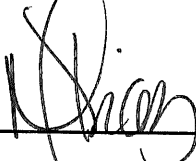
Is Item Included In Current Budget? Yes X No _____

Budget Account Exp No: Fund 0001 Department 660 Unit 5243/5242/5241 Object 8201
 Rev No: Fund 0001 Department 660 Unit 5243/5242/5241 RevSc var

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Fund: General Fund
 Unit: 5243 – Adult Drug Court

*No fiscal impact

Departmental Fiscal Review: _____


III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

 OFMB *et 2/16* *1/11/17*

 Contract Administration
 3/3/17 *TD*

B. Legal Sufficiency:

 Assistant County Attorney
 2/23/17

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.

SECOND AMENDMENT TO CONTRACT

THIS SECOND AMENDMENT TO CONTRACT FOR PROFESSIONAL SERVICES (hereinafter "Second Amendment"), is made as of this ____ day of _____ 2017 by and between Palm Beach County, a Political Subdivision of the State of Florida, by and through its Board of Commissioners, hereinafter referred to as the "COUNTY" and Drug Testing and Counseling Services, Inc. (herein referred to as the "CONSULTANT"), a non-profit corporation authorized to do business in the State of Florida, whose Federal I.D. is **20-321-8543**.

WITNESSETH:

WHEREAS, the Parties, entered into that certain Contract for Professional Services ("Agreement") on November 17, 2015 (R2015-1661) for the Adult and Delinquency Drug Court programs which provided an amount not to exceed \$890,175; and

WHEREAS, the Agreement was amended on August 16, 2016 to extend the project scope of work to include the Family Drug Court program; and

WHEREAS, the CONSULTANT's responsibilities under the Agreement are to provide services in the area of drug testing and substance abuse treatment; and

WHEREAS, the Parties have agreed to revise the scope of work to include additional drug testing types for prescribed medications.

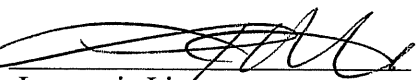
NOW THEREFORE, the above named Parties hereby mutually agree to revise the Agreement, and enter into this Second Amendment as follows:

- I. The foregoing recitals are true and correct and incorporated herein by reference. All defined terms as used in this Second Amendment shall have the same meaning and effect ascribed to them in the Agreement.
- II. Exhibit "B" of the Agreement is deleted in its entirety and replaced by Exhibit "B-02" attached hereto, and made a part hereof.
- III. Exhibit "A" of the Agreement is deleted in its entirety and replaced by Exhibit "A-02" attached hereto, and made a part hereof.
- IV. Except as modified herein by this Second Amendment, the Agreement, remains unmodified and in full force and effect and the parties hereby ratify, confirm and adopt the Agreement, as amended, in accordance with the terms thereof.

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida, through its authorized representative, has made and executed this Second Amendment on behalf of the COUNTY, and the CONSULTANT has hereunto set its hand the day and year above written.

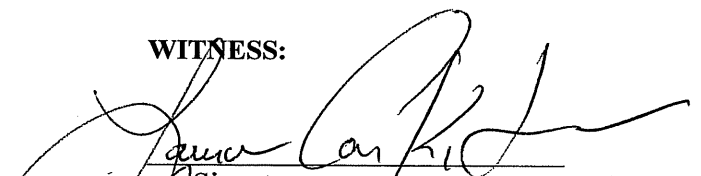
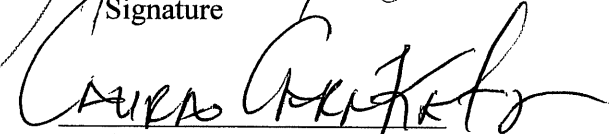
CONSULTANT:
Drug Testing and Counseling Services, Inc.

