

MINUTES OF THE  
JOINT HEALTH AND HUMAN SERVICES APPROPRIATION SUBCOMMITTEE  
Thursday, February 5, 2004, 2:00 p.m.  
Room 131 State Capitol

Members Present: Sen. Sheldon L. Killpack, Committee Co-Chair  
Rep. Jack A. Seitz, Committee Co-Chair  
Rep. J. Stuart Adams  
Rep. Calvin G. Bird  
Rep. David Litvack  
Rep. Roz McGee  
Rep. Mike Thompson

Members Excused: Sen. Leonard Blackham  
Sen. Paula Julander

Members Absent: Rep. Rebecca Lockhart

Staff Present: Spencer C. Pratt, Legislative Fiscal Analyst  
Thor Nilsen, Legislative Fiscal Analyst  
Norda Shepard, Secretary

Public Speakers Present: Robin Arnold-Williams, Executive Director, Department of Human Services  
Richard Anderson, Director, Division of Child and Family Services  
Randall W. Bachman, Director, Division of Substance Abuse and Mental Health  
Brent Kelsey, Drug Court Program Manager, Div. of Substance Abuse and Mental

Health

A list of visitors and a copy of handouts are filed with the committee minutes.

The meeting was called to order by Co-Chair Seitz at 2:00 p.m.

**1. Division of Child and Family Services**

Robin Arnold-Williams, Executive Director, Department of Human Services, indicated the division directors would discuss the critical issues facing each division.

Richard Anderson, Director, Division of Child and Family Services, stated he was privileged to be the head of this division at this time. He said the issues on the table during the last year have been around a long time and now are being looked at with more public input. He said there is a group of about 60 citizen working to implement a design to respond to federal requirements, and also 300 foster care citizen reviewers who monitor children under foster care. He said these have been great partnerships with the division.

Mr. Anderson said he would address the issues in the Analyst's report which are found under Tab 26 in the Budget Analysis Book. He reported that the court process the division has been going through has been very expensive but they are now at a good point in seeing it come to completion, perhaps within two years. He stated the judge has been supportive of the good faith efforts of the division. He reported that the foster care reviewers' responses have also been positive and have said to the division "keep doing what you are doing." He said the additional staff hired was a tremendous infusion of help and has taken case loads down to the levels that Legislative auditors have recommended. He stated it takes about six months to complete training and the new staff is now ready to begin carrying a full caseload. He said the Division has completed all training required by the court order and staff turn-over is way down.

Mr. Anderson said he would highlight the division's requests for additional funding. He discussed the division's proposal for additional funding for Out of Home Service needs. He stated the division was up about 1,100 referrals for protective services last year. Many children have higher needs and stay longer in care. He said more funding is needed to provide adoption services and subsidies required for the growing number of those children being adopted from State custody. He said rent will increase on the division's various regional offices and facilities.

He said Page 10 addresses what is happening in the foster care system. He said that three quarters of the services delivered are home services, doing work with the family, allowing the children to stay at home. He indicated that the success rate for in home services resulted in only 5% going into foster care. He said those children ending up in foster care need higher cost care, more extensive services and often stay in service longer.

Mr. Anderson reported that 40 states have now been reviewed in a federal review. In these federal reviews, Utah is in the top three in the nation of those 40 states. He said the division often struggles with a lot of criticism, especially with the environment over the summer and even during this session, but many accolades are coming to the staff in their performance reviews and also from the federal court oversight. He said the Division is getting a lot of attention from other states asking for information because of these favorable reviews.

Mr. Anderson distributed the division's annual report for FY 2003 and highlighted some of the information. He spoke about the number and types of referrals received. He said the numbers of home based services statewide show a decrease which has evolved by involving extended family and partners in the community in attempting to keep children at home. He talked about the foster care program and indicated the division has a contract with the Department of Health that every child who comes into foster care receives a physical exam, a mental health assessment, and a dental exam. He indicated that in 2003 there were less disruptions in adoptions, the Independent Living program, and domestic violence. He stated there is much more information in the report and the division is always happy to answer any questions about their programs.

## **2. Division of Substance Abuse and Mental Health**

Randall W. Bachman, Director, Division of Substance Abuse and Mental Health distributed a packet of information and indicated he would highlight what is happening in the field. He stated these two divisions combined, resulting in one Board, who are listed in the handout. He said he would like to acknowledge them and their important work. He indicated there were 65,483 clients served in FY 2003, 46,051 in mental health and 19,432 in substance abuse. He said he wanted to talk about some trends in the area of substance abuse. He said the good news in this area is that all school children receive substance abuse prevention education. Studies show there have been significant reductions in use of various substances in school children in grades 7 through 12. He said there are 13 local substance abuse authorities functioning in the state. He indicated that Utah has one of the lowest teen smoking rates in the country. He said it is a fact that treatment and Drug Courts work, with only 20% of those participating in Drug Courts being re-arrested on a drug related offense.

