

**MINUTES OF THE
SOCIAL SERVICES APPROPRIATIONS SUBCOMMITTEE**
Room 30 House Building, State Capitol Complex
Thursday, February 21, 2013

MEMBERS PRESENT: Sen. Allen M. Christensen, Co-Chair
Rep. Ronda Rudd Menlove, Co-Chair
Rep. Daniel McCay, House Vice Chair
Sen. Deidre M. Henderson
Sen. Peter C. Knudson
Sen. Luz Robles
Sen. Brian E. Shiozawa
Sen. Evan J. Vickers
Sen. Todd Weiler
Rep. Rebecca Chavez-Houck
Rep. Tim Cosgrove
Rep. Paul Ray
Rep. Edward H. Redd
Rep. Marc K. Roberts
Rep. Earl D. Tanner

MEMBERS ABSENT: Pres. Wayne L. Niederhauser
Sen. Brian E. Shiozawa
Rep. Brad L. Dee

STAFF PRESENT: Mr. Russell Frandsen, Fiscal Analyst
Mr. Stephen Jardine, Fiscal Analyst
Mr. Gary Ricks, Fiscal Analyst
Ms. Paula Winter, Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at <http://le.utah.gov>. A list of visitors and a copy of handouts are filed with the committee minutes.

Co-Chair Menlove called the meeting to order at 3:28 p.m.

No Minutes to approve.

Motions to be Presented

Russell Frandsen, fiscal analyst, presented the first motions on page a-g to the committee.

Rep. Menlove reminded the committee that these motions have all been discussed and will be approved as a package.

Mr. Frandsen explained motion g. Section 9 titled "Other motions by committee members". He stated it is only one motion about ongoing savings from implementation of HB 281 and has to do with licensing. It allows Human Services to retain increased licensing fees.

Sen. Weiler had a question about which motion list was being referred to and also asked if any of the

motions had anything to do with allocation of funds from the mortgage settlement over foreclosure misdeeds money which has been collected. Rep. Menlove replied in the negative and stated that money was not allocated to this committee.

Rep. Menlove informed the committee that not all of the allocations are being approved but that will be the discussion for tomorrow.

MOTION: Sen. Christensen moved to accept the motions outlined by staff entitled “Social Services Subcommittee – Motions for Subcommittee Consideration”.

Rep. Chavez-Houck referenced the motion exceptions on the list and asked for clarification on them.

Russell Frandsen, fiscal analyst, walked through the exemptions and informed the committee that #1B, 1D, 1E, 1M, 1N, 1Q, 1S, and 1V-2 are internal reallocations. A request for hospital provider assessment item #1J, # 1K was already deleted by a prior motion and #1y was a duplicate internal transfer. The chairs have a proposal for the internal allocation list and the committee will decide on those.

Rep. Menlove requested that Mr. Frandsen explain what internal reallocation means. Mr. Frandsen explained that it means taking funds from one place and putting it in another place in the budget. He also stated that the agencies are generally in agreement with the analysts on these items. Two items taken off the list are the plastic eligibility card reduction and the ongoing Dental RFP money.

Rep. Tanner needed clarification on item #1V-2 the plastic eligibility card and the fact that it is on the exceptions list that we are not voting on it. Mr. Frandsen clarified that is true and further explained the reason they are excluded is because if they were approved the committee would be accepting the staff recommendations for internal reallocations, but as a blanket motion we are saying the committee will decide all the internal reallocations.

Sen. Christensen had no further summation and Rep. Menlove called for a vote.

The motion passed unanimously with Pres. Wayne L. Niederhauser, Sens. Peter C. Knudson and Brian E. Shiozawa and Rep. Brad L. Dee absent for the vote.

Russell Frandsen, fiscal analyst, reviewed the nine technical motions. Pages one through three were proposed by Rep. Menlove. Pages four through five had to do with the Department of Health Office fees and pages six through nine reference the Health Department.

Rep. Menlove clarified to the committee that there will be more motions tomorrow, but these are the more technical motions. The debatable motions will be tomorrow.

MOTION: Sen. Christensen moved to approve the nine pages of motions presented by Mr. Frandsen.

