

Peer Review Services Invitation for Bid (IFB) MDH/OPASS No. 20-18646
Maryland Department of Health
March 17, 2020

1. Is it possible to request a copy of a redacted report MD would expect to get back from the Vendor or at least the questions that the vendor's Physicians or PA would be answering? I have attached a sample of one of our reports and wanted to know if it met the needs of MD.

Response: Please see the attached "Sample Peer Review Report".

2. Is it possible to get a list of the other vendor's in attendance for today's meeting? I was having trouble hearing in the beginning so I missed most of the introductions.

Response: All meeting materials has been posted to eMMA and MDH Website.

3. I believe our portal meets all security requirements and would be a great fit to eliminate paper and thumb drives. **Will there be an opportunity to show a demo before the final decision is made?**

Response: A demonstration will not be allowed.

4. In response 6 it says "**All potential reviewers must be approved by board staff**" **We are assuming that means if we send over the CV of our MD Board Certified physicians we are filling that requirement, is that correct?**

Response: Yes, and forwarding verification of the Reviewer's board certification is also preferable.

5. We assume that the quality and integrity of these reports are paramount and are interested to know if Physician Assistants are required/preferred to do a portion of these reviews? Dane Street usually uses Physicians instead of Physician Assistants to ensure the quality and integrity of the reports. **Question** Would that be acceptable?

Response: If the provider under review is a physician assistant, then a physician assistant must be able to review the case. Physicians cannot review physician assistants.

6. Page iv of 94 Key Information Summary Sheet RFP Text: Questions Due Date and Time: March 24, 2020 @ 4:30 p.m. Local Time

Question: With the IFB response being due March 31, 2020, can the State please tell us when they anticipate publishing the Q&A to bidders? Also, will the State send the Q&A to all those attending the Bidder's Conference or post the Q&A as an addendum on the eMMA site?

Response: All Items has been posted to eMMA MDH Website

7. Page 9 of 94 Section 1 - Minimum Qualifications with reference to Section 5.4 – Required Bid Submission RFP Text: The bidder must demonstrate that it has at least two years of experience in the past five years recruiting Physicians and allied health practitioners for the purpose of consultations, testimony, report writing and/or peer reviews. Any combination of the prior components is acceptable. As proof of meeting this requirement, the Bidder shall provide with its Bid at least three references able to attest to the Bidder's experience.

Question: In addition to the Minimum Qualifications set forth above, does the State want the bidder to provide its peer review process? If so, where in the Required Bid Submission layout would you like us to include this information?

Response: In addition to the satisfying the requirements of the solicitation, bidders may add its Peer review process as an attachment with its bid.

8. N/A General **Question: What type of reviews would our Peer Reviewers be expected to review?**

Response: Most common specialties the Board requests are pain management (prescribing of CDS), psychiatry, and surgery (sub-specialties vary on a case-by-case basis).

9. Page 12 of 94 General - 2.2.4.3 RFP Text: Testimony and other required presence may be needed for a hearing. **Question: When a reviewer is called to testify, is there a telephonic option or do all testimonies need to be done in person?**

Response: In-person testimony is most preferable. However, under extraordinary circumstances, testifying remotely may be granted.

10. Page 13 of 94 General - 2.2.4.7 Qualification of Reviewers RFP Text: For Physician cases, the Reviewers shall be Board-certified by the American Board of Medical Specialties or the American Osteopathic Association, must have five or more years post-residency, clinical experience in the practice of medicine, and, to the extent practicable, be licensed in Maryland and engaged in the practice of medicine in Maryland. **Question: Is there a threshold for the number of hours a physician must be practicing in Maryland?**

Response: Reviewers should actively practice in Maryland at least 8 hours per week.

11. Page 13 of 94 General - 2.2.4.7 Qualification of Reviewers RFP Text: For Physician Assistants and other allied health practitioners, five or more years of clinical experience in the appropriate discipline. **Question: Does the State require physician assistants and other allied health practitioner reviewers to be practicing in Maryland like those expected for physician reviewers?**

Response: Yes, Reviewers should actively practice in Maryland at least 8 hours per week.

12. Page 13 of 94 General – 2.2.4.7 (a.) General Qualification of Reviewers RFP Text: For Physician cases, the Reviewers shall be Board-certified by the American Board of Medical Specialties or the American Osteopathic Association, must have five or more years post-residency, clinical experience in the practice of medicine, and, to the extent practicable, be licensed in Maryland and engaged in the practice of medicine in Maryland. **Question: Can the State clarify what “to the extent practicable” means? Would an out-of-state reviewer who has otherwise qualified, be excluded from reviews if he/she does not, and has no intention to, practice in Maryland?**

Response: This will be reviewed on a case-by-case basis. Maryland has a large licensee population, and it would be extremely rare for the Vendor to not be able to find Reviewers for the cases transmitted. The Vendor will have to provide proof to the Contract Monitor that they have been unable to recruit Reviewers. Upon request, the Contract Monitor will assist the Vendor in finding Reviewer(s).

