



# HUMAN SERVICES - FOLLOW-UP ON PREVIOUS INTENT LANGUAGE

SOCIAL SERVICES APPROPRIATIONS SUBCOMMITTEE  
STAFF: STEPHEN JARDINE

ISSUE BRIEF

## SUMMARY

The purpose of this issue brief is to determine if the department complied with the intent statements adopted by the Legislature during its 2014 General Session. The brief lists each item of intent language passed followed by an agency response. The Analyst has no concerns of non-compliance. This brief is for informational purposes only and requires no legislative action.

## EXECUTIVE DIRECTOR'S OFFICE:

### **Senate Bill 8, Item 37 (for FY 2015):**

*The Legislature intends that the Department of Human Services report on the following performance measures for the Executive Director Operations line item: (1) Finance and Budget Office (assisted by the Bureau of Internal Review and Audit) correct department-wide reported fiscal issues per June 30 quarterly report (Target = 42%), (2) Office of Licensing issue a license within 30 days of proof of compliance by a licensee (Target = 90%), and (3) double-read (reviewed) Case Process Reviews will be accurate in the Office of Service Review (Target = 90%) by January 1, 2015 to the Social Services Appropriations Subcommittee.*

#### **Agency Response:**

The Department of Human Services reported on the performance measures as requested.

### **House Bill 2, Item 78 (for FY 2015)**

*The \$300,000 in federal funds appropriated for the Marriage Commission in the Department of Human Services - Executive Director Operations line item is dependent upon the availability of and qualification for the Marriage Commission for Temporary Assistance for Needy Families federal funds.*

#### **Agency Response:**

The Department of Human Services has received TANF for the Marriage Commission and continued the program as funding allowed.

### **Senate Bill 3, Item 76 (for FY 2014) and House Bill 2, Item 78 (for FY 2015):**

*The Legislature intends that the Department of Human Services prepare proposed performance measures for all new state funding or TANF federal funds for building blocks and give this information to the Office of the Legislative Fiscal Analyst by June 30, 2014. 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, 2014. The Office of the Legislative Fiscal Analyst shall give this information to the legislative staff of the Health and Human Services Interim Committee. If the new money will go to a pass through entity, the Department of Human Services shall work with each pass through entity to provide the same performance measure information.*

#### **Agency Response:**

The Department of Human Services has provided the performance measures reports as required.

### **House Bill 2, Item 78 (for FY 2015):**

*The Legislature intends that the Departments of Workforce Services, Health, Human Services, Technology Services, and the Utah State Office of Rehabilitation provide a report regarding all current background checks of individuals and possible efficiencies for consolidation. The Legislature intends that agencies provide a report to the Office of the Legislative Fiscal Analyst by September 1, 2014. The report shall include the following regarding each background check program: (1) name and purpose of the program, (2) expenditures and staffing for the last three years, (3) types of problems the background*

check is looking for, (4) the databases searched, and (5) technology used. The report should provide recommendations where different background check systems might be combined.

### **Agency Response:**

The Department of Human Services worked with the other Departments to provide the report by the requested date and reported to the Social Services Appropriations Subcommittee during the September interim meeting.

### **SUBSTANCE ABUSE AND MENTAL HEALTH:**

#### **House Bill 2, Item 79 (for FY 2015):**

*The Legislature intends funds provided to local mental health centers for Medicaid match be used solely for that purpose. The Legislature further intends the Division of Substance Abuse and Mental Health (DSAMH), in conjunction with the Utah Association of Counties and local mental health centers, provide a report to the Office of the Legislative Fiscal Analyst no later than September 1, 2014. The report shall include, at a minimum: 1) FY 2009 through FY 2013 General Fund amounts passed through from DSAMH to each individual local mental health center, 2) FY 2009 through FY 2013 Medicaid caseloads for each individual local mental health center and actual expenditures associated with the Medicaid caseloads served during those years as well as actual Medicaid match paid in association with the expenditures, 3) FY 2014 and FY 2015 estimated Medicaid match amounts for each local mental health center, 4) an assessment regarding uniformity, or lack of uniformity, of Medicaid match need across all local mental health centers, 5) a review of options for improvement and recommendations to address any existing need without providing funds unnecessarily, and 6) any other relevant data in understanding where and to what extent there exists Medicaid match issues.*

### **Agency Response:**

The Utah Division of Substance Abuse and Mental Health (DSAMH) submitted the Local Mental Health Authority Medicaid Match Report to the Office of the Legislative Fiscal Analyst on August 29, 2014, as required by the intent language. DSAMH subsequently made an oral presentation of the report to the Social Services Appropriations Subcommittee on September 23, 2014. The report recommended the continuation of ongoing funding for Local Mental Health Authority Medicaid Match in FY 2016 at the current appropriation level of \$6,400,000 and provided rationale for this recommendation. The full report can be accessed at <http://le.utah.gov/interim/2014/pdf/00004241.pdf> along with the presentation made to the Subcommittee <http://le.utah.gov/interim/2014/pdf/00004435.pdf>.