The motions passed unanimously with Pres. Wayne L. Niederhauser and Sen. Brian E. Shiozawa and Rep. Brad L. Dee absent for the vote.

Requests for Appropriations with Fiscal Impact

Co-chair Menlove called for those presenting to speak for two minutes.

- a. Rep. Chavez-Houck introduced Pat Fleming, Director of Behavioral Services, Salt Lake County. Rep. Chavez-Houck related that we are at a critical point related to a decision on Optional Medicaid Expansion. The bill presented is a trigger for when we actually receive the information needed to make a decision. The proposal is for a mechanism by which the committee can reconvene to provide context and recommendations to the Executive Appropriations Subcommittee to help voice the concerns we have heard from others. A packet was distributed to present information about other states who have moved forward with the expansion and the reasoning behind that as well as a letter from Salt Lake County and their concerns.
- b. Pat Fleming presented, that in conversation with many on the committee about individuals being treated by behavioral health services, that are uninsured, would be transferred to Medicaid, which would provide a state General Fund and County Fund savings. The recommendation is that the committee look at this.
- c. Rep. Steve Eliason invited Kathy Bray from Volunteers of America and Chief Chris Burbank, Salt Lake City Police Department to join him. Rep. Eliason explained the purpose of the Detox Center. Ms. Bray stated that the request is for \$70,000 to help with a remodel and expansion to the Center. The facility has been used for 26 years and the State Licensing requested improvements be made to the building. The decision was made to remodel the existing facility to meet the demand. Finalizing is taking place with 68 beds. We have received some matching funds and are raising other funds.

Rep. Redd asked about the types of detox done at the Center and Ms. Bray stated that they do alcohol, heroin, methamphetamine, pain pills both prescription and illegal drugs and any combination. The requirement to get into the Center is that they be inebriated. This is a social model detox center and is open for admissions 24 hours a day 365 days a year. There is a partnership with the Fourth Street Clinic.

Rep. Chavez-Houck asked Chief Chris Burbank the context in which law enforcement interfaces with the Center. Chief Burbank replied that for years jail was the only option, but with the individuals in crisis now they are able to take them directly to the Detox Center. With the treatment recidivism rate drops from around 70 percent with jail treatment to 40 percent and also impacts the number of calls for service because of the shorter amount of time which is about half the time used to book these individuals.

Sen. Christensen asked for clarification on since this is in Salt Lake County why does Salt Lake County not pay for it rather than the state. Ms. Bray stated that Salt Lake County did contribute and covered the majority of the operations. Chief Burbank informed the committee that because Social Services is located in Salt Lake City people from all around the valley participate there.

- d. Rep. Eliason presented a request for \$750,000 for the Pamela Atkinson Homeless Trust which was originally for \$500,000. The appropriation will be matched dollar for dollar by private sources. It is located in Midvale and on a previous snowy night housed 1100 individuals which included families. It has handled several other community needs and is expensive than other options.
- e. Rep. Rebecca Edwards distributed papers for study and introduced the Children's Hearing Aid Pilot Program. Of 53,000 births per year in Utah there are 106 born with permanent hearing loss. Of the 106 children 78 are not covered by Medicaid. This appropriation of \$100,000 would purchase 45 hearing aids at \$2,000 each that would serve around 25 children. This is a two year pilot program providing hearing aids to non-Medicaid low income children from birth to age three. Proof of need is built in and is not a mandate or entitlement but an approach to a problem.

It is a private/public partnership for businesses and individuals to make donations. The benefit is that children not requiring special education save a school system as much as \$350,000 K-12 educational experience.

Sen. Christensen informed the committee that all children will be covered under Medicaid up to a 138 percent of the poverty level as of January 1, 2014 so that may impact this situation.

- f. Sen. Luz Robles presented the Health Care Promotion Workers Bill which establishes a pilot program placing community health workers in medically underserved populations through mini-grants to make sure better care can be accessed through the Affordable Health Care Act (ACA) Program. It is through a public/private partnership under the Bureau of Health Promotion. The purpose is to reduce visits to emergency rooms and teaching many of the low income families how to access services available to reduce the disparities within health care. There are matching funds that can come down through ACA and different insurance companies are interested in providing assistance. The request is for \$250,000.

