

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF MENTAL HEALTH



August 24, 2007

Dennis R. Jones, Monitor
1730 Rhode Island Avenue, NW, Suite 206
Washington, D.C. 20036

Re: Dixon et al. v. Fenty, et al.
CA No. 74-285 (TJH)
Agreements Regarding Reporting and Measurement for Exit Criteria #3 -
Community Service Reviews for Adults and Exit Criteria #4 – Community
Service Reviews for Children/Youth.

Dear Mr. Jones:

The purpose of this letter is to memorialize our agreements regarding the FY 2008 community services reviews for adults, children and youth. The community service reviews are required by the December 12, 2003 Consent Order Approving Agreed Exit Criteria With Measurement Methodology and Performance Levels (the “Exit Criteria Order”). This letter addresses four (4) subjects: the sample size of the reviews, the composition of the review team, data collection methods and policy requirements.

1. **Sample Size.**

As you know, the Exit Criteria Order specifies that “[c]onsumer services reviews shall be conducted using stratified random samples of individuals who have received services within the DMH system – with sample size sufficient to provide statistical levels of confidence.”¹ The sample size for the annual community service reviews has been fifty-four cases since 2004.

You have advised us that there was a verbal agreement between you, a previous director of the Department of Mental Health (DMH), and Dr. Ivor Groves, Human Systems Outcomes, Inc. (HSO) regarding the use of a reduced sample size to conduct the community services reviews (CSRs) for both adult and children/youth in the District of Columbia because of the costs

¹ In the January 2004 Report to the Court (the “January 2004 Report”), you reported that “the randomly selected sample size will increase from 36 for year one to 54 for year two. This sample size should provide an estimate of performance at a 95% confidence level.” See January 2004 Report, page 3. In the January 2005 Report to the Court (the “January 2005 Report”), you stated that “[t]he sample size for each review will remain at 54.” See January 2005 Report, page 5.

involved in conducting the reviews and the limited value of using a statistically valid sample given the developing system. You further advised that the parties had agreed to increase the sample size to a larger sample as the results of the annual CSRs improved and reached the range of acceptable performance as defined in the Exit Criteria Order (80% system performance). Therefore, although DMH achieved the performance level in the adult CSRs that was established in the Exit Criteria Order, you did not recommend Exit Criteria #3 for inactive monitoring status in your July 2007 Report, because the sample size was not statistically valid.

You subsequently provided us with recommended sample sizes to ensure that the results of community services review are statistically valid. The proposed sample sizes are as follows:

Target Population	Sample Size for Monitoring	Sample Size for Research
Child/Youth Service Population Estimate (2000)	Sample size needed for 95% confidence, $\pm 10\%$ error = 85 [estimate of proportion using a simple random sample]	Sample size needed for 95% confidence, $\pm 5\%$ error = 330 [estimate of proportion using a simple random sample]
Adult Service Population Estimate (6000)	Sample size needed for 95% confidence, $\pm 10\%$ error = 88 [estimate of proportion using a simple random sample]	Sample size needed for 95% confidence, $\pm 5\%$ error = 342 [estimate of proportion using a simple random sample]

During a meeting on July 24, 2007, we discussed the sample size for the 2008 CSR. We have agreed upon a sample size of eighty-eight (88) cases for the adult CSR and a sample size of eighty-five (85) cases for the child/youth CSR, to ensure that the sample size is “sufficient to provide statistical levels of confidence” in the results.² It is our understanding that, if DMH achieves the range of acceptable system performance (80% or more) in FY 2008 with the increased sample size for either or both of these Exit Criteria, you will recommend removal from active monitoring.

2. Review Team Composition.

The Exit Criteria Order requires that the “[a]nnual reviews will be conducted by independent teams – one for children and youth and one for adults.” It is our understanding, that historically, DMH was responsible for conducting approximately half of the scheduled reviews, while HSO provided external reviewers to conducting the remaining reviews.³ Again, this was based upon a verbal agreement among you, a previous director of DMH and Dr. Groves.

² We recognize that the sample size may change slightly depending on the total claims submitted during the period used to pull the sample.

³ The Court Monitor’s January 2003 Report to the Court (the “January 2003 Report”) states that “[a]s part of the negotiations with the parties about the Court Monitor’s 2003 budget, it was agreed that DMH would select a minimum of twelve staff from the DMH Authority (six for Children/Youth and six for Adults), who would be trained as reviewers for the first baseline review. This constitutes 50% of the total trained reviewers – the remainder of whom will be supplied by HSO. HSO, as part of its contract with the Court Monitor, will provide the necessary training for all reviewers and develop processes to ensure individual objectivity and inter-rater reliability. The inclusion of DMH staff as reviewers is intended not only to constrain costs, but also to develop growing internal capacity within DMH to utilize and monitor the quality systems review process.” See January 2003 Report, page 3.

