

Social Services Subcommittee - Motions for Subcommittee Consideration

Ref #	I move to approve the following....	Health	Human Services	Workforce Services	USOR
1	Fee approval				
A	Referencing the Issue Brief - Health Department Fees these fees (using the far left reference number) would be replaced with the following descriptions: 2359 - Preparation, consultation, and appearance of Non-Jurisdictional Office of Medical Examiner criminal and all civil cases. Per hour charge. Portal to portal charge including travel costs and waiting time. 2360 - Consultation as Medical Examiner on non-Office of Medical Examiner cases. Portal to portal expenses including travel costs and waiting time, per hour charge. 1791 - 96103 Psychological Testing by technician and 96103 Psychological testing by computer.				
B	New fee entitled "Medicaid provider application fee for prospective or re-enrolling providers" at \$500 for Health Care Financing within the Department of Health (for more information please see the document entitled "New Fee" that is part of this packet).				
C	I move to approve all of the fees for the Department of Health, the Department of Human Services as found in: 1) Issue Brief - Health Department Fees; 2) page 2 of the Budget Brief - Department of Human Services heard in subcommittee on February 3, 2011.				
2	Agency Requested Intent Language				
A	I move to approve the department requested intent language for the Department of Health, the Department of Human Services, the Department of Workforce Services, and the Utah State Office of Rehabilitation as found on: 1) under the titles of "Intent Language – Similar to Last Year" in the following documents: Budget Brief - Disease Control and Prevention (pg. 3), Budget Brief - Family Health and Preparedness (pg. 3 & 4), as well as all intent language in the Budget Brief - Medicaid Management Information System Replacement; 2) page 2 of the Budget Brief - DHS - Division of Services for People with Disabilities and page 2 of the Budget Brief - DHS - Division of Child and Family Services heard in subcommittee on February 3, 2011 and pages 2 and 3 of the Budget Brief - DHS - Division of Substance Abuse and Mental Health heard in subcommittee on February 9, 2011; 3) page 2 of the Budget Brief - Workforce Services - FY 2012, changing the date of the Workforce Services report to the Fiscal Analyst Office from December 31, 2010 to December 31, 2011.				
B	I move to approve the department requested intent language for the Department of Human Services as follows: Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations within the Division of Child and Family Services Line Item 110, Chapter 2 of the Laws of Utah 2010 not lapse at the close of Fiscal Year 2011. The use of any nonlapsing funds is limited up to \$358,800 from the area of Service Delivery and is limited in its use only for lease expenditures.				
C	I move to approve the department requested intent language for the Department of Human Services as follows: Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations within the Division of Aging and Adult Services Line Item 111, Chapter 2 of the Laws of Utah 2010 not lapse at the close of Fiscal Year 2011. The use of any nonlapsing funds is limited up to \$8,900 and is limited in its use only for lease expenditures.				
D	Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations provided for the Children’s Health Insurance Program in Item 104 of Chapter 2 Laws of Utah 2010 not lapse at the close of Fiscal Year 2011. The use of any nonlapsing funds is limited to caseload and utilization increases.				
E	Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations provided for Health Care Financing in Item 101 of Chapter 2 Laws of Utah 2010 not lapse at the close of Fiscal Year 2011. The use of any nonlapsing funds is limited to \$50,000 for the purchase of computer equipment.				