Rep. Redd asked for clarification on where the funds would go. Sen. Robles explained that the money would go to the Department of Health where a Request for Proposals (RFP) process would be opened for mini-grants up to \$50,000 for community based organizations and other entities that may have the health workers as part of their communities. She stated that it would be chiefly and education component. Rep. Redd questioned about where these workers are now. Rep. Robles replies that they are in some community based organizations, Federally qualified health clinics such as Fourth Street Clinic and several community based organizations.

- g. Ken Stettler, Director, Department of Health, Office of Licensing requested \$95,000 for assistance in licensing all the operations throughout the state. He listed many operations and stated that fees have been collected from departments providing treatment and those programs have always returned to General Fund. The bill states that there will be a portion that will remain with the office to assist with some caseload issues. Over the last five years caseloads have increased from 108 to 145 programs. There were 3,000 licenses issued in FY 2012 which require on sight visits, inspections of the facility, review of the rules, and verification of compliance with the rules. Mr. Stettler stated these funds would help with this increase.

Rep. Daniel McCay, House Vice Chair assumed Chair role and moved forward on the agenda

Office of the Legislative Auditor General (OLAG) – A Performance Audit of Utah’s Child Welfare System

Maria Stahla, with the Legislative Auditor’s Office responded to questions asked regarding the Child Welfare System which includes the Division of Child and Family Services (DCFS), the Attorney General, the Guardian Ad Litem and parental defense and juvenile courts. She stated no child can enter or leave foster care except by the approval of the court. Each year DCFS receives over 37,000 referrals from the public alleging abuse and neglect. Based on investigations in 2012 DCFS identified that 2,664 children needed in-home or foster care services. An additional 1700 youth were court ordered into care. Ms. Stahla referred to figures on the handout. The conclusion based on statistics is that there are fewer coming into the system and that those remaining in the system are a more difficult population. Sen. Christensen asked if there was an explanation of why so many fewer are coming in to the system. Ms. Stahla informed the committee that there were two reasons for the decrease: there were changes to the administrative rules defining child abuse and neglect and also DCFS created a centralized intake and created a new program to determine when children should come in and what services they should provide. She covered the question

of kinship. Federal and State statutes give preference to placement with relatives over non-relatives when a child enters foster care. Kinship placement in Utah is difficult because there are conflicting statutory priorities calling for children to be placed with relatives conversely that children be placed in adoptive homes usually with non-kin to ensure child safety and placement permanency. Ms. Stahla continued by addressing the question of, are children being reunited with their families as quickly as possible. The answer is that if parents remedy the reasons children were placed in foster care within statutory timelines children are reunited with their parents. Over 65 percent of children were reunited with parents or relatives. Ms. Stahla showed that in comparison with other states Utah has slightly lower reunification rates and slightly higher adoptions rates. The permanency hearing variation between the varying ages of children is a concern because it may cause sibling groups to split up and adoptions for infants 0-5 months may be sped up. She stated that the quick time frame for parents does not allow them to correct issues. Of those children removed 75 percent of those parents have a substance abuse issue. A longer period in drug treatment could mean up to 9 percent more women could successfully complete the treatment and offer a greater chance for reunification. Referring to Chapter 4 in the Audit Report, Ms. Stahla addressed the issue about when children are not reunited with their families what is being done to expedite permanency. It was found that 23 percent of children were in foster care for more than 24 months. Of these 75 percent age 14 or older 54 percent were court ordered into foster care for delinquent behaviors and 35 percent live in expensive group homes or institutions. Many in long term care are less likely to be adopted and are more likely to age out of the foster care system and face undesirable outcomes. Recommendations are made in the handout to decrease the number of youth in foster care. There were five recommendations to DCFS which will be implemented as well as six to the Legislature to clarify conflicts identified in the statute.

Rep. Lavar Christensen had questions for Ms. Stahla. He had a concern about a \$44,000 spread. When children are kept in homes and are worked with only \$1700 per child is spent. When the foster care is done, \$47,000 is spent. Their budget shows there is a \$7.5 million non-lapsing surplus currently. The rights of the parent have been overlooked. He urged the committee to track the millions of dollars in savings and reprioritize in response to this issue.