PALM BEACH COUNTY, FLORIDA,
a Political Subdivision of the State of Florida

By: 
Laurencio Lira
Executive Director

By: _____
Verdenia C. Baker
County Administrator

WITNESS:

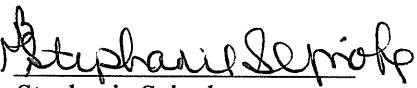

Signature

Name (type or print)


APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____
Assistant County Attorney

APPROVED AS TO TERMS AND CONDITIONS


Signature

By: 
Stephanie Sejnoha
Department Director


Name (type or print)

AMENDED

SCOPE OF WORK - ADULT DRUG COURT

BACKGROUND

The Palm Beach County Adult Drug Court program is operational under the management of the Palm Beach County Department of Public Safety, Division of Justice Services and the 15th Judicial Circuit. The program is a cooperative effort between the Board of County Commissioners, Criminal Justice Commission, the Judiciary, State Attorney, Public Defender, Florida Department of Corrections and contracted community-based service providers (the Consultant).

The Palm Beach County Adult Drug Court program is a rehabilitation program designed to identify, case manage, drug test and provide outpatient substance abuse treatment services and inpatient treatment services when necessary, to nonviolent substance-abusing defendants.

OUTPATIENT SERVICES

A. General Services Description

The Consultant shall provide drug treatment and testing services to program participants referred by the Drug Court in accordance with the American Society of Addictions Medicine (ASAM) placement criteria. The Consultant shall be licensed under Chapter 397, Florida Statutes, Section 65D-30, Florida Administrative Code and by the Department of Children and Families (DCF). The Consultant shall provide the following:

B. Office Space in Palm Beach County

1. Sufficient space to accommodate treatment groups of up to fifteen (15) participants.
2. Separate, secure, private office for individual counseling sessions (i.e. multiple offices within the same office complex).
3. A restroom facility suitable for collecting urine samples from participants and space suitable for a small, locked refrigerator that shall be used only to store urine samples.
4. Program site(s) accessible to bus routes/public transportation and availability of day and evening sessions suitable for employed participants.

C. Clinicians Minimum Criteria

1. The education, training and experience that is required of a “primary counselor” in accordance with Chapter 397, Florida Statutes, Section 65D-30, Florida Administrative Code and licensing by the DCF.
2. Certified Criminal Justice Addictions Professional (CCJAP) credential preferred or Certified Addictions Professional (CAP) credential or in active pursuit of CCJAP or CAP credential.
3. Dedicated and committed primarily to this program and its goals.
4. Qualified clinicians and clinical supervisors shall be familiar with a minimum set of treatment related topics. The topics are Cognitive Behavioral Therapy, Relapse Prevention, Relapse Intervention, HIV Prevention, Cultural Sensitivity and Competence, Community Reinforcement Approach, Dual Diagnosis, Gender Specific Counseling Techniques, Family Therapy, Motivational Therapy and Moral Reconciliation Therapy (MRT).
5. A minimum of one (1) bi-lingual case manager, who also possesses the above referenced credentials, shall be employed in order to provide services to Spanish speaking participants.

D. Clinical Supervisor Minimum Criteria

1. The education, training and experience that is required of a “qualified professional” in accordance with Chapter 397, Florida Statutes, Section 65D-30, Florida Administrative Code, and licensed by DCF.
2. Licensed Clinical Social Worker (LCSW) or Licensed Mental Health Counselor (LMHC) with CCJAP or CAP credential preferred.
3. Experience supervising evaluation and case management programs for criminal justice involved substance-abusing clients.

E. Treatment Records

The provider shall maintain complete participant treatment records and on site, as outlined in the Alcohol, Drug Abuse and Mental Health (ADM) licensure requirements, including electronic data, as required by law. Progress reports on each participant shall be submitted weekly in a report and/or electronic format acceptable to the Drug Court.

F. Substance Abuse Screening and Assessment

Within fourteen (14) days of application for admission into the program, the Consultant shall complete a written substance abuse assessment. The assessment tool shall address the severity of addiction as well as the participant’s strengths, weaknesses, and motivation.

G. Individualized Written Treatment Plan

Within fourteen (14) days of assessment, the Consultant shall develop, together with the program participant, an initial individualized written treatment plan. The treatment provider shall review and update the plan with the participant on a monthly basis.