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F	Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations provided for Disease Control and Prevention in Item 202 of Chapter 408 Laws of Utah 2010 not lapse at the close of Fiscal Year 2011. The use of any nonlapsing funds is limited to the following: \$175,000 for replacement computer equipment, software, laboratory equipment, and for facility improvements/expansion for the Office of the Medical Examiner.				
G	Notwithstanding the intent language included in Item 66 of Chapter 408, Laws of Utah 2010, the Legislature intends that any nonlapsing funds authorized by this item that carried forward into FY 2011 be used to address FY 2011 appropriation reductions resulting from revenue shortfalls in the Tobacco Restricted Account. Use of these funds is limited to alcohol, tobacco, and drug prevention, reduction, cessation, and control programs or for emergent disease control and prevention needs.				
H	Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$250,000 of Item 204 of Chapter 408, Laws of Utah 2010 for Emergency Medical Services not lapse at the close of Fiscal Year 2011. The use of any nonlapsing funds is limited to testing, certifications, background screenings, replacement testing equipment, and testing supplies.				
I	Under Section 63J-1-603 of the Utah Code, the Legislature intends that criminal fines and forfeiture money collected for Emergency Medical Services in Item 204 of Chapter 408, Laws of Utah 2010 not lapse at the close of Fiscal Year 2011. The use of any nonlapsing funds is limited to purposes outlined in Section 26-8a-207(2).				
J	Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations provided for Executive Director's Office in Item 95 of Chapter 2 Laws of Utah 2010 not lapse at the close of Fiscal Year 2011. The use of any nonlapsing funds is limited to \$90,000 for computer equipment and/or software.				
K	Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations of the Special Administrative Expense Account up to \$1,500,000 provided for DWS Workforce Services line item in Item 54 of Chapter 2 Laws of Utah 2010 not lapse at the close of Fiscal Year 2011 and be transferred to DWS-Operations and Policy line item, as created by the Legislature in the 2010 General Session.				
L	Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations provided for DWS Workforce Services line item in Item 54 of Chapter 2 Laws of Utah 2010 not lapse at the close of Fiscal Year 2011 up to \$3,000,000 General Fund and be transferred to the following line items: DWS-Administration up to \$133,200, DWS-Operations and Policy up to \$2,626,200, DWS-General Assistance up to \$232,800 and DWS-Unemployment Insurance Administration up to \$7,800.				
M	Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations provided for DWS Workforce Services line item in Item 54 of Chapter 2 Laws of Utah 2010 not lapse at the close of Fiscal Year 2011 up to \$50,000 General Fund for Refugee Services, Community Services Block Grants and be transferred to the following line items: DWS-Administration up to \$2,400 and DWS-Operations and Policy up to \$47,600.				
N	Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations provided for DWS Unemployment Insurance line item in Item 54 of Chapter 2 Laws of Utah 2010 not lapse at the close of Fiscal Year 2011 up to \$50,000 General Fund.				
3	Other special intent language				
A	Human Services - new intent language - Sen. Liljenquist - The Legislature intends the Division of Child and Family Services develop proposals for a pay for performance pilot project and report back to the Office of the Legislative Fiscal Analyst by September 1, 2011.				
B	Human Services - new intent language - Rep. Litvack - The Legislature intends the Division of Services for People with Disabilities (DSPD), in consultation with stakeholders, providers, and the state Medicaid agency, explore options for a tier approach for individuals waiting for services to be utilized as an alternative or in addition to programs currently funded as part of the FY 2012 DSPD appropriations. It is further the intent of the Legislature that these efforts, along with recommendations, be reported back to the Social Services Appropriations subcommittee by January 2012.				

