# COST CONTAINMENT REVIEW PANEL

# STANDARD OPERATING PROCEDURES

Approved by Panel:

**Purpose**

Establish the process to be used by the Cost Containment Review Panel in order to fulfill statutory obligations as required by Montana law and the Montana Youth Court Act.

**Panel Configuration**

1. Youth Court Services Bureau Chief: (Standing member)
2. Three members appointed by the Chief Justice of the Supreme Court; and
3. One member who is a professional working in the field of children’s mental health appointed by the Director of the Department of Public Health and Human Services (DPHHS).

Note: Youth Court Services Bureau Chief shall keep all appointment letters and each appointing authority shall appoint a person to serve as an alternate for a member who is unable to participate in a CCRP meeting.

Current panel members:

Youth Court: Tom Billteen, Youth Court Services Bureau Chief

1. Supreme Court – Clint Arneson, Chair, Tara French, Brenda Taylor (Kindra Hageness-Lima – alt.)
2. DPHHS – Meghan Peel, Vice Chair (Katelyn Harlow – alt.)

**Duties**

1. Establish the formula for the annual allocation to each Judicial District once the annual appropriation is known, but prior to the beginning of the fiscal year, 41-5-13~~0~~1, MCA;
2. Recommend an amount to be allocated to the cost containment pool at least one month prior to the start of each fiscal year, 41-5-132, MCA;
3. Approve requests by Judicial Districts for allocations from the cost containment pool, 41-5-132, MCA;
4. Approve requests by the Department of Corrections for reimbursement from the cost containment pool, 41-5-132, MCA;
5. Provide recommendations on the evaluation of out-of-home placements, programs, and services, 41-5-2003, MCA;
6. Review Prevention Incentive (PIF) plans submitted to the Office of Court Administrator (OCA) to decide whether each plan should be approved, Section 20; and
7. Adopt procedures for the operation of the CCRP.

**Annual Allocation Formula**

The Panel will vote upon the formula for the annual allocation to each Judicial District once the annual appropriation is known. This will be completed during the regularly scheduled May meeting. Based on unduplicated youth: modifications are at the discretion of the Panel to the allocations formula.

# Cost Containment Pool Allocation

# An amount of $1,000,000 is allocated to the Cost Containment Pool fund annually. This amount is taken out of the total allocation prior to the Program Evaluation Funds, and JDIP Allocation. Per 41-5-130, the allocations to the OCA and DOC are separate legislative appropriations. The DOC appropriation for youth placements is separate from the appropriation made to the Judicial Branch for youth court placements, services and programs.

# Requests for Cost Containment Pool Funds

When a financial specialist notifies the Chief Juvenile Probation Officer in a Judicial District that the district budget is over-encumbered, the chief must review existing placement decisions and determine if appropriate changes can be made. A Judicial District may appear before the CCRP or be available by telephone, to request additional funds and shall submit the Request for Contingency Pool Funds form and any supporting documents to the Youth Services Bureau Chief, for review at the next scheduled CCRP meeting.

At the scheduled review meeting, the CCRP will discuss and evaluate the request(s) and make a determination of the amount, if any, to be added to the budget(s). Decisions of the Panel will be conveyed to the requesting party either verbally at the time of the meeting or by a letter from the Panel chair person.

# DOC Requests for Cost Containment Pool Funds

The Department of Correction may also request at the end of each fiscal year supplemental funding for costs incurred for placing youth with mental health diagnosis. The DOC must expend its budgets for placements and services to youth and any parental contributions or federal funds, for which the department has spending authority, or private insurance payments received for treatment prior to seeking funding from the contingency funding. The DOC must have signed consent forms on file and available for review by the CCRP for each placement.

**Recommendation for Evaluation**

The CCRP panel will provide the OCA with a recommendation for the use of the Program Evaluation Funds each Fiscal Year. The recommendation will be submitted to the District Court Council for final approval and allocations of funds.

**Review of Prevention Incentive Fund Plans**

The CCRP will review Prevention Incentive Fund (PIF) plans submitted to the OCA by Judicial Districts (Chief Probation Officers and Youth Court Judges) to determine if they are acceptable and constitute appropriate lower cost and less restrictive community alternatives and/or placements and recommend to the OCA whether to approve. All plans must be submitted on the most current PIF Plan form provided in the following webpage; <http://courts.mt.gov/dcourt/yth_court>, in order to be considered by the Panel. Plans will be reviewed by the Youth Court Services Bureau Chief, or designee, for accuracy and completeness. If a plan has been previously funded by PIF an Outcome Measures report and supporting documentation must accompany the new current year PIF plan in order to be considered by the Panel. (outcome measures should come from completed previous PIF year, unless it is a NEW plan) A District should only submit a plan appropriate to the anticipated balance in the annual allocation.

Plan amendments may be submitted to the OCA for Panel recommendation when a plan needs to be modified. If a District is simply reducing the amount of a plan and not changing the plan itself, a letter should be submitted outlining the changes. Plan amendments requesting only an increase in the amount of funds need only submit the first page of the PIF Plan containing the original amount, the adjusted amount, the final amount of the plan, and an explanation for the change. Plans changing the content should submit a revised plan with an explanation of what is being changed. Plans must be submitted at least one week prior to a scheduled meeting to be considered at that meeting. The CCRP will be mindful of the two-year time limit for expending Prevention Incentive Funds.

