



HUMAN SERVICES - FOLLOW-UP ON PREVIOUS INTENT LANGUAGE

SOCIAL SERVICES APPROPRIATIONS SUBCOMMITTEE
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ISSUE BRIEF

SUMMARY

This report summarizes the Department of Human Services intent language passed by the Legislature during its 2013 General Session. The purpose of this issue brief is to determine if the department complied with the intent statements adopted by the Legislature during its 2013 General Session. The brief lists each item of intent language passed, an agency response, and a Fiscal Analyst response if warranted. Several issues are highlighted for some nonlapsing authority. The Fiscal Analyst has also included recommendations for possible legislative action.

LEGISLATIVE ACTION:

1. The Fiscal Analyst recommends the Legislature consider using Drug Court and State and Local Substance Abuse Services nonlapsing carryover funds for other priorities. The proposed uses by the agency are for ongoing programs. By law (UCA 63J-1-603(3)) carryover authority is to be used for "one-time projects."
2. The Fiscal Analyst recommends the Legislature consider using Division of Services for People with Disabilities (DSPD) nonlapsing carryover funds for other priorities. Some of the proposed uses by the agency are for ongoing programs. By law (UCA 62A-5-7), carryover authority is to be "used only for one-time expenditures unless otherwise authorized by the Legislature."

EXECUTIVE DIRECTOR'S OFFICE:

House Bill 3, Item 84 (for FY 2013) and Senate Bill 2, Item 88 (for FY 2014):

The Legislature intends that the Department of Human Services prepare proposed performance measures for all new state funding for building blocks and give this information to the Office of the Legislative Fiscal Analyst by June 30, 2013. The Department of Human Services shall provide its first report on its performance measures to the Office of the Legislative Fiscal Analyst by October 31, 2013. The Office of the Legislative Fiscal Analyst shall give this information to the legislative staff of the Health and Human Services Interim Committee.

Agency Response:

The Department of Human Services has provided the Legislative Fiscal Analyst with performance measures for all new state funding for building blocks.

SUBSTANCE ABUSE AND MENTAL HEALTH:

House Bill 3, Item 85 (for FY 2013):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that any remaining funds provided by Item 18, Chapter 14, Laws of Utah 2012 for the Drug Courts program within the Division of Substance Abuse and Mental Health line item not lapse at the close of FY 2013. The use of any nonlapsing funds is limited to Other Charges/Pass-through expenditures.

Agency Response:

The Division of Substance Abuse and Mental Health had \$7,400 remaining appropriations for Drug Courts at the end of FY 2013. These funds have been budgeted as "Other Charges/Pass Through" expenditures in FY 2014.

Fiscal Analyst Response:

UCA 63J-1-603(3) states, "Each agency that wishes to preserve any part or all of its appropriation balance as nonlapsing shall include a one-time projects list as part of the budget request that it submits to the governor and the Legislature at the annual general session of the Legislature immediately before the end of the fiscal year in which the agency may have

an appropriation balance. **An agency may not include a proposed expenditure on its one-time projects list if . . . the expenditure enhances the level of an existing program . . . [emphasis added].**"

The Drug Courts program is for ongoing programming. The Fiscal Analyst recommends the Legislature consider using these funds for other priorities.

In past years the Division of Substance Abuse and Mental Health has followed the guidance in the intent language. The Division of Substance Abuse and Mental Health does have one-time expenditures for substance abuse treatment, prevention, and recovery supports. It appears that there is a conflict between state statute and the Division's interpretation of the intent language.

Under Section 63J-1-603 of the Utah Code, the Legislature intends that any remaining funds provided by Item 18, Chapter 14, Laws of Utah 2012 for the State Substance Abuse Services and Local Substance Abuse Services within the Division of Substance Abuse and Mental Health line item not lapse at the close of FY 2013. The use of any nonlapsing funds is limited to Other Charges/Pass-through expenditures.

Agency Response:

The Division of Substance Abuse and Mental Health had \$197,400 remaining appropriations for State Substance Abuse Services and Local Substance Abuse Services at the end of FY 2013. These funds have been budgeted as "Other Charges/Pass Through" expenditures in FY 2014.

Fiscal Analyst Response:

UCA 63J-1-603(3) states, "Each agency that wishes to preserve any part or all of its appropriation balance as nonlapsing shall include a one-time projects list as part of the budget request that it submits to the governor and the Legislature at the annual general session of the Legislature immediately before the end of the fiscal year in which the agency may have an appropriation balance. **An agency may not include a proposed expenditure on its one-time projects list if . . . the expenditure enhances the level of an existing program . . . [emphasis added].**"

The State Substance Abuse Services and Local Substance Abuse Services programs are for ongoing programming. The Fiscal Analyst recommends the Legislature consider using these funds for other priorities.