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C	Human Services - new intent language - Chairs - The Legislature intends the Department of Human Services and the Division of Child and Family Services (DCFS) report back during the 2012 General Session actions and progress regarding the following items from the Auditor General’s audit of DCFS and the affect of these items on the DCFS Fiscal Year 2012 appropriated budget: 1) the mixture of in-home services compared to out-of-home services; 2) progress on policies, training, and implementation of enhancements to in-home services; 3) funding by program as shown in audit figure 1.2 with enhanced information regarding annual numbers served and the cost per individual served; 4) trends of in-home and foster care services as shown in audit figures 2.1 and 2.3; 5) cost and utilization of foster care services by region as shown in audit figures 3.1 and 3.2; 6) inter-region placements and use of courtesy worker visits by region as shown in audit figure 5.1; 7) number of full-time equivalent (FTE) positions that staff all child protective services, in-home, and foster care cases on the last day of the fiscal year as a percentage of all FTEs shown by region; 8) annualized subsidy cost per adoption by region as shown in audit figure 6.6; 9) regular review, monitoring, and reevaluation of the appropriateness of all foster care placements; 10) review of staffing practices among the division’s five regions to ensure accurate caseload calculations; and 11) adoption subsidy policies and funding practices to bring more consistency to regional practices.				
D	Human Services - new intent language - Chairs - The Legislature intends the Department of Human Services report back during the 2012 General Session its progress regarding the following items found in the document titled “Human Services In-depth Budget Review – Recommendations and Follow Up” affecting the department’s Fiscal Year 2012 appropriated budget as reported to the Social Services Appropriations Subcommittee on February 3, 2011: item numbers 1, 2, 3, 6, 7, 9, 10, 11, 13, 14, and 15 of the Selected Major Recommendations and numbers 1, 2, 4, 5, 8, 9, 10, 11, 12, 13, and 14 of the Remaining Recommendations.				
4	Approve additional Federal ARRA (Stimulus) Funds				
A	I move to approve the authorization of additional federal stimulus funds and accompanying intent language for FY 2011 and FY 2012 for the Department of Health, the Department of Human Services, the Department of Workforce Services, and the Utah State Office of Rehabilitation as found in: 1) Issue Brief - ARRA Funds Approval - Department of Health; 2) page 3 of the Budget Brief - Department of Human Services heard in subcommittee on February 3, 2011; 3) Issue Brief: Federal Funds - Workforce Services and Utah State Office of Rehabilitation.				
B	All General Funds appropriated to the Department of Workforce Services - DWS Operations & Policy and DWS Unemployment Insurance line items are contingent upon expenditures from Federal Funds - American Recovery and Reinvestment Act (H.R. 1, 111th United States Congress) not exceeding amounts appropriated from Federal Funds - American Recovery and Reinvestment Act in all appropriation bills passed for FY 2012. If expenditures in the DWS Operations & Policy and DWS Unemployment Insurance line items from Federal Funds - American Recovery and Reinvestment Act exceed amounts appropriated to the DWS Operations & Policy and DWS Unemployment Insurance line items from Federal Funds - American Recovery and Reinvestment Act in FY 2012, the Division of Finance shall reduce the General Fund allocations to the DWS Operations & Policy and DWS Unemployment Insurance line items by one dollar for every one dollar in Federal Funds - American Recovery and Reinvestment Act expenditures that exceed Federal Funds - American Recovery and Reinvestment Act appropriations.				
C	All General Funds appropriated to the Utah State Office of Rehabilitation - Utah State Office of Rehabilitation line item are contingent upon expenditures from Federal Funds - American Recovery and Reinvestment Act (H.R. 1, 111th United States Congress) not exceeding amounts appropriated from Federal Funds - American Recovery and Reinvestment Act in all appropriation bills passed for FY 2012. If expenditures in the Utah State Office of Rehabilitation line item from Federal Funds - American Recovery and Reinvestment Act exceed amounts appropriated to the Utah State Office of Rehabilitation line item from Federal Funds - American Recovery and Reinvestment Act in FY 2012, the Division of Finance shall reduce the General and Education Fund allocations to the Utah State Office of Rehabilitation line item by one dollar for every one dollar in Federal Funds - American Recovery and Reinvestment Act expenditures that exceed Federal Funds - American Recovery and Reinvestment Act appropriations.				

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5	Requests for interim study items, audits identified, or items for follow up				
A	A letter from the Chairs of the Social Services Appropriations Subcommittee to the Legislative Audit Subcommittee requesting follow up audits of the following: (1) A Performance Audit of Utah Medicaid Provider Cost Control, (2) A Follow-up of Utah's Medicaid Implementation of Audit Recommendations, & (3) A Performance Audit of DWS Eligibility Determination Services. The items to be followed up on would be less to the extent that an Independent Medicaid Inspector General is established and takes over the responsibility for implementation of some recommendations.				
B	A letter from the Chairs of the Social Services Appropriations Subcommittee to the Legislative Audit Subcommittee requesting audits of the following: (1) Medicaid Fraud Control Unit and (2) client fraud control efforts by the Department of Workforce Services for Medicaid.				
C	new intent language for FY 2012 - The Legislature intends that the Department of Health provide a report to the Office of the Legislative Fiscal Analyst by December 1, 2011 on the status of implementing recommendations from the following audits: (1) A Performance Audit of Utah Medicaid Provider Cost Control and (2) A Follow-up of Utah's Medicaid Implementation of Audit Recommendations. The items to be followed up on would be less to the extent that an Independent Medicaid Inspector General is established and takes over the responsibility for implementation of some recommendations. The report would not be needed if a follow up audit is prioritized for the Legislative Auditor General by July 1, 2011.				
D	new intent language for FY 2012 - The Legislature intends that the Department of Workforce Services provide a report to the Office of the Legislative Fiscal Analyst by December 1, 2011 on the status of implementing recommendations from the A Performance Audit of DWS Eligibility Determination Services. The report would not be needed if a follow up audit is prioritized for the Legislative Auditor General by July 1, 2011.				
E	new intent language for FY 2012 - The Legislature intends that the Department of Health report by October 1, 2011 to the Office of the Legislative Fiscal Analyst on reimbursement alternatives for inpatient hospital outlier payments that would give the State more control over inflationary increases and/or move away from a reimbursement based on billed charges. This report should include a report on any other reimbursements based on billed charges that totaled over \$1,000,000 total funds in FY 2011 and options for moving away from paying as a percentage of billed charges.				
F	new intent language for FY 2012 - The Legislature intends that the Departments of Health, Human Services, and Workforce Services report to the Office of the Legislative Fiscal Analyst by November 1, 2011 on how they will increase public awareness of their fraud reporting systems and encourage the public to report Medicaid fraud.				
G	new intent language for FY 2012 - The Legislature intends that the Departments of Health, Human Services, Workforce Services, and the Medicaid Fraud Control Unit report to the Office of the Legislative Fiscal Analyst by July 1, 2011 on how they will coordinate their response to the 34 recommendations within the State's control from State agencies contained in the issue brief entitled Medicaid Survey Results. Additionally, these agencies shall report by December 1, 2011 on specific plans of action or reasons for not acting on the 34 recommendations so that the Legislature may decide what additional action may be needed.				
H	new intent language for FY 2012 - The Legislature intends that the Departments of Health, Human Services, Workforce Services, and the Medicaid Fraud Control Unit report to the Office of the Legislative Fiscal Analyst by January 1, 2012 on plans to follow up feasible recommendations that could be implemented from the 945 comments from the public in the issue brief entitled Medicaid Survey Results. This report will allow the Legislature to decide what additional action may be needed.				
I	new intent language for FY 2012 - The Legislature intends that the Department of Workforce Services report to the Office of the Legislative Fiscal Analyst the feasibility of allowing non-state entities working with low income individuals to submit the required information for Medicaid and other public programs eligibility via online methods by December 31, 2011.				
J	Items on the following pages: page 5 - #12, page 9 - #3, 4, & 5, page 10 - #7 & 8 (lessons learned from Medicare) , and page 11 - #4 on to be added to the Master Study Resolution from the Issue Brief Entitled "Medicaid Review; Status of Recommendations"				

