



# **SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE**

## **MEMORANDUM FROM KIMBERLY FLENER, COURT EXECUTIVE OFFICER**

**TO:** Interested Eligible Mental Healthcare Provider

**RE:** Court Appointed Psychological Evaluation Services

**DATE:** July 15, 2016

### **PROJECT DESCRIPTION**

The Superior Court of California, County of Butte (“the Court”) at this time is soliciting Letters of Interest from local psychiatrists or licensed psychologists (“experts”) to conduct competency to stand trial evaluations of criminal case defendants, pursuant to Penal Code Sections 1368/1369/1370.1/288.1 and Welfare and Institution Codes Sections 3050/3051, where a medication finding is also being sought, and prepare a report for each evaluation. The Court is seeking experts who would be willing to accept appointments.

The Court, in recognition of the importance of the services provided by these experts and of the need for uniform standards, has established a process, including standards and procedures, to qualify medical, psychological and psychiatric experts to participate in an agreement to accept appointments, further described in this Letter of Interest. The Court is soliciting interest in participation of these agreements.

Medical, psychological and psychiatric experts that are requested to participate in appointments will enter into individual agreements with the Court. A sample of the agreement is included as Attachment C (Sample Agreement for Psychological Evaluation Services). The Court reserves discretion to appoint experts from outside this list in special circumstances.

### **RESPONDING TO THIS LETTER OF INTEREST – FORMAT REQUIREMENTS**

Please review this document and Attachment B (Description of Evaluation Services) and provide the following:

- Name
- Business Address
- Contact Information:
  - Telephone where the applicant can be reached
  - Fax number
- Email address (if available)
- Information required under “Application Requirements”, included as Attachment A (Application Information and Materials).

**CONTACT INFORMATION**

If you are interested in submitting a response, please submit the requested information either by U.S. mail or e-mail to the Court Contact listed below. Application submission will occur on a rolling basis. Any questions should be submitted in writing to the Court Contact three days prior to the Due Date.

Attention: Scott Miller  
Superior Court of California, County of Butte  
One Court Street  
Oroville, CA 95965

**CONFIDENTIALITY OF SUBMISSIONS**

All materials submitted in response to this LOI will become the property of the Court and will be returned only at the Court's option and at the expense of the provider submitting the response. One copy of a submitted response will be retained for official files and become a public record. Any material that a provider considers as confidential but does not meet the disclosure exemption requirements of the California Public Records Act should not be included in the submittal as it may be made available to the public.

This LOI is issued solely for information and planning purposes only and does not constitute a solicitation or an offer. Applicants who respond to this LOI may be considered eligible to participate in the Evaluators' Program. The Court is not responsible for any of the applicant's expenses associated with responding to this LOI.

## **ATTACHMENT A**

### **APPLICATION INFORMATION AND MATERIALS**

#### **MINIMUM QUALIFICATIONS**

The following are the minimum qualifications an applicant must have to be considered for appointment onto the approved list:

##### **Psychiatrists**

- (a) A doctorate in medicine from an accredited medical school.
- (b) Proof of licensure as a physician by the Medical Board of California.
- (c) Successful completion of a residency in psychiatry along with substantial education and experience in forensic evaluation and/or treatment.
- (d) Documentation of substantial experience in performing forensic evaluations.
- (e) At least two (2) years of postgraduate experience in the diagnosis and treatment of developmental disabilities or emotional and mental disorders with emphasis on treatment.
- (f) Documentation, if any, of completion of a forensic fellowship or internship.
- (g) Proof of liability insurance (minimum \$1,000,000/\$3,000,000).

##### **Clinical Psychologists**

- (a) A doctorate in psychology from an accredited university or profession school.
- (b) Proof of licensure as a psychologist by the State of California Board of Psychology. If not licensed, the applicant must provide the following:
  - 1. Documentation of substantial experience and education under the supervision of a licensed psychologist.
  - 2. A statement explaining why currently not licensed.
- (c) A minimum of two years supervised experience, with specialization in the diagnosis and treatment of developmental disabilities, emotional or mental disorders.
- (d) Proof of liability insurance (minimum \$1,000,000/\$3,000,000).

