

(1) Representative Redd: interested in more information on Medicaid waivers?

Utah currently has six Medicaid 1915(c) Home and Community Based Services Waivers.

They are:

- Waiver for individuals age 65 or older
- Acquired brain injury waiver
- Community supports waiver for individuals with intellectual disabilities
- Physical disabilities waiver
- New choices waiver
- Waiver to technologically dependent children

Section 1915(c) of the Social Security Act, authorized the "waiver " of certain Medicaid statutory requirements. The Utah Department of Health, Division of Health Care Financing has a contract with the Centers for Medicaid and Medicaid Services (CMS) that allows the state to have these waivers. The state plan defines exactly how each waiver program will be operated. Plans include assurances that promote the health and welfare of waiver recipients and insure financial accountability.

States are required to maintain cost neutrality which means the cost of providing services to people at home or in the community has to be the same or less than if they lived in a nursing facility. Services provided cannot duplicate services provided by Medicaid under the Medicaid State Plan. States must provide assurances to CMS that necessary safeguards are taken to protect the health and welfare of the recipients of a waiver program.

Utah also has a Medicaid Autism Waiver which is a program to assist children ages 2 through 6 who have been diagnosed with an autism spectrum disorder. The waiver provides in-home services using treatment methods that have been proven to be effective for child with autism. Approximately 300 children will be covered through the pilot program period which end 6/2014. All children who applied for this program during the initial open application period are either receiving services or are in the enrollment process.

DSPD: Medicaid is one of the primary supports for people with disabilities. Generally, Medicaid is available to low-income families and those receiving Supplemental security Income (SSI). However, certain individuals with special needs may qualify for benefits and funding through a waiver program called the Home and Community-Based Services Waiver. The Home andCommunity-Based Services Waiver has more liberal financial eligibility guidelines that are NOT based on family income. When you receive services through the Division, you may be eligible for a Medicaid waiver. By using Medicaid waivers, the State of Utah receives federal matching dollars to help fund services for people with disabilities. The following are the Home and Community-Based Services Waivers that are available through DSPD.

- 1) Utah Community Supports Waiver for People with Intellectual Disabilities and Related Conditions
- 2) Acquired Brain Injury Waiver
- 3) Physical Disabilities Waiver
- 4) Autism Pilot Program Waiver

For more information about waivers and DSPD please visit: http://www.dspd.utah.gov/reports_main.htm

DAAS: For the past twenty years, DAAS has administered the Utah Home and Community-based Medicaid Aging Waiver Program. The Aging Waiver is similar to the Alternatives program, in that both programs serve frail, low-income individuals. While the Alternatives program serves people with fewer medical needs and who are not eligible for Medicaid, the Aging Waiver program specifically serves Medicaid eligible clients in the home setting who require the types of services provided by nursing facilities. These individuals' conditions qualify them for nursing home services under Medicaid and they would be expected to enter a nursing facility within a very short period of time if they could not obtain in-home services from the Aging Waiver Program. While not all potential clients are appropriate candidates for the Waiver due to the extent of their needs, many eligible individuals can be cared for at home in a safe and cost effective manner.

The Aging Waiver allows case managers to target services to the needs of the individuals rather than simply providing all services available to them as would be the requirement in a facility based setting. As such, the program is able to provide appropriate services at a much lower cost than would be the case in a facility setting. Additionally, because these clients are living in their own homes, the cost of room and board is reduced or eliminated, further reducing the costs associated with these services.

Aging Waiver services are available statewide to seniors age sixty-five and over who meet criteria for nursing home admission and Medicaid financial eligibility. Services provided to eligible seniors include homemaker, adult day health services, home health aide, home-delivered meals, non-medical transportation, etc. There are a total of eighteen services available. During the Division's administration of the waiver, thousands of frail elderly have been served, enabling them to continue residing in their own homes rather than being placed in nursing facilities.

(2) Representative Menlove: looking forward to more updates on what the Department of Human Services is doing to encourage efficiencies?

- All DCFS caseworkers have laptops to help with mobility and ability to work in the field
- Caseworkers have smart phones so they can access email or web. Some have tethering if needed.
- The SAFE system is being updated and migrated to a web based system over the next several years. The newer technology will allow certain modules or portions of SAFE to be accessible to providers. Proctor providers have a web module to enter information on their proctor homes. The system will expand the ability of importing third party documents. The SAFE management information system is available via Citrix so workers can access it remotely.
- The SAFE system will be moving to a new reporting system as well. This reporting system will allow for auto scheduling and emailing of reports. Initial meetings have also been held with the Utah Automated Geographic Reference Center to explore the use of Geographic Information System mapping for analysis to overlap resource availability with service need.
- Transcription services are available so caseworkers can phone in logs from the field. We are also piloting updated Dragon Naturally Speaking licenses.
- We utilize Adobe Connect Pro throughout the state so that meetings can be held remotely to eliminate cost and time of travel.

(3) Representative McCay: How much is really coming from ORS' efforts? What money are we recovering above what is automatically obtained? Would like more information on ORS collections by type and how each of those contributes to the State.