H. Group Counseling Sessions

The Consultant shall facilitate substance abuse outpatient group counseling sessions to program participants on days and times that are most conducive to successful completion of the program to include evenings and weekends. The duration of each outpatient group counseling session shall be ninety (90) minutes. Group size shall not exceed fifteen (15) participants. Examples of some modalities include: Cognitive Behavioral Therapy, Relapse Prevention, Relapse Support, Motivational Enhancement Therapy, the Matrix Model and Community Reinforcement Approach.

I. Individual Counseling Sessions

The Consultant shall provide individual counseling sessions to participants. The duration of an individual counseling session shall not be less than sixty (60) minutes. Examples of some of the issues that sessions might address are needs assessment, treatment plans, continuing care plans, stopping illegal substance abuse, impaired functioning, stopping illegal activity, family relationships and social relationships.

J. Drug Testing Due to Suspicious Use

The Consultant shall drug test treatment participants who exhibits signs of drug or alcohol use. Results of all drug tests due to suspicious use shall be reported at the end of the day in a format acceptable to the Drug Court. The drugs of abuse for which testing is conducted shall include elements such as: cocaine, marijuana, alcohol, opiates, benzodiazepine, amphetamines, **OxyContin®** (oxycodone) or any substance of abuse that a participant may be most likely to use. A qualified same sex staff person shall observe all collections. A written chain of custody shall be used as well.

K. Weekly Staffing and Hearing Meetings

Each Consultant shall send a treatment liaison to the weekly staffing and hearing meetings of the Drug Court. The liaison shall report information about the participants' treatment progress. The information may include treatment recommendations, missed appointments, and drug test results. The information may also be requested in an electronic format.

The drug testing liaison shall also report information about the participants' drug testing results. The information will include participant's test results, diluted tests, abnormal tests, and no-shows for test results.

L. Suspension of Treatment

The Consultant will provide drug treatment to clients referred by the Drug Court. Where possible, the Consultant shall not suspend or withhold ongoing treatment to any client without written approval from the Drug Court Coordinator. The Consultant will first convey a request to suspend ongoing treatment to the Drug Court Coordinator. The Drug Court Coordinator, after consultation with the Drug Court Judge, will provide the Consultant with written approval or disapproval for the request. Only after a written approval is received by the consultant can drug treatment be suspended.

M. Drug Testing General Services Description

The Consultant shall conduct drug testing on the participants selected for random drug testing by the Drug Court. The drug(s) to be tested shall also be determined by the Drug Court. The Drug Court shall select a group of participants (by pre-assigned colors) to report for their drug test each day, Monday through Friday. The drugs of abuse for which testing is conducted shall include elements such as: cocaine, marijuana, alcohol, opiates, benzodiazepine, amphetamines, **OxyContin®** (oxycodone) or any substance of abuse that a participant may be most likely to use. The Consultant shall provide the following:

- A qualified same sex staff person to observe all collections.
- Drug testing days and hours of operation will be Monday through Friday 8:00 a.m. to 8:00 p.m.
- Experience supervising a drug testing program which oversees the testing of criminal justice involved substance-abusing clients.

N. Method of Drug Testing to be Used

All drug testing will be conducted using the Siemens Healthcare Diagnostics, Inc., Syva's EMIT® reagents, which is the most widely used and extensively validated in the drug testing industry and is found in more than 85% of the U.S. SAMHSA labs. EMIT test results have been upheld in numerous court decisions and at the highest level of the American judicial system: the United States Supreme Court. The Consultant shall provide the following:

- All technicians will receive appropriate training and certification from Siemens Healthcare Diagnostics, Inc.
- Bar-coded Identification Cards shall be provided to each program participant, which includes the name of participant, picture and Drug Court Identification Number. This card shall be used for identification purposes when the participant reports for a random drug test and identifies the specimen, thereby ensuring secure chain of custody.

O. Reporting Drug Testing Results

Second Amendment

The Consultant shall submit the test results by the end of the following day to the Drug Court program office in a WinTOX® format with the capability of being automatically downloaded into the JSIS Drug Court database. WinTOX® Data Manager can be programmed for import or direct entry, with standing orders and customized panel and assay configurations.