Vice Chair McCay conducted the public comment and condensed the speaking list due to the short time to present by combining many of the Baby Watch presenters and also allowing individual citizens to speak first with those representing an entity to move to the back of the list and taking two minutes each.

Public Comment

Christine Evans, parent of a preemie twin who is now a 7th grader, spoke on the benefits of the Children with Special Health Care Needs (CSHCN) Clinic as well as the Division of Services of People with Disabilities (DSPD) program, the respite program and access to Medicaid the DSPD waiver program has allowed the family to be on; Jennifer Swan, parent of autistic daughter in the state hospital who will lose Medicaid services if she comes home and are looking for transitional housing; Jessica Carpenter, parent of two children with Muscular Dystrophy which has been determined to be a medical condition rather than a disability and has no services such as respite care and Medicaid; Kent Spittler, citizen whose family is on DSPD waiting list; Jennifer Adams, parent, spoke about a surviving twin daughter who has only her brain stem, is blind, deaf and non-verbal spoke on DSPD services they are using; Patricia Glenn, mother of triplets, one with Cerebral Palsy spoke in behalf of DDI; Chantelle Bailey, parent, spoke in behalf of Baby Watch Early Intervention; Keisha Knight, parent of autistic son, spoke to Baby Watch Early Intervention;

Becca Winegar, young woman with Down's Syndrome sang her testimony about being just like you; Gloria Froerer, citizen, representing the Utah Housing Council Olene Walker Housing Load Fund. There are nine non-profits that teach individuals who have gone through the foreclosure process how to better manage their money and repair their credit to remediate their financial problems. Rep. Ray stated that the

money gained from the robo-signing on foreclosures should be put into educating people going through foreclosure; Tina Persels, parent, child with special needs treated by CSHCN; Lynne Sqowronski called attention to the Division of child and Family Services and savings that have been made and not reported called attention to the numbers; Deborah Bowman, parent and advocate Utah Developmental Disabilities Council (DSPD) spoke on behalf of the program; Josh Rhees, self-advocate for DSPD with cerebral palsy; Corinna Trujillo, blind mother of three pursuing her PhD at the University of Utah spoke on training in rural areas for blind citizens by an instructor requested funds for that position; Brad Richards, parent, spoke on Global Developmental Delay which includes mental, physical and speech delays. They were referred to Baby Watch and Utah Department of Health and are supporting those programs; Carrie Ann Newman, parent, has 5 children whose youngest receives services through Baby Watch program; Kyle Bringhurst, advocate, Wasatch Mental Health Program Supervisor over Giant Steps Autism Program shared data of treatment they are using which includes outcome data and are receiving funding; Afton January, representing Utah Housing Coalition spoke on behalf of the \$1.39 million robo-signing settlement and counseling for those who have been foreclosed on and other housing needs; Gina Money, advocate and parent spoke on behalf of CSHCN clinics which serve those with little access to services; Heather Quintana paralyzed in car accident and depends on DSPD; Charlie Luke, Executive Director of Utah Association of Community Services requested that the three DSPD issues be funded in the top ten which they currently are and the money on the waiting list be funded in the top 20; Kris Fawson, advocate with the Legislative Coalition for people with Disabilities and the statewide Independent Living Council, thanked the committee for the work done and the prioritization they have for independent living, assisted technology, and vocational rehabilitation; Frank Brown, disabled, asked to keep funding; Mary Joe McMillen, advocate for CSHCN and DSPD; Miriam Hyde, Chair, Utah Disability Caucus, spoke on Medicaid expansion. Each of the preceding spoke on various issues and their support for them.

Rep. Redd asked for an explanation from the Department of Health on the Building Block request for children with special needs.

Vice Chair McCay agreed to do more on that tomorrow.

Russell Frandsen stated that many of the motions for tomorrow will be on line and to read them before will be helpful.

MOTION: Rep. Menlove moved to adjourn.

Vice Chair McCay adjourned the meeting at 5:32 p.m.

Minutes were reported by Ms. Paula Winter, Senate Secretary

Sen. Allen M. Christensen, Co-Chair
Rep. Ronda Rudd Menlove, Co-Chair

Minutes of the Social Services Appropriations Subcommittee

Tuesday, January 29, 2013

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