Automation and the Office of Recovery Services

ORS is basically a collection agency. So, it is easy to assume that a collection case could take care of itself if a debt amount were added to a computer system and then payments were automatically received. However, there are substantial differences between the types of debts ORS collects and those of a commercial collection agency. Examples of a few differences may help illustrate the constant monitoring required by a child support case and why child support collection is more than a computerized accounting system and automatic payment processing.

Commercial Collection Agency	Office of Recovery Services
The individual who owes the debt has been determined.	ORS often assists with legal paternity establishment, which must occur before a child support debt is established.
The amount of the debt has already been established.	If a child support order does not already exist, ORS must help establish a child support order using either judicial or administrative processes.
The amount of the debt is established one time by one entity.	As parents move from state-to-state and or divorce/remarry each other, the child support obligation is often reestablished by various tribunals, and the resulting orders and conflicting jurisdiction issues must eventually be reconciled.
Usually, the amount of the debt does not continue to accrue each month.	ORS can potentially collect ongoing child support for any given family from the birth of the oldest child until the youngest child in the family emancipates.
The amount of the accruing debt does not vary over time.	Child support amounts are subject to constant adjustments. Each adjustment requires gathering information from the parents, calculations of the new support amount, adjustments to the accounting records, and notification of both parents. Pursuant to Utah Code, child support awards are subject to adjustments for --Insurance credit for the child's portion of the premiums paid by the parent(s) with insurance. This credit must be recalculated each time the insurance coverage or the insurance premium for either parent changes. --Parent time. The support can be adjusted by 25% or 50% based on the number of overnights a child spends with the non-custodial parent within a 30-day timeframe. --Support follows the child. Which parent owes support vs. receives support can change if the physical custody of all of the children changes. --Emancipation. The child support amount adjusts to the remaining number of unemancipated children each time a child becomes legally emancipated.
The amount of the debt is not subject to continual adjustments based on changes in wages.	Child support orders can be modified numerous times over the life of a case to keep the support amount in line with the earnings of the parents.

Amount of time per case per caseworker: During SFY 2013, over 112,000 child support cases were open with ORS for some part or all of the year. ORS has 375 possible FTEs who play some role, however small, in Child Support Services. (This includes receptionists, mail clerks, imaging specialists, accounting, caseworkers, customer service agents, and administration.) If all 375 FTEs are present every day, there

would be 780,000 possible working hours in a year. Each case could receive just less than 7 hours of casework time, and that would have to account for processing all payments, phone calls from the clients, mail, case adjustments, greeting clients, court or administrative legal activities, hearings and all administrative activities that keep ORS functioning.

Continually increasing caseloads without matching increases to staff numbers have made it clear that every single manual activity takes time away from casework. As a result, ORS continually looks for internal activities where “Step A” always leads to “Step B.” If “Step B” requires employee actions that could be automated to save keystrokes, time, paper shuffling, or other employee effort, ORS takes steps to automate that process as resources (time, funding, IT staff) permit. In addition to self-identified automation opportunities, Federal Regulations require certain activities to be automated.

Collections: “Automated” vs. Manual

Automated processes make ORS’s collection success possible; however, even the most automated processes, such as income withholding, often require manual intervention by a caseworker. The following table provides information about several common payment sources for a child support case. For each source, the table provides a brief overview of the automated and manual actions necessary before that type of payment is received. Also included are amounts collected via each payment source for SFY 2012 and 2013.

Payment Code	Source	Description of Processes	SFY 2012	SFY 2013
RWD	Income Withholding	Fully automated: An employer record is received through one of the automated locate resources and the Notice to Withhold Document is automatically generated and sent to the employer. During SFY 2013, 68,298 Notice to Withhold documents were automatically generated. Points of manual intervention: The employer might be obtained through manual locate efforts/investigation by the caseworker. The Notice to Withhold may need to be manually generated due to missing information in the computer system. During SFY 2013, 11,206 Notice to Withhold documents were manually generated.	\$ 143,362,690	\$ 151,223,589
Various	Independent Payment	While this includes a limited number of parents who pay regularly because income withholding isn’t possible, this type of payment also includes last-minute payments made to avoid more serious enforcement actions, such as passport denial.	\$ 23,043,890	\$ 24,567,563
Various	Administrative Offset	This is the most automated way to obtain collections; however, the opportunities are limited and not sufficient for collecting ongoing support. These generate the most customer phone calls and complaints after the payments are received.	\$15,949,443	\$ 14,559,661
RIS	Interstate	Locating a non-custodial parent in another state requires a combination of manual and automated locate resources. Typically, all available remedies to collect using long arm statutes are exhausted prior to referring a case to another state. The caseworker must gather all case orders, prepare a complete accounting history of the case on Federally approved forms, and obtain signatures from the custodial parent verifying	\$ 12,599,045	\$ 12,713,163