SCOPE OF WORK – DELINQUENCY DRUG COURT

Background

The Palm Beach Fifteenth Judicial Circuit Delinquency Drug Court program is operational under the administration of Palm Beach County's Justice Services Division and the Administrative Office of the Court, Fifteenth Judicial Circuit. The program is a cooperative effort between the Division of Justice Services, Court Administration of the Fifteenth Judicial Circuit, Office of the State Attorney, Office of the Public Defender, the Department of Juvenile Justice, the School District of Palm Beach County and contracted community based service providers (the Consultant).

Delinquency Drug Court is a court-supervised, three-phase drug treatment program, which provides regular and continuous supervision as well as intensive substance abuse treatment, sanctions and incentives and support services to juvenile offenders and their families.

Responsibilities of Consultant

The Consultant shall provide drug testing services to program participants referred by the Delinquency Drug Court in accordance with the American Society of Addictions Medicine (ASAM) placement criteria. The Consultant shall be licensed under Chapter 397, Florida Statutes, Section 65D – 30, Florida Administrative Code and by the Department of Children and Families (DCF). The Consultant shall provide the following:

1. **Office space located in Palm Beach County Courthouse consisting of the following:**
 - a. A restroom facility suitable for collecting urine samples from participants and space suitable for a small, locked refrigerator that shall be used only to store urine samples.
 - b. Program site(s) accessible to bus routes/public transportation and availability of day and evening sessions suitable for employed participants.
2. **Treatment Records** – The provider shall maintain complete participant treatment records and on site, as outlined in the Alcohol, Drug Abuse and Mental Health (ADM) licensure requirements, including electronic data, as required by law. Progress reports on each participant shall be submitted weekly in a report and/or electronic format acceptable to the Delinquency Drug Court.
3. **Bi-Weekly Staffing and Hearing Meetings** – The provider shall send a representative to the bi-weekly staffings and hearings of the Delinquency Drug Court. The representative shall report information about the participants', including but not limited to missed appointments, and drug test results. The representative shall bring all drug testing

records pertaining to candidates and participants of Delinquency Drug Court for the week prior to the staffing. The representative shall also file a copy of these records with the Clerk (in Court) at the hearing on a weekly basis.

4. **Schedule of Payments** - The Consultants will prepare and submit monthly invoices to the Drug Court offices. Invoices must include the Drug Court Client Identification Number, client name, dates of services, amount due for each service and the total amount due. Invoices will be reviewed and approved by the County's representative to verify that services have been rendered in conformity with the contract. Approved invoices will then be sent to the Finance Department for payment.

SCOPE OF WORK- FAMILY DRUG COURT

Background

The Palm Beach County Family Drug Court program is operational under the management of the Palm Beach County Department of Public Safety, Division of Justice Services and the 15th Judicial Circuit. A grant was awarded by the Office of Justice Programs for the period of October 1, 2009 through September 30, 2014 to develop and implement a Drug Court to serve families involved in Dependency Court proceedings due to child abuse and/or neglect. While the grant program has concluded the program will function seamlessly with funding for the program provided through County dollars in fiscal years 2015, 2016 and 2017. The Family Drug Court program is a rehabilitation program designed to identify, case manage, drug test and provide outpatient and inpatient substance abuse treatment services to substance abusing parents of abused and neglected children.

Responsibilities of Consultant

The CONSULTANT shall provide drug testing and testing services to program participants referred by the Family Drug Court in accordance with the American Society of Addictions Medicine (ASAM) placement criteria. The CONSULTANT shall be licensed under Chapter 397, Florida Statutes, Section 65D- 30, Florida Administrative Code and by the Department of Children and Families (DCF). The CONSULTANT shall provide the following:

1. Office space in Palm Beach County Courthouse consisting of the following:
 - a. A restroom facility suitable for collecting urine samples from participants and space suitable for a small, locked refrigerator that shall be used to store urine samples.
 - b. Program site(s) accessible to bus routes/public transportation and availability of day and evening sessions suitable for employed participants.
2. Random Drug Testing- The Consultant shall conduct testing on the participants selected for random drug testing by the Drug Court. The drug(s) to be tested shall also be determined by the Drug Court. The Drug Court shall send through fax the list of selected participants and the drugs to be tested. The Consultant shall submit the test results at the end of the day in a format acceptable to the Drug Court.