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K	A letter from the Chairs to the federal government recommending they consider changes to Medicaid at the federal level as contained in the 13 recommendations for "Suggested Changes Outside the State's Control" in the issue brief entitled "Medicaid Survey Results."				
L	The Legislature intends the Department of Health and the Department of Workforce Services study the cost and benefits of potentially using additional tools for provider screening, asset verification, and beneficiary screening and report back recommendations for further action to the Office of the Legislative Fiscal Analyst by September 1, 2011.				
M	The Legislature intends the Department of Health and the Department of Human Services study the cost and benefits of having a single point of entry to determine eligibility for clients seeking any type of Medicaid long term care services. The Departments shall additionally report on the potential cost and benefits of using a non-State entity to provide the single point of entry services. The Departments shall report back recommendations for further action in one combined report to the Office of the Legislative Fiscal Analyst by September 1, 2011.				
N	The Legislature intends that if SB 180 "Medicaid Reform" passes, the Department of Health shall issue requests for information and report back a summary of the results to the Office of the Legislative Fiscal Analyst by four months prior to providing services via new contracts.				
6	FY 2011 or FY 2012 base budgets motions				
A	I move to approve the transfer of \$800,000 in General Fund for FY 2011 from the Division of Child and Family Services in the Department of Human Services to the Division of Services for People with Disabilities and the transfer of \$800,000 in FY 2011 of Social Services Block Grant from the Division of Services for People with Disabilities to the Division of Child and Family Services as suggested by the Department of Human Services in its presentation to the subcommittee on January 27, 2011.				
B	\$278,600 ongoing General Fund from Health Care Financing line item to the Executive Director's Office within the Department of Health beginning in FY 2012. (as discussed on pages 1 and 2 of the Budget Brief entitled "Health Care Financing")				
C	An ongoing transfer of \$338,800 General Fund within the Department of Health from Family Health and Preparedness to Disease Control and Prevention beginning in FY 2012.				
D	Appropriate \$32,425,000 from the Hospital Provider Assessment Special Revenue Fund to the Department of Health – Medicaid Mandatory line item, Inpatient Hospital program for FY 2011 to implement Senate Bill 273, 2010 General Session.				
E	Appropriate \$39,500,000 from the Hospital Provider Assessment Special Revenue Fund to the Department of Health – Medicaid Mandatory line item, Inpatient Hospital program for FY 2012 to implement Senate Bill 273, 2010 General Session.				
F	Please refer to the attached document, "DWS Agency Requests: Items for Social Services Appropriations Subcommittee Consideration", for information on Department of Workforce Services building block requests. This document contains agency requests for building blocks in FY 2012 utilizing funds from the Special Administrative Expense Account, a restricted account within the Department of Workforce Services.				
7	The Legislature intends that, if the Department of Workforce Services continues to pursue proxies for Temporary Assistance for Needy Families (TANF) maintenance of effort requirements, "replacement MOE", the Department shall also identify one-time General Fund budget adjustments equivalent to replacement MOE amounts. The Department shall also develop a plan for implementing such adjustments in the event replacement MOE declines or is disallowed by the federal government.				
8	The Legislature intends that, if the Department of Workforce Services continues to pursue proxies for Temporary Assistance for Needy Families (TANF) maintenance of effort requirements, "replacement MOE", the Department shall in accordance with Utah Code 63J-1-104(6)(a) use any and all replacement MOE first, prior to expending free or restricted revenue.				
9	The Legislature intends that the Department of Workforce Services report to the Legislative Fiscal Analyst's Office by July 1, 2011, plans to create efficiencies and savings within the Eligibility Services Division for Fiscal Year 2012 and 2013.				