Mr. Bachman stated there is comprehensive information on each of these items within the packet and asked committee members to feel free to call the division with any questions or concerns. He said the bad news on substance abuse is that treatment has increased by 9% for men and 143% for women. He said that without treatment, over 2/3 of inmates will return to prison within three years of release. Only one of five of those needing treatment in prison will receive treatment before their release. He indicated Salt Lake County has a three to four month waiting list for some treatment programs.

In answer to committee questions, Mr. Bachman said those who leave prison without treatment, even if they have not been on drugs while incarcerated, will probably go right back to drugs on release. Ms. Arnold-Williams stated that S.B. 21 sponsored by Sen. Buttars deals with funding for screening and evaluation and the department endorses this bill. She indicated it would require \$6 million to provide the necessary treatment. She said it doesn't make sense to screen and access those needing treatment without offering treatment. Mr. Bachman said that if a user is in prison

and in a highly controlled environment, away from the source, they may not be using drugs even if not receiving treatment, but odds are they will return to drugs upon release. He said Drug Courts work because of personal accountability on the users' part. He said one size does not fit all and assessments need to be done to see what treatment is needed for each individual.

Mr. Bachman stated he would go over the trends in Mental Health. He said that most mental health clients express a high degree of satisfaction with mental health providers and services. He indicated less than 2% of these clients are in the State Hospital, which indicates that proper treatment and medication can keep people functioning and living in the community. He said another item of good news is that the prognosis for recovery from depression with effective treatment is better than most medical conditions, including recovering from heart disease. He stated there is a growing recognition that mental health and physical health are interrelated. He said that family based wrap around services, which takes an array of services and effectively wraps it around a child, has proven to be very effective. He noted that early intervention programs for children with autism are very cost effective.

Mr. Bachman said there are some serious concerns in the mental health program. He said the budget cuts closing 56 beds at the Utah State hospital, 26 from the forensic unit, has resulted in more pressure being placed on county jails to keep mentally ill inmates incarcerated waiting for an opening. He said increases in Medicaid caseloads for mental health means that the public mental health system is becoming a Medicaid only system, leaving out the indigent uninsured. He noted there is increasing pressure for community mental health providers to provide services in the criminal justice system, resulting in pushing out the general public. He mentioned that autism related disorders and young male suicides are increasing. He said there is still a lack of parity in insurance coverage between physical health and mental health.

Mr. Bachman briefly outlined what is contained in the handout packet. He said the last page of the handout contained information on the Utah State Hospital, Rampton II units for which there is a budget request for a supplemental for FY 2004 and funding for FY2005.

Ms. Arnold-Williams reported on the change in the rules in Medicaid in respect to mental health systems that participate in the prepaid mental health capitation plan. She said she had met that morning with the Utah Association of Counties and providers in the Utah Health Care Network to present what is believed to be the final outcome of these changes. She said that regulations that went into effect in August required that rates have to be actuarially sound and set. She indicated the bottom line is that rates across the state will be reduced 12.2%, which will be blended over two years time. She said the dollar impact the first year will be about \$5.2 million, including \$3.8 million in federal funds.

### **3. Drug Courts - Drug Boards**

Brent Kelsey, Drug Court Program Manager, Division of Substance Abuse and Mental Health, distributed a Legislative Report on Drug Courts/Drug Boards. He indicated there are 26 drug court programs and two drug boards currently operating in the state. He said that at any given time there are close to 1,800 people participating in a drug court and since 1996, 4000 people have participated. He said drug courts are working. He said 67% of those participating in the drug board programs are finding success in staying employed and 95% of the drug tests that are conducted by the program are negative. He indicated that drug court participation costs considerably less than incarceration. One year in drug court costs \$3,500 and incarceration costs between \$22,000 and \$30,000 per year. He said drug courts also decrease police overtime and witness costs.

Ms. Arnold-Williams indicated the primary source of funding for Drug Courts come from the tobacco settlement funds. She indicated that in FY 2006 the fund may not be able to cover this program. She said H.B. 260 modifies the allocations for FY 2005 and FY 2006 to make sure courts are still funded.

Rep. Litvack requested that Analyst Spencer Pratt prepare an update on the tobacco settlement account for committee members.

Mr. Kelsey said there is a growing respect for Drug Courts. He said there are 5,100 people eligible for the program but all can't get in because there are not enough resources to fund all of them. In answer to committee questions, Ms. Arnold-Williams said that drug court money goes out on a competitive bid. She indicated the bids are granted by a joint decision by the Executive Directors of Human Services, Corrections, and Administrative Office of the Courts. She stated there are always more requests than available funding can fill. Ms. Arnold-Williams was asked if asset funds held on a federal basis could be used for drug courts. She said not as the law now stands but the Attorney General's Office has proposed that if the law is changed and we are able to access those funds, a significant amount could and should go into treatment.

4. Other Committee Business

Analyst Thor Nilsen distributed a list of critical funding issues for the Department of Human Services that had been requested by the committee.

**MOTION:** Sen. Killpack moved to adjourn. The motion passed unanimously.

Co-Chair Seitz adjourned the meeting at 3:25 p.m.

Minutes reported by Norda Shepard, Secretary.

---

Sen. Sheldon L. Killpack  
Committee Co-Chair

---

Rep. Jack A. Seitz  
Committee Co-Chair