13. Page 18 of 94 General - 2.2.9 Training RFP Text: 2.1.5.1 The Contractor shall submit the training curriculum to be used for each Reviewer along with the IFB Bid. The Contractor shall train all Reviewers and certify based on the quarterly report to the Board and the Contract Monitor that each Reviewer has been trained in accordance with the most recently approved curriculum, in the purpose, function and methods of the Board’s case review process, including but not limited to all of the requirements of this Contract. A list of the essential elements of this training is attached as Attachment S. **Question: Is the Bidder required to submit training materials with the IFB bid and, if so, could you please provide Attachment S or Attachment O, Appendix F so we know what to include as training materials? Attachment S nor Appendix F or Attachment O were included with the IFB.**

In addition, where in the bid response should we include the training information materials? The Bid Format (Section 5.0) does not specify.

Response: The program suggest that bidders do submit the training materials with their bid as an additional attachment. Please see attachments

14. Page 42 of 94 5.3 Bid Price Form RFP Text: The Bid shall contain all price information in the format specified on the Bid Form. The Bidder shall complete the Bid Form only as provided in the Bid Pricing Instructions and the Bid Form. **Question: Could you please provide us with the price structure for the reviews based on review category, (i.e. standard review, expedited review, etc.?)**

Response: Please Response to the most up to date price form associated with the IFB

15. IFB, Key Information Summary Sheet, pg. iv The Key Summary Sheet states that the contract is for a 1-year base year with 2 1-year renewal options, yet the IFB Price Form has a 3-year base and 2 1-year options. **Which period of performance is correct?**

Response: 1-year base year with 2 1-year renewal options. The IFB Price Sheet has been updated and has been posted to eMMA and MDH Websites .

16. IFB, Section 2.2.5, Projected Need for Each Component, pg. 15 **For pricing purposes how many hours should the offerors assume that consultations with the Attorney General's office will be for each case that requires it?**

Response: Approximately 2-4 hours for reviewing any charging documents and/or hearing preparation.

17. IFB, Section 2.2.5, Projected Need for Each Component, pg. 15 **For pricing purposes how many hours should the offerors assume that each Expert Witness appearance will be for each case that requires it?**

Response: At least a full day (8 hours).

18. IFB, Section 2.2.5, Training, pg. 18 This section asks for a training curriculum to be submitted as a part of the IFB bid, yet there is no place in the instructions as to where that should go. **Where should offerors place the training curriculum for this bid?**

Response

19. IFB, Section 2.3.2, Department's Responsibilities and Tasks, pg. 18 Section 2.3.2 states that the Board is seeking a secured electronic portal, and that portal must be made active four (4) weeks before the Contractor executes this agreement. **Will successful offerors be notified of a contract award and then be given 4 weeks to prove the portal is active or will the State ask for proof of an active portal prior to notification of a successful contract award?**

Response

20. IFB, Section 3.3.2, Invoice Submission Schedule, pg.23 **If a reviewer is called into a hearing to testify, is an attendee at the hearing but is not actually called to testify is that considered a billable occurrence of testimony?**

Response: Yes, the Reviewer will be compensated for his/her time.

21. IFB, Section 3.6 Insurance Requirements, pg. 25 We have been told by insurance carriers that the size of this contract is too small for them to provide cyber insurance in the amount of \$10,000,000 per occurrence. **Will the MDBOP consider lowering the level of required insurance? This decision is needed before proposal submission because it impacts the ability to submit a bid and the fixed price amount to be competitive.**

Response: The Procurement Officer as approved a One Million (\$1,000,00.00) Cyber Security/Data Breach Insurance

22. IFB, Section 5.4.7, List of Current or Prior State Contracts, pg. 43 **If an offeror is performing on a State contract as a subcontractor should it include those contracts in the list required in Section 5.4.7.**

Response: Yes

23. IFB, Section 31, Prompt Pay Requirements, pg. 74 **If an offeror is only planning to use physician reviews as independent contractors and not other subcontracted labor for this contract, are they required to establish an interest-bearing escrow account as stipulated in this section?**

Response: What Section 31 of 4.24 Prompt Payment Policy, says is the Department may set up an escrow if the Contractor fails to pay an undisputed amount owed to one of its subcontractors. The escrow is one of the five options available to the Department. The provision applies to all subcontractors." 4.24

24. IFB, Section 2.2.4 General, pg.11 **Are the peer reviewers under his contract protected by the State from legal actions that may be brought against the reviewer by a practitioner under investigations?**

Response: Yes, as an agent of the Board, Reviewers have immunity from civil liability. See Health Occupations Article §14-412; *Ostrzenski v. Seigel*, 177 F.3d 245, 251 (4th Cir. 1999) (peer reviewer entitled to absolute quasi-judicial immunity).