

DHSS Medical Marijuana Application Scorer's Guide

General Instructions

As part of the facility license application process, the Department of Health and Senior Services is tasked with ranking medical marijuana facility applications through a competitive scoring system. To that end, the Department created questions based on the scoring topics mandated in Article XIV of the Missouri Constitution. Scorers are required to score each response provided by the applicants in the Scoring Response Form using the criteria and points in the Evaluation Scoring Criteria Table:¹

| Evaluation Criteria Scoring Table | |
|--|---------------|
| Answer | Points |
| Question on 0-10 Point Scale | |
| Unsatisfactory - Response fails to meet minimum expectations; has significant weaknesses and lacks detail and/or clarity; little or no confidence in the proposed approach or ability to fulfill claims. | 0 |
| Satisfactory - Response meets minimum expectations; offers no significant benefits beyond the minimum expectations; no significant weaknesses exist; reasonable confidence in the proposed approach or ability to fulfill | 4 |
| Superior - Response offers some benefits beyond the minimum expectations; no material weaknesses exist; confidence in the proposed approach or ability to fulfill claims. | 7 |
| Distinctive - Response promises significant benefits beyond the minimum expectations; answer presents innovative, and/or best-in-class solutions; high confidence in the proposed approach or ability to fulfill claims. | 10 |
| Satisfactory / Unsatisfactory | |
| Satisfactory - Response meets minimum expectations; no significant weaknesses exist; reasonable confidence in the proposed approach or ability to fulfill claims. | 10 |
| Unsatisfactory - Response fails to meet minimum expectations; has significant weaknesses and lacks detail and/or clarity; little or no confidence in the proposed approach or ability to fulfill claims. | 0 |
| Yes / No | |
| Yes (when a preferred response) - Response indicates assent or agreement. | 10 |
| No (when an undesirable response) - Response indicates negation, dissent, or denial. | 0 |
| No / Yes | |
| No (when a preferred response) - Response indicates negation, dissent, or denial. | 10 |
| Yes (when an undesirable response) - Response indicates assent or agreement. | 0 |

¹ 19 CSR 30-95.025(4)(C)3

Every question will yield a maximum of ten points and a minimum of zero points. There are three types of questions: 0-10 Sliding Scale Questions, Satisfactory/Unsatisfactory Questions, and Yes/No Questions. The 0-10 Sliding Scale Questions require the scorer to **assess the response and rate it as “Unsatisfactory” (0 points); Satisfactory (4 points); Superior (7 points);** or Distinctive (10 points). For these questions, the scorer may only award 0, 4, 7, or 10 points. When analyzing a response, you must use the descriptions in the table above when assigning these numbers to an answer. The Satisfactory/Unsatisfactory and Yes/No questions may receive only a score of 0 or 10 points..

Department rules require that the same individual score each question if possible.² A scorer may be assigned to score only a few of the total questions, or even just one question. It is imperative that every response is scored in a consistent manner for all applicants. Some of the questions and answers may require a scorer to use his or her own professional knowledge and expertise in scoring the responses. In doing so, a scorer must score every response consistently. For example, if two applicants applying for the same facility type provide identical responses to a question, the score must be the same.

If scores vary significantly from other scores for the same question, those scores may be rescored. If an answer is rescored, the first score is discarded and the second score will stand.³

General guidance:

No outside assistance: Each question is to be scored by the individual scorer assigned to the question. The scorer may not consult with anyone else on how to score a specific question. A scorer may ask general, procedural questions to the project manager assigning the questions to be scored, but only the scorer assigned to the question may determine a score. A scorer may only use their professional knowledge and expertise in scoring a question, and cannot use any resource materials other than what is provided by the project manager in the scoring room. Resource materials provided in the scoring room shall include at least a copy of **the department’s publicly available FAQs** but may also include other materials deemed relevant or necessary by the project manager.

Questions Subject to different interpretations: Some of the 0-10 Scale Questions may be open to multiple reasonable interpretations for what information is being sought. A scorer must score the response if it is responsive to a reasonable interpretation of the question. For example: Question 4 provides:

Describe how the background of the principal officers and managers will positively reflect or align with the community in which your business will be located

Applicants may interpret the phrases “positively reflect” or “align with” in different ways. As long as the answer addresses a reasonable interpretation of these terms, it should be scored using the evaluation criteria table. If you determine the answer provided has no relation to any **reasonable interpretation of the question or “lacks any detail or clarity,”** the Evaluation Criteria Scoring Table requires it be scored as Unsatisfactory.

² 19 CSR 30-95.025(4)(C)4

³ 19 CSR 30-95.025(4)(C)4

Anonymous Scoring: A critical aspect of the scoring is that all responses are to be **scored anonymously. By Rule, applications will be scored "without reference to identities of the facilities or of the individuals named in the application."**⁴ To accomplish this, an applicant's redacted answers must not refer to facility business names, either legal or fictitious, and must refer to individuals by title and initials only, e.g. "Owner A.E.M" or "Principal Officer R.W.M."⁵ Also, any attachments to evaluation criteria question responses shall be redacted so as to obscure the facility business names and the names, addresses, and Social Security numbers of any individuals mentioned in the application. If a response or attachment identifies the facility business name or individual applicant, the response will be given a "0" or Unsatisfactory.⁶

Failure to respond completely: If an applicant fails to submit an attachment when a question requires one for a response, the score will be Unsatisfactory or a "0". This is because such a response "fails to meet minimum expectations" of the answer in the Evaluation Criteria Scoring Table. Likewise, an answer that is not responsive to the question or is blank should be scored a "0" or Unsatisfactory since it "fails to meet minimum expectations" of the answer in the Evaluation Criteria Scoring Table.

Conflict of interest: No individual may be involved in scoring applications if they have an interest in any facility applying for a facility license in Missouri. If a previously unknown conflict becomes known, it must be reported immediately to the project manager. This requirement is further defined in the contract between the scoring vendor and the department.

Contact from applicant or their representatives: Any contact between a scorer and an applicant is strictly prohibited. If an applicant or their representative attempts to contact a scorer or offers anything of value, such contact or attempted contact must be reported immediately to the project manager.

Confidentiality: Scorers shall keep all information related to the scoring of medical marijuana facility license applications in strict confidence and shall not divulge such information, in whole or in part, in any manner or form, to anyone, or allow others access to such information, unless specifically authorized to do so by the Project Manager. If a scorer has reason to believe that the confidentiality of information has been breached, the scorer must immediately notify the project manager.

⁴ 19 CSR 30-95.025(4)(C)2.B

⁵ Per a recent FAQ, all individual names, regardless if they are owners, officers, or an author of a letter of reference, must be either redacted or referred to by initials. Facility applicant business names must be redacted, but non-applicant business names or previous business names of an applicant do not need to be redacted.

⁶ 19 CSR 30-95.025(4)(C)2.C