We discussed the composition of the 2008 review teams during our meeting on July 24, 2007 and the requirement for an independent review team set forth in the Exit Criteria Order. We agreed to change the composition of the review teams from ½ DMH reviewers and ½ HSO supplied external reviewers to 1/3 DMH reviewers and 2/3 HSO reviewers.

To ensure inter-rater reliability between the DMH reviewers and the HSO reviewers, HSO will review the list of trained DMH reviewers and provide recommendations to DMH before September 30, 2007 regarding the best qualified, most objective DMH reviewers.⁴ HSO will provide further training for the selected DMH reviewers using one or more simulations to ensure that the DMH reviewers are appropriately prepared to conduct the reviews.

HSO will appoint a case judge to ensure inter-rater reliability between the DMH reviewers and the HSO reviewers. Both HSO and DMH reviewers will conduct reviews over a two-week review period. Case debriefing will occur at the end of the first week as well as the end of the second week in an effort to ensure inter-rater reliability in scoring.

We agreed that the methods that will be used to ensure inter-rater reliability between the DMH reviewers and the HSO reviewers will be sufficient to ensure that the review teams would be considered “independent” for purposes of complying with the Exit Criteria Order’s requirement for an independent review team.

3. Data Collection Methods.

The Exit Criteria Order specifies that the “[a]ctual data collected on individuals sampled will include a combination of: consumer and family interviews; record reviews; staff interviews; caregiver interviews; document reviews and analysis of data.” In addition, the Exit Criteria Order also specifies the seven life and service domains that must be measured “in order to determine the adequacy of the intervention or response.” The life and service domains for children and youth are: (1) community living; (2) life skills; (3) health and development; (4) treatment; (5) family support; (6) systems capacity for prevention and early intervention; and (7) service system capacity. The life and service domains for adults are: (1) community living; (2) health; (3) meaningful activity; (4) social network; (5) income; (6) treatment; and (7) service system capacity. Finally, the Exit Criteria Order requires that the “scoring methodology will allow for aggregation of the data collected.”

Your January 2003 Report addresses the contract with HSO to develop the survey protocols for conducting the annual consumer service reviews required by the Exit Criteria Order. The survey protocols have been memorialized into two separate instruments, one for adults (the Community Service Review for Adult Mental Health, Version 4.0, Produced for the Dixon Court Monitor by Human Systems and Outcomes, Inc. March 2004) and one for children and youth (the “Community Service Review for a Child and Family, Version 4.0, Produced for the Dixon Court

⁴ DMH has historically included one or more representatives from the Child and Family Services Agency and the Office of the LaShawn A. Court Monitor on the review team. These individuals have been considered to be “DMH reviewers” for purposes of this letter.

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Monitor by Human Systems and Outcomes, Inc. March 2004). Collectively, the two survey protocols are referred to as the "Dixon CSR Protocols". See January 2003 Report, page 3. It is our understanding that you and a previous director of DMH had agreed that the Dixon CSR Protocols satisfied the requirements in the Exit Criteria Order with regard to the measurement of the specified life and service domains.

4. **Policy Requirements.**

Finally, beginning with the Court Monitor's January 2006 Report to the Court (the "January 2006 Report"), you have reported that DMH has a policy in effect regarding the annual consumer services reviews. See January 2006 Report, page 7. Anne Sturtz has advised you that, although there is a reference to the annual Dixon Community Service Reviews in its policy regarding the conduct of consumer satisfaction surveys (DMH Policy #115.2), the policy does not specify the use of the Dixon CSR Protocols or state that the use of the Dixon CSR Protocols complies with the requirements of the Exit Criteria Order. You have advised us that DMH is not required to adopt a policy that specifically addresses the annual CSRs, because they are conducted in accordance with the annual monitoring plan through your office.

I believe that this letter accurately reflects our agreements regarding the FY 2008 CSRs. Please let me know if I have misstated anything.

Respectfully,



Stephen T. Baron
Director

Cc: Anthony A. Herman, Counsel to the Dixon Plaintiffs
Daniel R. Rezneck, Counsel for the District of Columbia
John Dodge, General Counsel, DMH
Christine Samonds, Assistant Attorney General