#### **Senate Bill 8, Item 38 (for FY 2015):**

*The Legislature intends the Utah Substance Abuse Advisory Council report to the Office of the Legislative Fiscal Analyst by September 1, 2014 its recommendations regarding the best use of current DORA funding in treating drug abusers in response to the November, 2013 final multi-year study of DORA by the Utah Criminal Justice Center at the University of Utah that found "DORA did not have a significant impact on participants when compared to similar offenders on traditional probation and parole" and also in regard to the approved "Guidelines for the Implementation of DORA-Funded Services for Probationers" which states that "Programs will . . . ensure DORA funding is utilized for evidence-based substance abuse treatment and supervision strategies." The Legislature further intends that if the Utah Substance Abuse Advisory Council recommends continued funding for current DORA programs, it will provide specific and detailed explanations in its report to the Legislative Fiscal Analyst demonstrating how its recommendation is consistent with its guideline that funding be used for evidence-based substance abuse treatment and supervision strategies.*

### **Agency Response:**

The Utah Substance Abuse Advisory (USAAV) Council, in cooperation with the Utah Division of Substance Abuse and Mental Health and the Utah Department of Corrections, submitted the *DORA Program Report to the Office of the Legislative Fiscal Analyst* on September 1, 2014, as required by the intent language. USAAV subsequently made an oral presentation of the report to the Social Services Appropriations Subcommittee on December 12, 2014. The report recommended the continuation of ongoing funding for DORA in FY 2016 at the current appropriation level of \$3,654,000, which includes both treatment and intensive correctional supervision, and provided rationale for this recommendation. The full report can be accessed at <http://le.utah.gov/interim/2014/pdf/00005243.pdf>.

#### **Senate Bill 8, Item 14 (for FY 2014):**

*Under Section 63J-1-603 of the Utah Code, the Legislature intends that any remaining funds provided by Item 19, Chapter 6, Laws of Utah 2013 for the Drug Courts program within the Division of Substance Abuse and Mental Health line item not lapse at the close of Fiscal Year 2014. The use of any non-lapsing funds is limited to "other charges/pass through" expenditures.*

**Agency Response:**

The Division of Substance Abuse and Mental Health passed through remaining FY 2014 funds to the Local Substance Abuse Authorities for Drug Courts as outlined in Statute and according to the provisions of the intent language.

**Senate Bill 8, Item 14 (for FY 2014):**

*Under Section 63J-1-603 of the Utah Code, the Legislature intends that any remaining funds provided by Item 19, Chapter 6, Laws of Utah 2013 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 Fiscal Year 2014. The use of any non-lapsing funds is limited to "other charges/pass through" expenditures.*

**Agency Response:**

The Division of Substance Abuse and Mental Health passed through remaining FY2014 funds to the Local Substance Abuse Authorities for Substance Abuse Services as outlined in Statute and according to the provisions of the intent language.

**Senate Bill 8, Item 14 (for FY 2014):**

*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 19, Chapter 6, Laws of Utah 2013 not lapse at the close of Fiscal Year 2014. 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 the \$50,000 of non-lapsing funds for FY 2015 purchases as outlined in Statute and according to the provisions of the intent language.

**House Bill 2, Item 79 (for FY 2015):**

*The \$1,500,000 in federal funds appropriated for the Mental Health Early Intervention for Children/Youth in Department of Human Services - Substance Abuse and Mental Health line item is dependent upon the availability of and qualification for the Mental Health Early Intervention for Children/Youth for Temporary Assistance for Needy Families federal funds.*

**Agency Response:**

The Division of Substance Abuse and Mental Health entered into a contract agreement with the Department of Workforce Services to provide TANF funding for Mental Health Early Intervention services during FY 2015 according to the requirements of TANF funding and the provisions of the intent language.