CCRP support staff will forward a letter to the Court Administrator with the Panel’s recommendation for each PIF Plan within five working days of the meeting. The Court Administrator shall notify the CCRP and the appropriate Chief Juvenile Probation Officer when a plan is approved or disapproved. Plans that are not approved can be revised and resubmitted to the CCRP for reconsideration by the Panel and the Court Administrator.

**Emergency Process for PIF Plans**

If a situation requires immediate action (ie. must be completed prior to the next scheduled meeting), and no other funds are available to pay for the service or placement, the following will apply:

Districts will be required to submit the emergency PIF plan to the OCA who will then send it electronically to CCRP members, including alternates, for approval (everyone will vote). Each member’s response will be e-mailed to all members within 24 hours (reply to all) and support staff will e-mail the Court Administrator as to the final CCRP recommendation – a majority vote of the seven (7) members is required for approval.

If the Court Administrator approves a plan, the approval is only valid until the plan can be reviewed at the next regularly scheduled CCRP meeting. At the regular meeting, the plan would be presented just as any other plan that is submitted before the CCRP.

Note: If the service or placement can be paid out of current year funding, it is not considered an emergency.

**Operating Procedures Revision**

Once adopted, revisions to this document may be requested by any Panel member.

**Chair and Vice Chair**

A chair and a vice chair will be elected by a majority vote of the seven (7) members annually at the July meeting.

**Meetings**

The chair, or vice chair in the absence of the chair, convenes and presides over Panel meetings. Meetings are held a minimum of two times per year; scheduled the third Thursday of each month, but held only as needed. Dates and times will be posted on the statewide electronic calendar.

**Agenda Items**

The Youth Court Services Bureau Chief or designee will forward PIF Plans and Outcome Measure Reports along with any Requests of Cost Containment Pool Funds to CCRP members and support staff. Agendas and previous month minutes will be sent to CCRP the Monday before the meeting.

Late agenda items will be reviewed by the chair or vice chair who will decide whether they should be added to the meeting’s agenda or placed on the next meeting’s agenda. If the late agenda items are of an emergency nature, they should be weighed as to where they should fall on the agenda. If they are not of an emergency nature, they should fall at the end of the agenda and be handled on a time allowable basis. Any changes to the agenda will require a majority approval of Panel members.

**Voting Procedures**

Panel meetings are conducted in a manner to permit the greatest possible participation by all members of the Panel and public.

A member must first be recognized by the chair prior to making a motion. If an action is to be reconsidered, the motion for reconsideration must be made by an individual who originally cast a vote for the prevailing side.

In the case of a telephonic vote, the chair or the member making the motion must clearly read the motion aloud immediately prior to the vote. For recording purposes, members participating via telephone must identify themselves prior to voting.

Debate should be complete and not be arbitrarily limited, but it should be focused on the motion.

Decisions of the CCRP must be made by a majority vote of the members of the Panel or their alternates. Proxy votes are allowed.

**Conflict of Interest**

1. Definition of “conflict of interest” is when a voting member of the panel may have a significant and predictable effect on a financial interest;
2. If a Panel member perceives there is a conflict of interest, he/she may voluntarily withdraw;
3. The Panel has the ability to exclude a member of the Panel if it appears there is a conflict of interest.

**How Public is Notified of Meetings**

CCRP meeting date, time and location as well as a copy of the agenda will be posted via the Montana e-Calendar the Monday preceding the regularly scheduled meeting.

**Public Participation**

Panel meetings are held for the purpose of conducting official CCRP business. Time will be identified on the agenda for public comment and to allow members of the public to address the panel. The Panel Chair may also ask for comments from the public on subjects of interest after all comments have been made by Panel members.

**Minutes**

Detailed minutes of each meeting of the Panel will be kept and shall contain a record of the persons present, a complete accurate description of matters discussed, and conclusions reached. The Panel shall approve, and the chair shall certify the accuracy of the summary minutes of each meeting. The minutes shall be made available to all Panel members and alternates, public present at meetings, Judicial District Chief Probation Officers and, upon request, any member of the public.

**Staff Responsibilities**

The OCA provides support staff necessary to carry out the administration and execution of Panel operations. In addition to meeting minutes, the staff will coordinate Panel meetings, prepare CCRP meeting agendas, and convey Panel recommendations to the Court Administrator.

The Financial Specialists will monitor and analyze Judicial District budgets and assist Districts in preparation for appearance before the CCRP.

Questions or correspondence regarding the Panel should be directed to the Youth Court Services Bureau Chief, Tom Billteen, at 841-2961.

**New Member Orientation**

New Panel members will be provided with a briefing session with appropriate Panel members prior to their first Panel meeting.

**Committees**

# The Panel may form standing committees consisting of Panel members, and ad hoc committees that may consist of Panel members and non-Panel members. Standing committees are appointed by the chair. Ad hoc committees can be established by the chair or by vote of the Panel.

**Requests for Additional Information**

Requests for more information will come from the Panel. The Bureau Chief, Contract Manager, and/or administrative support staff will forward to the Chairperson for approval and signature. The additional information will be sent to the administrative support staff who will in turn forward to the Panel members. If possible, contact will be made at the time of the meeting to clarify information.