##### **Psychologists or Psychiatrists Appointed to Evaluate Sex Offenders**

Appointments for the evaluation of sex offenders must meet all of the requirements outlined above for psychiatrists and clinical psychologists and:

- (a) Demonstrate significant education, experience, training, and expertise in the evaluation and treatment of sex offenders.

## **SCOPE OF SERVICES**

The scope of services provided under the Evaluators' Program is outlined in Attachment B (Description of Evaluation Services). Applicants interested in responding to this LOI should review the Evaluation Services and submit the information requested under "Application Requirements" below.

## **APPLICATION REQUIREMENTS**

Application for consideration to contract with the Court for appointments for psychiatric or psychological evaluations shall submit the following:

### **Required Documentation**

Any doctor seeking appointment as the Court's psychological evaluation expert must submit the following in the application packet:

- A cover letter.
- Applicant's curriculum vitae.
- A copy of applicant's license to practice.
- Proof of the applicant's malpractice insurance.
- A copy of applicant's valid driver's license; and proof of auto insurance.
- A list of his/her professional training in conducting forensic evaluations.
- A listing of his/her substantial experience in conducting forensic evaluations.
- A listing of his/her substantial experience in treatment.
- A statement of the applicant's areas of expertise and willingness to accept appointments each area (e.g. competency, sex offenses, neurological, etc.).

Any medical/psychological/psychiatric group seeking appointment as the Court's Psychological evaluation experts must certify and ensure that each evaluator within the group that will be utilized for evaluations has all of the documentation available for review and inspection upon request.

The Court will require an affirmative indication from the doctor or director of the medical/psychological/psychiatric group that he/she thoroughly understands the requirements of appointment.

**COMPENSATION**

The Superior Court's Appointed Services Fee Schedule rate for appointed competency and medication finding evaluation and report by experts is \$750 per appointment, and would generally include review of records, interview, report preparation and travel time. Reports are due to the court within thirty (30) days from appointment. Most defendants would be in-custody and housed at the Butte County Jail located at 33 County Center Drive, Oroville, CA 95965. If testimony is required, the Court's Appointed Services Fee Schedule rates for MD/PhD board-certified in specialty are \$350 per half day, and \$600 per full day (any portion of both morning and afternoon sessions). Requests for fees in excess of \$750 will require prior approval of the Court.

**ATTACHMENT B**  
**DESCRIPTION OF EVALUATOR SERVICES**

Per California Penal Code § 1368/1369/1370.1, each report must address the following.

- Is the defendant mentally competent enough so that he or she can (a) understand the nature of the criminal proceedings and (b) assist counsel in a rational manner in the preparation of a defense?
- If in the expert's opinion the defendant is not competent:
  - Is the incompetency caused by (a) a mental disorder and/ or (b) a developmental disability?
  - What is/are the defendant's specific diagnosis/diagnoses?
  - Is the defendant a danger to self or others?
- The following questions are to be also addressed to the extent that doing so would be appropriate to the opinion(s).
  - Would treatment with antipsychotic medication be medically appropriate for the defendant?
  - Does the defendant have the capacity to make decisions regarding antipsychotic medication?
  - If antipsychotic medication is appropriate, would the medication be likely to restore the defendant to mental competence to understand the nature of the proceedings and assist in his/her defense?
  - What specific medication do you recommend for each specific condition or conditions?
  - As to each medication,
    - (a) What would be the medication's expected effectiveness and
    - (b) What are the medication's likely or potential side effects?
    - (c) Are any alternative treatments possible? If the answer is yes, then as to each alternative treatment:
    - (d) What is the treatment's expected effectiveness?

If ordered per PC § 288.1, the report must include the following (per the requirements stated in PC § 1027):

- The psychological history of the defendant,
- The facts surrounding the commission of the acts forming the basis for the present charge used by the psychiatrist or psychologist in making his or her examination of the defendant,
- The present psychological or psychiatric symptoms of the defendant,
- If any, the substance abuse history of the defendant and the substance use history of the defendant on the day of the offense,
- A review of the police report for the offense, and any other credible and relevant material reasonably necessary to describe the facts of the offense.

If ordered per Welfare and Institutions Code § 3050/3051, the report must include:

- Whether the defendant is addicted or is in imminent danger of addiction of a narcotic substance.