**Senate Bill 8, Item 38 (for FY 2015):**

*The Legislature intends that the Department of Human Services report on the following performance measures for the Substance Abuse and Mental Health line item: (1) Local Substance Abuse Services - Successful completion rate (Target = 40%), (2) Mental Health Services -Adult Outcomes Questionnaire - Percent of clients stable, improved, or in recovery while in current treatment (Target = 70%), and (3) Mental Health Centers - Youth Outcomes Questionnaire - Percent of clients stable, improved, or in recovery while in current treatment (Target = 12%) by January 1, 2015 to the Social Services Appropriations Subcommittee.*

**Agency Response:**

The Utah Division of Substance Abuse and Mental Health (DSAMH) submitted performance measures to the Office of the Legislative Fiscal Analyst on September 1, 2014, as required by the intent language. DSAMH subsequently made an oral presentation of the report to the Social Services Appropriations Subcommittee on September 23, 2014. The summary report can be accessed <http://le.utah.gov/interim/2014/pdf/00004200.pdf>.

**House Bill 2, Item 79 (for FY 2015):**

*Under Section 63J-1-603 of the Utah Code, the Legislature intends that the \$720,400 provided to the Department of Human Services for the Weber Human Services Behavioral and Physical Health Integration Pilot not lapse at the close of FY 2015. The nonlapsing funding for FY 2016 is limited to spending on the Weber Human Services Behavioral and Physical Health Integration Pilot. Money is to be spent over future years in equal amount each year.*

**Agency Response:**

The Division of Substance Abuse and Mental Health entered into a contract in the amount of \$720,400 with Weber Human Services for the Weber Human Services Behavioral and Physical Health Integration Pilot in FY 2015. The remaining \$720,400 and any unspent balance from FY 2015 will be allocated to Weber Human Services in FY 2016 according to the provisions of the intent language.

**SERVICES FOR PEOPLE WITH DISABILITIES:**

**Senate Bill 8, Item 39 (for FY 2015):**

*The Legislature intends that the Department of Human Services report on the following performance measures for the Services for People with Disabilities line item: (1) Community Supports, Brain Injury, Physical Disability Waivers, Non-waiver Services - % providers meeting fiscal requirements of contract (Target = 100%), (2) Community Supports, Brain Injury, Physical Disability Waivers, Non-waiver Services - % providers meeting non-fiscal requirements of contracts (Target = 100%), and (3) People receive supports in employment settings rather than day programs (National ranking) (Target = #1 nationally) by January 1, 2015 to the Social Services Appropriations Subcommittee.*

**Agency Response:**

The Division of Services for People with Disabilities reported on the performance measures as requested.

**House Bill 2, Item 80 (for FY 2015):**

*The Legislature intends that \$330,200 in Beginning Nonlapsing provided to the Department of Human Services is dependent upon up to \$330,200 of savings above \$800,000 from affordable care act mandatory changes in the Department of Workforce Services in FY 2014. The use of any nonlapsing funds is limited to respite care provided by the Department of Human Services in FY 2015.*

**Agency Response:**

The Division of Services for People with Disabilities received \$272,400 from DWS. These funds are being used to pay for respite services for people on the DSPD Waiting List.

**House Bill 2, Item 80 (for FY 2015):**

*The \$1,000,000 in federal funds appropriated for Supported Employment for Individuals with Disabilities in Department of Human Services - Services for People with Disabilities line item is dependent upon the availability of and qualification for Supported Employment for Individuals with Disabilities for Temporary Assistance for Needy Families federal funds.*

**Agency Response:**

The Department of Workforce Services requested a waiver to use TANF funds for this purpose and the request was denied.

**Senate Bill 8, Item 39 (for FY 2015):**

*The Legislature intends that the Division of Services for People with Disabilities (DSPD) use Fiscal Year 2015 beginning non-lapsing 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 Legislative Fiscal Analyst on the use of these nonlapsing funds.*

**Agency Response:**

The Division of Services for People with Disabilities is using the non-lapsing funds for the purposes included in this intent language and also for the purposes included in Utah Code 62A-5-102 (7) (iii) including respite care; service brokering; family skill building and preservation classes; after school services; and other professional services.

