# STATE OF HAWAII

# REQUEST FOR EXEMPTION FROM CHAPTER 103F, HRS

To: Chief Procurement Officer

'05 JUN 29 A9:22

From: Department of Health/Developmental Disabilities Division
*Department/Division/Agency*

ADMINISTRATION
STATE PROCUREMENT OFFICE
STATE OF HAWAII

Pursuant to § 103F-101(a)(4), HRS, and Chapter 3-141, HAR, the Department requests a procurement exemption to purchase the following:

Title and description of health and human service(s):
Behavioral Home Services

| Provider Name: | Total Contract Funds: | Term of Contract: |
|---|---|---|
| William Jay Henry | ~~Estimated~~ SEE CPO COMMENTS | From: July 1, 2005 To: June 30, 2006 |
| Provider Address: 2368 Anihinihi Street Pearl City, Hawaii 96782 | Contract Funds per Year (as applicable). $100,000 | Estimated SEE CHIEF PROCUREMENT OFFICER'S COMMENTS |

Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

In accordance with Chapter 333F, Hawaii Revised Statutes (HRS), the Department of Health (DOH), Developmental Disabilities Division (DDD), is responsible for developing, administering, coordinating and setting direction for a comprehensive system of supports and services for persons with developmental disabilities or mental retardation. The DDD certifies and licenses Adult Foster Homes (AFH) in accordance with Chapter 11-148, Hawaii Administrative Rules (HAR). Currently, certified AFH providers are unwilling to serve individuals with challenging behaviors. Although there is a vacancy rate of 15% in AFHs, providers are unwilling or incapable of addressing the needs of persons with challenging behaviors (assaults others, destroys property, self injurious, smears feces, etc). The DDD has attempted to recruit AFH providers to serve this sub-target population with minimal success. As a result, the DDD has utilized certified AFH that meet the basic requirements for care and supervision for persons with developmental disabilities and provided intensive training in facets related to supporting people with challenging behaviors. To date, one caregiver has been recruited and successfully completed required training.

The current AFH/behavioral home provider serves one client and will be serving an additional client in 2005. To ensure continuity of care for clients with challenging behaviors, exemption from procurement is necessary.

The DDD intends to meet this need in the future with a new waiver contract in July 2006 (waiver renewal). The DDD also intends to issue a RFP for crisis network services in January 2006 that will include development of AFH/behavioral home services.



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Details of the process or procedure to be followed in selecting the service provider to ensure maximum fair and open competition as practicable:

The Certification Section receives inquiries from prospective caregivers interested in becoming AFHs. As prospective applicants for AFHs attend a mandatory orientation, staff devote a portion of the session to "behavioral homes" and people with challenging behaviors. If applicants are interested and make a commitment to work with people with challenging behaviors, they are encouraged to submit their AFH application and a home visit is scheduled to evaluate the family setting and physical environment. When the home is certified as an AFH, the caregivers must attend 67 hours of training and demonstrate competency in subjects related to supporting people with challenging behaviors. After completion of core subjects, the Division case manager will visit the home to determine if there is a "match" between the caregiver and client. If the guardian approves, the individual will be transitioned into the home.

A description of the state agency's internal controls and approval requirements for the exempted procurement:

DDD has programmatic, administrative and fiscal staff to provide oversight of the exempted procurement.

A list of state agency personnel, by position title, who will be involved in the approval process and administration of the contract:

Michael Tamanaha, Chief, CMISB

| Direct questions to (name & position): | Phone number: | e-mail address: |
|---|---|---|
| Michael Tamanaha, Chief, CMISB | 733-9172 | mitamana@mail.health.state.hi.us |

This exemption should be considered for list of exemptions attached to Chapter 3-141, HAR: Yes ☐ No ☐

**I certify that the information provided above is to the best of my knowledge, true and correct.**

*Department Head Signature* — *Date* JUN 2 8 2005

Chiyome Leinaala Fukino, M.D. — *Typed Name*

Director of Health — *Position Title*



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Chief Procurement Officer's Comments:

Approval is granted for $100,000 from date of approval by CPO until a contract for crisis services is executed or June 30, 2006, whichever comes first.

Please ensure adherence to applicable administrative requirements.

☒ Approved ☐ Denied

*Chief Procurement Officer* 7/11/05 *Date*

cc: Administrator
State Procurement Office



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