In past years the Division of Substance Abuse and Mental Health has followed the guidance in the intent language. The Division of Substance Abuse and Mental Health does have one-time expenditures for substance abuse treatment, prevention, and recovery supports. It appears that there is a conflict between state statute and the Division's interpretation of the intent language.

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$50,000 of appropriations provided for the Division of Substance Abuse and Mental Health line item in Item 18, Chapter 14, Laws of Utah 2012 not lapse at the close of FY 2013. These funds are to be used for the purchase of computer equipment and software, capital equipment or improvements, equipment, or supplies.

Agency Response:

The Division of Substance Abuse and Mental Health has budgeted \$50,000 for the purchase of computer equipment and software, capital equipment or improvements, equipment, or supplies in FY 2014 from appropriations not lapsed at the end of FY 2013.

House Bill 3, Item 85 (for FY 2013) and Senate Bill 2, Item 89 (for FY 2014):

The Legislature intends the Division of Substance Abuse and Mental Health report to the Office of the Legislative Fiscal Analyst by September 1, 2013 regarding: 1) detailed uses of the \$3,500,000 FY 2013 one-time funding provided during the 2012 General Session for the Mental Health Early Intervention Pilot Program; 2) match amounts, including in-kind efforts, provided by other entities participating in the pilot program; and 3) measurements used to determine the effectiveness of the pilot program.

Agency Response:

The Division of Substance Abuse and Mental Health prepared and submitted the report as required. The report was also presented at the September 12, 2013 meeting of the Social Services Appropriation Subcommittee. A [copy of the report](#) can be found in the meeting materials on the Legislature’s web site.

Senate Bill 2, Item 89 (for FY 2014):

The Legislature intends the DORA (Drug Offender Reform Act) Oversight Committee report to the Office of the Legislative Fiscal Analyst by September 1, 2013 regarding its accomplishments in response to the strategies recommended by the Utah Criminal Justice Center to strengthen the program in its November 2011 Drug Offender Reform Act: DORA Statewide Report (and reiterated in its November 2012 report). The DORA Oversight Committee’s plan for adopting these strategies is outlined in its September 1, 2012 DORA Program Report to the Office of the Legislative Fiscal Analyst.

Agency Response:

The Utah Substance Abuse Advisory (USAAV) Council’s DORA Oversight Committee submitted the [DORA Program Report to the Office of the Legislative Fiscal Analyst, September 1, 2013 Update](#), as required. The DORA Oversight Committee subsequently presented the report to the Social Services Appropriations Subcommittee on September 12, 2013. As of the submission of the Report, the DORA Oversight Committee had substantially completed the successful implementation of the strategies outlined to strengthen DORA in its September 1, 2012 DORA Program Report to the Office of the Legislative Fiscal Analyst, with the exception of convening a DORA Summit for program administrators and providers. The reason for the delay in scheduling the summit is the DORA Oversight Committee’s decision to implement a comprehensive “Technical Assistance and Quality Improvement Process” for DORA by administering the Correctional Program Checklist (CPC) instrument with each local DORA team/provider. The CPC, which is the most widely used, validated and evidence-based instrument to evaluate criminal justice programs, will be conducted via a two-day site visit to each local DORA program by the Utah Criminal Justice Center. Once the findings of the CPC are completed during 2014, the DORA Oversight Committee will structure the summit to focus on building upon strategies identified as strengths in the DORA program, as well as modifying areas identified as weaknesses needing improvement. The Division of Substance Abuse and Mental Health (DSAMH) participated in the development of the DORA Program Report and will provide funding for the CPC process.

The Division of Substance Abuse and Mental Health (DSAMH) participates in the DORA Oversight Subcommittee of the Utah Substance Abuse Advisory Council. The Dora Oversight Subcommittee prepared and submitted the report as required. The report was also presented during the September 12, 2013 meeting of the Social Services Appropriation Subcommittee and again during the November 20, 2013 meeting of the Law Enforcement and Criminal Justice Interim Committee. A copy of the report can be found in the meeting materials on the Legislature’s web site.

SERVICES FOR PEOPLE WITH DISABILITIES:

Senate Bill 2, Item 90 (for FY 2014):

The Legislature intends the Division of Services for People with Disabilities (DSPD) use FY 2014 beginning nonlapsing funds to provide services for individuals needing emergency services, individuals needing additional waiver services, individuals who turn 18 years old and leave state custody from the divisions of Child and Family Services and Juvenile Justice Services, and individuals court ordered into DSPD services. The Legislature further intends DSPD report to the Office of the Legislative Fiscal Analyst on the use of these nonlapsing funds.

Agency Response:

The Division of Services for People with Disabilities has \$2,717,400 in beginning nonlapsing budgeted in FY14 for services for individuals needing emergency services, individuals needing additional waiver services, individuals who turn 18 years old and leave state custody from the divisions of Child and Family Services and Juvenile Justice Services, and individuals court ordered into DSPD services. DSPD will report on the use of these non-lapsing funds.