Ref #	I move to approve the following....				
		Health	Human Services	Workforce Services	USOR
10	Transfer the associated General Fund and federal fund for FY 2012 for Capitated Mental Health Services and Mental Health Inpatient Hospital in the Department of Health's Medicaid Optional Services line item to the Department of Human Services' Division of Substance Abuse and Mental Health line item so that more of the funding for Medicaid mental health services is in the same agency.				
11	Transfer \$27,000,000 General Fund out of Pharmacy to the Medicaid Mandatory Services line item in a new program called "Clawback Payments" for FY 2012. (This may help the Legislature more clearly see the changes in cost over time to this payment to the federal government.)				
12	Separate out \$26,000,000 total funds from Dispraportionate Hospital payments from Non-service Expenses for FY 2012. (This may help the Legislature see the direct impact of the scheduled reductions to these payments from federal health care reform.)				
13	Current bills with fiscal impact heard and included in priority list				
14	Any new requested changes to the base budget?				
15	Prioritization Voting				
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New Fee

Utah Department of Health, Health Care Financing

On February 2, 2011, the U.S. Department of Health and Human Services issued a final rule to implement new requirements for enrolling Medicaid providers. Effective March 25, 2011, the Utah Department of Health will have to perform additional steps, including fingerprinting, to screen certain providers if they have not been screened by another program (e.g., Medicare, another State, etc.). The rule requires that States collect a \$500 fee when they conduct this screening.

42 CFR 455.460 Application fee.

(a) Beginning on or after March 25, 2011, States must collect the applicable application fee prior to executing a provider agreement from a prospective or re-enrolling provider other than either of the following:

(1) Individual physicians or nonphysician practitioners.

(2)(i) Providers who are enrolled in either of the following:

(A) Title XVIII of the Act.

(B) Another State's title XIX or XXI plan.

(ii) Providers that have paid the applicable application fee to—

(A) A Medicare contractor; or

(B) Another State.

(b) If the fees collected by a State agency in accordance with paragraph (a) of this section exceed the cost of the screening program, the State agency must return that portion of the fees to the Federal government.

Health Care Financing	Fee
Medicaid provider application fee for prospective or re-enrolling providers	\$500

Note – The rule estimates that across the nation 8,500 prospective providers and 17,000 re-enrolled providers will be screened by States each year. If Utah Medicaid ends up screening 1 percent of these providers, then estimated screening and application fees would apply to 85 prospective providers and 170 re-enrolled providers in Utah.

AGENCY REQUESTS

Items for Social Services Appropriations Subcommittee Consideration

February 15, 2011

DWS FY 2012 Building Blocks – Funded Through Special Administrative Expense Account

1. **\$1,500,000 Special Administrative Expense Account** - Met Life retirement account liability (DWS Unemployment Insurance line item)
2. **\$541,000 Special Administrative Expense Account** - Dept of Labor authorized activities from building sale proceeds, plus interest (DWS Ops & Policy line item)
3. **\$3,000,000 Special Administrative Expense Account** - Strengthen Unemployment Insurance Compensation Fund (UI line item)
4. **\$2,000,000 Special Administrative Expense Account** - Workforce Development Activities (DWS Operations & Policy line item)
5. **\$500,000 Special Administrative Expense Account** - Governor's Initiatives in Operational Excellence (DWS Operations & Policy line item)