		the accounting records and permitting registration of support orders in another state for enforcement. The caseworker must then prepare the Federally approved Uniform Interstate Family Support Act paperwork to submit the case to another state for enforcement. The caseworker has a limited number of days to respond to any inquiries from the receiving state throughout the duration of the multi-state case arrangement. Workers in both states must work together to ensure that the accounting records match.		
RUV	Unemployment Intercept	Notification of a State of Utah Unemployment claim is usually automated. The worker must manually code the computer system to set up the intercept and then must monitor payments regularly for the duration of the benefits.	\$ 6,595,107	\$ 4,581,045
RST	State Tax Intercept	Similar to administrative offsets, these collections are highly automated; however, they generate numerous phone calls and complaints once the payments are received.	\$ 1,414,824	\$ 1,470,783
REX	Lien/Levy	The information that a financial account exists is usually received through automated sources, but the process beyond that is not automated. The caseworker must review the case balance and ongoing enforcement efforts to ensure the case meets criteria. The worker must prepare Notice of Lien/Levy documentation for the financial institution and the paying parent. The worker must handle any responses or hearing requests received during the response timeframe.	\$ 868,813	\$ 869,719
RSS	Social Security	A manual Notice to Withhold must be generated by the worker and sent to the Social Security Administration.	\$ 387,878	\$ 336,985
RWC	Worker's Compensation	A manual Notice to Withhold must be generated by the worker and sent to Worker's Compensation.	\$ 212,984	\$ 215,155
RBC	Bankruptcy	Notification of a pending bankruptcy is a manual process. The caseworker must submit the appropriate Proof of Claim paperwork and suspend other enforcement efforts based on the chapter of bankruptcy.	\$ 218,817	\$ 185,777

ORS Collection Overview

The document titled "ORS Collection Overview" provides a matrix of debt types collected by ORS. A brief description of what each debt represents, a simplified description of who ultimately receives the funds, and amounts collected during SFY 2012 and 2013 are provided for each debt type.

(4) Senator Christensen:

(a) He was interested in knowing the difference between basic foster care and privatized contracted care for youth in the custody of the Division of Child and Family Services?

Basic foster care is comprised of three levels (levels I, II, III). The levels ascend based on the intensity of needs of the child. The three levels are foster parents that we train and license internally. Level I-II have the "normal" training requirements, level II might be a child with more therapy needs, etc. Level III parents have more training than Level I and II and the kids placed there are usually teens with more difficult needs / behaviors.

Above a Level III is where we contract for services. Level IV is the "Proctor" level. This level is still a home based placement (with a family in a home) but these are for the more skilled, experienced foster parents that we need for kids that need more intensive than even a level III. These Level IV "proctor" placements are the privatized, contracted care. Level IV has built in support services (wrap services) for the foster parents to help them with the difficult behaviors/ needs of the foster child. This generally includes more intensive therapeutic services for the child and family, 24 hour support coordinator for the foster parent, and respite whenever the family needs it.

Anything above a level IV is a residential service, either a group home or an intensive residential treatment center.

(b) He wanted to know about the decision to place a child in DCFS custody and whether or not there is any arbitrariness in that process?

The CPS worker must complete an assessment that identifies risks to safety. If there are risks to safety the worker assesses the parents' capacity to protect the child as well as the safety interventions available in the community. If the parent protective capacities and safety intervention cannot mitigate the danger then the child is unsafe and must be removed from the situation. If there are parent protective capacities and safety intention that can be put together in a safety plan to mitigate the danger then the child is conditionally safe and can remain in the home with services put in place to monitor and support. A decision to remove is staffed with a supervisor. In addition, the decision to remove a child is staffed with legal counsel, and the worker applies for a warrant to remove the child. This request for a warrant is reviewed by a judge and signed. A Judge may also make an order to place a child into custody directly from the bench. The definition of arbitrariness is to subject to individual will or judgment without restriction; contingent solely upon one's discretion. There is no arbitrariness in the decision to remove a child and place him or her in DCFS custody. There is supervisory oversight and legal oversight.

(5) Representative Tanner: interested in the different types of foster care (how children enter foster care as well as types and frequency of placements)?

There are several ways to classify foster care. First, there is foster care with a relative or foster care with a licensed foster parent not known to the child. There are also levels of care depending on the needs and behaviors of the child. If the child cannot remain in the home with the parent and must be removed, the ideal is for a child to be placed with a relative. If there are no relatives and a child is placed in foster care, it is best to find a foster home placement where the child can remain until the child can return to his/her family. This would be one placement. There are 6 levels of foster care placements related to the behavior and needs of the child. A child can enter foster care through a CPS investigation when a child is unable to safely be maintained in their home. This happens after a caseworker applies for a warrant. The warrant information is reviewed by a judge and signed. This is how most children come into foster care. However, there is also a method in which a caseworker can request a hearing within 72 hours of determining that a child needs to come into custody. The parents and DCFS must come before the judge to present the facts related to the concerns for the children's safety. Another mechanism for a child coming into foster care may result from a direct order from a Judge. Sometimes this happens when a child is in the custody of DJJS or participating in probation through the courts and already before a judge on delinquent issues. If the judge believes the child requires DCFS services, the Judge can make a direct order. Last, a child may be removed and placed in

custody based on exigent circumstances if the safety concern is too high to leave the child and seek a warrant. Shelter hearing follow all removals by a worker whether warrant or exigent circumstances. Exigent circumstance removals are extremely rare.