Fiscal Analyst Response:

UCA 62A-5-7 states, “Appropriations to the division are nonlapsing . . . Funds unexpended by the division at the end of the fiscal year may be **used only for one-time expenditures unless otherwise authorized by the Legislature. A one-time expenditure under this section: (i) is not an entitlement [and] (ii) may be withdrawn at any time . . . [emphasis added].**”

The Division of Services for People with Disabilities programs are for ongoing programming. The Fiscal Analyst recommends the Legislature consider using these funds for other priorities.

S.B. 259 from the 2013 General Session defines a one-time expenditure as: respite care, service brokering, family skill building and preservation classes, after school group services, and other professional services. DSPD has obligated much of the nonlapsing balance for one-time services per S.B. 259 as follows: "\$1,250,000 for 250 individuals on the DSPD waiting list to receive \$5,000 in one-time respite services; \$160,000 for service brokering for 115 people on the waiting list at \$1,400 per person, \$50,000 for family skill building and preservation classes for 40 families at \$1,250 each; no specific amount for after school classes has yet been identified; and no specific amount for other professional services has yet been identified. DSPD expects that the appropriation for Mandated Additional Needs will not fully meet the need."

CHILD AND FAMILY SERVICES:

House Bill 3, Item 87 (for FY 2013):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that any remaining funds provided by Item 21, Chapter 14, Laws of Utah, 2012, for the Division of Child and Family Services not lapse at the close of FY 2013. It is further the intent of the Legislature that these nonlapsing funds be used for Adoption Assistance, Out of Home Care, Service Delivery, In-Home Services, Special Needs, or SAFE Management Information System modernization. The Legislature further intends DCFS report to the Office of the Legislative Fiscal Analyst by September 1, 2013 on the SAFE Management Information System modernization project's status, current cost estimates, and organizational efficiencies and worker productivity anticipated and realized from the modernization project.

Agency Response:

The Division of Child and Family Services has budgeted nonlapsing funds identified in House Bill 3, Item 87 for Adoption Assistance, Out of Home Care, Service Delivery, In-Home Services and SAFE Management Information System modernization. In addition, the division reported to the Office of the Legislative Fiscal Analyst by September 1, 2013 on the SAFE Management Information System modernization project status.

Fiscal Analyst Response:

The Fiscal Analyst believes DCFS has not provided relevant baseline outcome measures associated with organizational efficiency and worker productivity to determine the benefit to front line staff resulting from the \$10.0 million modernization project. The \$10.0 million SAFE modernization project was recommended and approved based upon "DCFS develop[ing] performance measures associated with organizational efficiency and worker productivity to determine the benefit to front line staff resulting from the modernization of the division's case management system and the associated upgrading of technology provided to workers." DCFS subsequently submitted the following measures to the Fiscal Analyst and indicated it is working on providing an additional measure associated with organization efficiency and worker productivity:

Measure 1: Increase how quickly SAFE can support changes to worker practice

Effect on Organizational Efficiency and Employee Performance: It is important for SAFE to be able to make changes quickly when there are changes to laws or practice expectations. Since SAFE guides their casework using prompts if SAFE cannot support changes quickly workers have to spend time doing workarounds. In 2012 SAFE completed 157 changes to support caseworkers and it took a median of 124 days to make the changes. In 2013 SAFE completed 350 changes to support caseworkers and it took a median of 58 days to make the changes. The quicker timeframe helps workers modify their practice and comply with changes more quickly and thoroughly.

Measure 2: Increase time spent with families

Effect on Organizational Efficiency and Employee Performance: By increasing efficiencies in the system to reduce documentation and paper workload DCFS caseworkers will be able to reallocate their time from paperwork to increased time with families. We will monitor increased frequency of family contacts in in-home and foster care cases. As a baseline the average contacts per month are 1.88.

Senate Bill 2, Item 92 (for FY 2014):

The Legislature intends the Division of Child and Family Services use nonlapsing state funds originally appropriated for Adoption Assistance non-IV-E monthly subsidies for any children that were not initially Title IV-E eligible in foster care, but that now qualify for Title IV-E adoption assistance monthly subsidies under eligibility exception criteria specified in P.L. 112-34 [Social Security Act Section 473]. These funds shall only be used for child welfare services allowable under Title IV-B or Title IV-E of the Social Security Act.

Agency Response:

The FY 2013 non-lapsing funds resulting from implementation of P.L. 112-34 are being spent in FY 2014 for child welfare services specifically targeted to in-home services clients. This is part of DCFS efforts to enhance in-home services, as recommended by Legislative Audit and in conjunction with Utah's Child Welfare Demonstration Project "HomeWorks" (authorized under Title IV-E of the Social Security Act).