

Guidance 3

Managing Entity Expiration, Termination and Transition Planning Requirements

Contract Reference: Sections A.1.1.2 and C.1.1.9

Frequency: Once

Due Date: Within 90 days of execution

Discussion:

1. This document requires the creation of planning documents to address:
 - a. Transition activities associated with the expiration of a Managing Entity contract at the end of its term;
 - b. Transition activities associated with the termination of a Managing Entity contract before the expiration of its term; and
 - c. Transition to different types of successors, such as the Department, another Managing Entity or a combination of managing and service providing agencies (hereinafter “a successor”).
2. The primary goal and guiding principle of transition planning is to ensure safety and continuity of service to persons being served during the transition period. Mutual cooperation among all parties is essential in achieving this goal.
3. All elements of the underlying contract shall remain in effect through the entire transition period and all services rendered during such period shall be in accordance with contract requirements. Except as otherwise provided in the Managing Entity contract or in any progressive intervention activities, any substantial change in tasks, responsibility or activity relating to the provision of behavioral health services or related functions will occur only following written agreement of the Managing Entity and the Department.
4. A Contingency Transition Plan, developed and agreed to by the Managing Entity and the Department, will include, at a minimum:
 - a. Effective plans for transition to the various potential characteristics of a successor, for example, the Department, another Managing Entity or other reasonable combinations of managing and service providing agencies.
 - b. Transition plans for both the expiration of the Managing Entity contract at the end of its term and for the termination of the contract before the expiration of its term.
 - c. A proposed transition timeframe for the transfer to a successor of staff (at the successor’s discretion), equipment, case management services, administrative services and functions, and sub-contracted services, that is delineated by program area and geographic region. This timeframe must provide for the initiation of transition activities no less than 180 days prior to expiration of the contract term, as well as the successful completion of all transition activities upon expiration thereof or, if the contract is being terminated before its term expires, the successful completion of all transition activities within 180 calendar days from the date a written termination notice is received. Specific transition activities will be identified, responsibility assigned and time frames for accomplishment stated.
 - d. Identification of any additional transition services or functions required by the Managing Entity, the Department, a successor and any third party, as necessary, to ensure a seamless transition in planning, management and service delivery, and the proposed means of implementation.
 - e. Provisions and timetables for the preparation and transfer of existing personnel, where appropriate, to a successor to ensure continuity of service and seamless transition throughout the phase-out process.

- f.** Provisions and timetables for informing and educating consumers, staff, stakeholders, community partners and others on issues relating to the transition as may be appropriate.
- g.** Provision for the orderly interim and final transfer of all contract related records and information from the Managing Entity to a successor, including, but not limited to: client files, client demographics, financial records and back-up.
- h.** Because of the need to ensure a smooth transition in planning, management and services, the transition plan shall ensure that the Managing Entity's successor will be an active partner in all transition activities. The transition plan shall address the need for appropriate agreements providing access by a successor and third parties to Managing Entity records and information reasonably necessary to ensure proper planning and ensure child safety and continuity of service to families being served during and after the transition period.
- 5.** No less than 180 days prior to the expiration of the contract, or within 30 calendar days following receipt or issuance of the Termination Notice, the Managing Entity shall submit to the Department the following:

 - a.** An updated inventory report listing all tangible personal property.
 - b.** Financial reports including, but not limited to detailed expenditures covering the period from the effective date of the contract through the month preceding the date of the Termination Notice.
 - c.** A copy of all subcontracts held by the Managing Entity, copies of the most recent monitoring reports, and year-to-date expenditure reports for each.
 - d.** A detailed personnel report that includes all positions funded in whole or part through this contract, vacant positions, and projected vacancies.
- 6.** The Department may waive some or all of the requirements of section 5.d, at its sole discretion, to the extent that information contained in reports previously submitted by the Managing Entity has not changed.
- 7.** The Managing Entity agrees that expenditure of unencumbered contract funds or funds otherwise uncommitted by the Managing Entity prior to receipt or issuance of a Termination Notice by the Managing Entity will not occur without prior consent of the Department during the Transition Period.
- 8.** Upon receipt or issuance of a notice of termination, the Managing Entity will not enter into any new subcontracts related to services or functions covered under this contract without the prior written consent of the Department.