**House Bill 2, Item 80 (for FY 2015):**

*The Legislature intends the Department of Human Services provide a report to the Office of the Legislative Fiscal Analyst no later than September 1, 2014. The report shall include, at a minimum: 1) detailed information reflecting current transportation funding and expenditures for individuals with disabilities provided in the Division of Services for People with Disabilities (DSPD), 2) current and historical rates paid by DSPD for transportation, 3) comparisons with other similar rates paid in other agencies, 4) analysis of relevant fiscal implications, 4) review of options for improvement, 5) and a listing of similar rates as paid in surrounding and other selected states.*

**Agency Response:**

The Division of Services for People with Disabilities provided the report to the LFA by the date indicated and is available at: <http://le.utah.gov/interim/2014/pdf/00005239.pdf>.

**House Bill 2, Item 80 (for FY 2015):**

*The Legislature intends the Division of Services for People with Disabilities (DSPD) in the Department of Human Services actively seek ways to revise its Needs Assessment process to insure, within the requirements found at UCA 62A-5-102(4)(b) regarding allocation of new appropriations for eligible persons waiting for services from DSPD, that in determining the prioritization for funding, a person's age, family status, and family income are not a part of the needs determination. The Legislature further intends DSPD provide to the Office of the Legislative Fiscal Analyst no later than September 1, 2014 a report that includes a(n): 1) detailed description of the current Needs Assessment process, 2) review of other options and their impact including possible modifications to current statute, 3) review of relevant data informing why individuals are currently not receiving services, and 4) assessment of other states' processes and how they determine who receives funding. The Legislature further intends that the study include supported employment to determine if we are being successful in keeping people off of the waiting list.*

**Agency Response:**

The Division of Services for People with Disabilities provided the report to the LFA by the date indicated and is available at: <http://le.utah.gov/interim/2014/pdf/00005237.pdf>.

**OFFICE OF RECOVERY SERVICES:**

**Senate Bill 8, Item 40 (for FY 2015):**

*The Legislature intends that the Department of Human Services report on the following performance measures for the Office of Recovery Services (ORS) line item: (1) ORS Total Collections (Target = \$250 million), (2) Child Support Services Collections (Target = \$215 million), and (3) Ratio: ORS Collections to Cost (Target = > 5.9 to 1) by January 1, 2015 to the Social Services Appropriations Subcommittee.*

**Agency Response:**

In 2014, the Office of Recovery Services (ORS) established performance goals intended to span multiple years. By January 1, 2015, ORS was able to report the following results: (1) ORS Total Collections for SFY 2014: \$244,301,869 (a 0.2% increase); (2) Child Support Services Collections: \$202,825,113 (3% increase); and (3) Ratio, ORS Collections to Cost: \$5.89 to 1 (a 1.3% increase).

**House Bill 2, Item 81 (for FY 2015):**

*The Legislature intends the \$70,000 in new funding provided for the Independent Study Requiring an Open Child Support Case as a Condition of Food Stamps Eligibility to the Department of Human Services require that the independent study be provided to the Office of the Legislative Fiscal Analyst no later than September 1, 2014. The study shall include a(n): 1) discussion of options for a voluntary program, 2) implication on systems and staffing, 3) analysis of relevant fiscal implications, 4) review of demographic data informing why individuals are currently not seeking child support, 5) review of*

*phase-in options to implement, 6) inventory of other states currently availing themselves of this option, and 7) results following implementation of a similar policy with Temporary Assistance for Needy Families and Medicaid.*

**Agency Response:**

The Office of Recovery Services commissioned a study through the University of Utah, Social Research Institute (SRI), which was completed and submitted to the Legislative Fiscal Analyst by September 1, 2014. The study results were formally presented to the Social Services Appropriations Subcommittee by SRI at the interim session held on December 12, 2014.

**CHILD AND FAMILY SERVICES:**

**House Bill 2, Item 82 (for FY 2015):**

*The Legislature intends that the \$500,000 provided to the Department of Human Services for the Family Resource Facilitator Higher Education Navigator Program increase from federal Temporary Assistance for Needy Families (TANF) funding spent over future years in equal amount each year for the following two years.*

**Agency Response:**

The Division of Child and Family Services will coordinate with DWS to receive TANF funding for this program in future years.

**House Bill 2, Item 82 (for FY 2015):**

*The \$750,000 in federal funds appropriated for the Family Resource Facilitator Higher Education Navigator Program in Department of Human Services - Child and Family Services line item is dependent upon the availability of and qualification for the Family Resource Facilitator Higher Education Navigator Program for Temporary Assistance for Needy Families federal funds.*

**Agency Response:**

The Division of Child and Family Services is coordinating with DWS to receive TANF funding for this program.

