



# *The Commonwealth of Massachusetts*

*Executive Office of Health and Human Services*

*Department of Mental Health*

*25 Staniford Street*

*Boston, Massachusetts 02114-2575*

**CHARLES D. BAKER**  
*Governor*

**KARYN E. POLITO**  
*Lieutenant Governor*

**MARYLOU SUDDERS**  
*Secretary*

**JOAN MIKULA**  
*Commissioner*

(617) 626-8000  
[www.mass.gov/dmh](http://www.mass.gov/dmh)

**Certification in Support of the  
Department of Mental Health's Proposal to  
Privatize Its Southeast Area Emergency Services Program**

In connection with the proposal of the Department of Mental Health (DMH) to privatize its Southeast Area Emergency Services Program, and in compliance with the Commonwealth's Privatization Law (M.G.L. c.7, §§52, *et seq.*), I certify, on information and belief, as follows:

1. I serve as the Commissioner of the Department of Mental Health.
2. DMH and the other parties to the privatization have complied with all provisions of the Privatization Law and of all other laws;
3. The quality of the services to be provided by the designated bidders is likely to satisfy the quality requirements of the statement prepared pursuant to M.G.L. c.7, §54(1) (i.e., the statement of services), and to equal or exceed the quality of services which could be provided by regular agency employees pursuant to M.G.L. c.7, §54(4);
4. The contract cost pursuant to paragraph M.G.L. c.7, §54(6) (i.e., the cost to privatize) will be less than the estimated cost pursuant to M.G.L. c.7, §54(4) (i.e., the cost of DMH continuing to provide the services), taking into account all comparable types of costs;
5. The designated bidders and their supervisory employees, while employed by the designated bidders, have no adjudicated record of substantial or repeated willful noncompliance with any relevant federal or state regulatory statute including, but not limited to, statutes concerning labor relations, occupational safety and health, nondiscrimination and affirmative action, environmental protection and conflicts of interest; and
6. The proposed privatization contract is in the public interest, in that it meets the applicable quality and fiscal standards set forth in M.G.L. c.7, §§ 52, *et seq.*

Signed and certified,

A handwritten signature in cursive script, appearing to read "Joan Mikula", written over a horizontal line.

Joan Mikula, Commissioner  
Department of Mental Health



Executive Office for Administration & Finance

**COMMONWEALTH OF MASSACHUSETTS**

STATE HOUSE ▪ BOSTON, MA 02133

(617) 727-2040

**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

**KRISTEN LEPORE**  
SECRETARY

December 23, 2015

The Honorable Suzanne M. Bump  
Auditor of the Commonwealth  
One Ashburton Pl.  
Boston, MA 02108

Re: Proposed Privatization of the Department of Mental Health's  
Southeast Area Emergency Services Program

Dear Auditor Bump:

I have received the proposed contract and supporting documents for the Department of Mental Health (DMH)'s proposal to privatize its Southeast Area Emergency Services Program. Based on a review of these documents by my office and additional answers from DMH officials, I certify under G.L. c. 7, § 54 (7) that:

- (i) I have complied with all provisions of Section 54 of Chapter 7 and all other applicable laws;
- (ii) the quality of the services to be provided by the designated bidders is likely to satisfy the quality requirements of the statement prepared pursuant to paragraph (1) of Section 54, and to equal or exceed the quality of services which could be provided by regular agency employees pursuant to paragraph (4);
- (iii) the contract cost pursuant to paragraph (6) will be less than the estimated cost pursuant to paragraph (4), taking into account all comparable types of costs;
- (iv) the designated bidders and their supervisory employees, while in the employ of said designated bidders, have no adjudicated record of substantial or repeated willful noncompliance with any relevant federal or state regulatory statute including, but not limited to, statutes concerning labor relations, occupational safety and health, nondiscrimination and affirmative action, environmental protection and conflicts of interest; and

- (v) the proposed privatization contract is in the public interest, in that it meets the applicable quality and fiscal standards set forth in Section 54.

Should you or your staff have any questions about the proposal, please contact DMH's General Counsel, Lester Blumberg, at (617) 626-8233. If you have questions about this certification, please contact my Deputy General Counsel, Tori T. Kim, at (617) 727-2040 x35455.

Thank you for your consideration.

Sincerely,



Kristen Lepore  
Secretary



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July 6, 2015

Honorable Suzanne M. Bump  
Office of the State Auditor  
State House - Room 230  
Boston, MA 02133

Re: RFR Issued for Emergency Services Programs in DMH's Southeast Area

Dear Auditor Bump:

In accordance with the Guidelines issued by your office for implementation of the Commonwealth's Privatization Law, M.G.L. ch.7, §§52-55, please be advised that the Massachusetts Behavioral Health Partnership (MBHP), MassHealth's contracted managed behavioral health care vendor, is today issuing a Request for Responses (RFR) by which it will seek proposals to provide Emergency Services Program (ESP) services in the Department of Mental Health's (DMH) Southeast Area. All of MassHealth's contracted managed care entities will be required to contract with the same ESPs procured by MBHP.

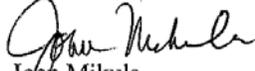
ESP's are MassHealth covered benefits. Historically, ESP services in the Southeast Area have been provided by DMH employees. Under this plan, DMH employees will cease providing ESP services. Since these services are MassHealth Covered Benefits, MassHealth's contracted managed care entities, including MBHP, will be entering into new contracts for the provision of these services.

Information relating to the RFR, including a link to the RFR itself can be found in the attached announcement from MBHP. The date for receipt of bids on the RFR is September 1, 2015. Thereafter bidder selection will take place and a contract will be tentatively awarded. We anticipate submitting a complete certification package to the Office of the State Auditor for review in mid-fall.

If you have any questions in the meantime, please do not hesitate to contact my office regarding the cessation of ESP services provided by DMH. You may also address these questions to DMH's General Counsel, Lester Blumberg. He can be reached at (617) 626-8233 or [lester.blumberg@state.ma.us](mailto:lester.blumberg@state.ma.us). Please feel free to reach out to Emily Sherwood, the Director of the MassHealth Behavioral Health Programs or MassHealth's Chief Counsel, Sharon Boyle, with questions regarding MassHealth and the ESP services MassHealth's contracted managed care entities will be providing. They may be reached at (617) 573-1759 or (617) 573-1662 respectively.

Thank you very much for your attention.

Sincerely,



Joan Mikula,  
Commissioner

cc: Emily Sherwood  
Director of the MassHealth Behavioral Health Programs

Sharon Boyle, Esq.  
MassHealth Chief Counsel