The drugs of abuse for which testing is conducted shall include elements such as: cocaine, marijuana, alcohol, opiates, benzodiazepine, amphetamines, propoxyphene or any substance of abuse that a participant may be most likely to use. A qualified same sex staff person shall observe all collections. A written chain of custody shall be used as well.

3. Drug Testing Due to Suspicious Use- The Consultant shall drug test treatment participants who exhibits signs of drug or alcohol use. Results of all drug tests due to suspicious use shall be reported at the end of the day in a format acceptable to the Drug Court.

The drugs of abuse for which testing is conducted shall include elements such as: cocaine, marijuana, alcohol, opiates, benzodiazepine, amphetamines, propoxyphene or any substance of abuse that a participant may be most likely to use. A qualified same sex staff person shall observe all collections. A written chain of custody shall be used as well.

Reporting Drug Testing Results

The Consultant shall submit the test results by the end of the following day to the Drug Court program office in a WinTOX® format with the capability of being automatically downloaded into the JSIS Drug Court database. WinTOX® Data Manager can be programmed for import or direct entry, with standing orders and customized panel and assay configurations.

EXHIBIT "B-02"

Second Amendment Schedule for Payment

Reimbursable Expenses
 Amending First Amended Contract (R2016-1042)
 Costs for Project Period October 1, 2015 – September 30, 2018

The Consultants will prepare and submit monthly invoices to the Drug Court offices. Invoices must include the Drug Court Client Identification Number, client name, dates of services, amount due for each service and the total amount due. Invoices will be reviewed and approved by the County's representative to verify that services have been rendered in conformity with the contract. Approved invoices will then be sent to the Finance Department for payment.

Service/Program: Drug Court Drug Testing and Counseling

ADULT DRUG COURT:

Service	Unit Type	Rate
Individual Sessions	1 hour	\$58.00
Group Counseling Sessions	1 hour	\$22.50
7- Panel Drug Test	1 unit	\$14.00
Expanded Opiate Test	1 unit	\$35.00
Flakka Test	1 unit	\$57.50
Ecstasy Test	1 unit	\$35.00
ETG Test	1 unit	\$35.00
Suboxone/Buprenorphine Test	1 unit	\$35.00

JUVENILE/DELINQUENCY DRUG COURT:

Service	Unit Type	Rate
7-Panel Drug Test	1 unit	\$14.00
Expanded Opiate Test	1 unit	\$35.00
Flakka Test	1 unit	\$57.50
Ecstasy Test	1 unit	\$35.00
ETG Test	1 unit	\$35.00
Suboxone/Buprenorphine Test	1 unit	\$35.00

FAMILY DRUG COURT:

Service	Unit Type	Rate
7-Panel Drug Test	1 unit	\$14.00
Expanded Opiate Test	1 unit	\$35.00
Flakka Test	1 unit	\$57.50
Ecstasy Test	1 unit	\$35.00
ETG Test	1 unit	\$35.00
Suboxone/Buprenorphine Test	1 unit	\$35.00

AS AMENDED:

OCTOBER 1, 2015 – SEPTEMBER 30, 2016:	\$ 278,725
OCTOBER 1, 2016 – SEPTEMBER 30, 2017:	\$ 296,725
OCTOBER 1, 2017 – SEPTEMBER 30, 2018:	\$ 296,725
MAXIMUM CONTRACT AMOUNT FOR THREE YEARS:	\$872,175

All reimbursable expenses shall be reimbursed only at cost. A copy of the original receipt and canceled check must be attached to the invoice for payment.

Invoices shall be submitted for the prior month by the 10th day of the current month.

Reimbursable expenses shall mean the actual expenses as authorized by the COUNTY pursuant to this AGREEMENT, and reasonably incurred by the CONSULTANT directly in connection with the CONSULTANT'S performance of its duties and Scope of Work pursuant to this Agreement.