**Senate Bill 8, Item 41 (for FY 2015):**

*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(e)]. 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 Division of Child and Family Services will calculate the savings at the end of the year providing nonlapsing funds to fulfill this Federal requirement.

**Senate Bill 8, Item 41 (for FY 2015):**

*The Legislature intends that the Department of Human Services report on the following performance measures for the Child and Family Services line item: (1) Administrative Performance: Percent satisfactory outcomes on qualitative case reviews/system performance (Target = 85%/85%), (2) Child Protective Services: Absence of maltreatment recurrence within 6 months (Target = 94.6%), and (3) Out of home services: Percent of children who reunified within 12 months (Target = 74.2%) by January 1, 2015 to the Social Services Appropriations Subcommittee.*

**Agency Response:**

The Division of Child and Family Services provided the required information to the Legislative Fiscal Analyst.

**Senate Bill 8, Item 16 (for FY 2014):**

*Under Section 63J-1-603 of the Utah Code, the Legislature intends that any remaining funds provided by Item 22, Chapter 6, Laws of Utah 2013 for the Division of Child and Family Services (DCFS) not lapse at the close of Fiscal Year 2014. It is*

*further the intent of the Legislature that these non-lapsing funds are to be used for Adoption Assistance, Out of Home Care, Service Delivery, In-Home Services, Special Needs, SAFE Management Information System modernization, and purchase of 15 additional vehicles. The Legislature further intends DCFS report to the Office of the Legislative Fiscal Analyst by September 1, 2014 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 allocated \$134,500 to be used for In-Home Services.

**House Bill 2, Item 82 (for FY 2015):**

*Under Section 63J-1-603 of the Utah Code, the Legislature intends that the \$400,000 provided to the Department of Human Services for the GrandFamilies program not lapse at the close of FY 2015. The nonlapsing funding for FY 2016 is limited to spending on the GrandFamilies program. Money is to be spent over future years in equal amount each year.*

**Agency Response:**

It is the intent of the Division of Child and Family Services to nonlapse \$400,000 at the end of the FY 2015 fiscal year.

**AGING AND ADULT SERVICES:**

**Senate Bill 8, Item 17 (for FY 2014):**

*Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$50,000 of appropriations provided for the Division of Aging and Adult Services, Adult Protective Services, in Item 23, Chapter 6, Laws of Utah 2013 not lapse at the close of Fiscal Year 2014. 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 Aging and Adult Services has budgeted \$17,500 for the purchase of computer equipment and software, capital equipment or improvements, equipment, or supplies in FY 2015 from appropriations not lapsed at the end of FY 2014.

**Senate Bill 8, Item 42 (for FY 2015):**

*The Legislature intends that the Department of Human Services report on the following performance measures for the Aging and Adult Services line item: (1) Medicaid Aging Waiver: Average Cost of Client at 15% or less of Nursing Home Cost (Target = 15%), (2) Adult Protective Services: Protective needs resolved positively (Target = 95%), and (3) Meals on Wheels: Total meals served (Target = 10,115) by January 1, 2015 to the Social Services Appropriations Subcommittee.*

**Agency Response:**

The Division of Aging and Adult Services has provided a response to the Legislative Fiscal Analyst on performance measures. The Divisions is currently working on a request to provide actions needed in areas below target.

**Senate Bill 8, Item 17 (for FY 2014):**

*Under Section 63J-1-603 of the Utah Code, the Legislature intends that any remaining funds provided by Item 23, Chapter 6, Laws of Utah 2013 for the Division of Aging and Adult Services not lapse at the close of Fiscal Year 2014. It is further the intent of the Legislature that these non-lapsing funds are to be used for client services for the Aging Waiver.*

**Agency Response:**

The Division of Aging and Adult Services is using the non-lapsing funds to help manage the Wavier program in FY 2015.

**House Bill 3, Item 103 (for FY 2015):**

*The Legislature intends the Department of Human Services' Division of Aging and Adult Services use applicable federal funding reserves to provide one-time funding up to \$300,000 for Aging Nutrition in FY 2015.*

**Agency Response:**

The Division of Aging and Adult Services has budgeted \$150,000 of one-time funding reserves for Aging Nutrition in FY 2015 and will intend to use applicable federal funding up to an additional \$200,000 for Aging Nutrition in FY 2015.