



# HUMAN SERVICES - FOLLOW-UP ON PREVIOUS INTENT LANGUAGE

SOCIAL SERVICES APPROPRIATIONS SUBCOMMITTEE  
STAFF: CLARE TOBIN LENCE

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 2016 General Session and specifically complies with the following from UCA 36-12-13(2)(f): “to report instances in which the administration may be failing to carry out the expressed intent of the Legislature.” The brief lists each item of intent language passed followed by an agency response. This review helps fulfill the duty assigned to the Legislative Fiscal Analyst in [UCA 36-12-13](#) that states “report instances in which the administration may be failing to carry out the expressed intent of the Legislature.”

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 3, Item 93 (for FY 2016):**

*Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations provided for the Department of Human Services Executive Director Operations line item not lapse at the close of Fiscal Year 2016. The use of any non-lapsing funds is limited to expenditures for data processing and technology based expenditures; facility repairs, maintenance, and improvements; and, short-term projects and studies that promote efficiency and service improvement.*

### **Agency Response:**

**The Department of Human Services, Executive Director Operations line item nonlapsed \$56,200, which is intended for data processing and technology, service improvements, and facility improvements.**

*The Legislature intends that the Department of Human Services prepare proposed performance measures for all new funding for building blocks and give this information to the Office of the Legislative Fiscal Analyst by June 1, 2016. At a minimum the proposed measures should include those presented to the Subcommittee during the requests for funding. If the same measures are not included, a detailed explanation as to why should be included. 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, 2016 with another report two months after the close of fiscal year 2017. The Office of the Legislative Fiscal Analyst shall share this information with the legislative staff of the Health and Human Services Interim Committee. [Approved in H.B. 2, Item 66 for FY 2017]*

### **Agency Response:**

**The Department of Human Services has provided data as requested.**

*The Legislature intends that the Department of Health and the Department of Human Services study all possible options to maximize the number of people kept out of nursing homes and in their own homes and communities and report findings and recommendations to the Office of the Legislative Fiscal Analyst by June 1, 2016. This should include the consideration of at least the following options: (1) Modifying or expanding current Home and Community Based Services (HCBS), 1915(c) waivers, (2) Creating new HCBS, 1915(c) waivers, (3) State Plan HCBS, 1915(i) options, (4) Money Follows the Person Grant, (5) Community First Choice Option, 1915(k), and (6) Balancing Incentive Program.*

### **Agency Response:**

**The Department of Human Services worked with the Department of Health to provide the report as requested.**

### **House Bill 7, Item 16 (for FY 2016):**

*The Legislature intends the Departments of Health, Human Services, and Workforce Services and the Utah State Office of Rehabilitation report to the Office of the Legislative Fiscal Analyst by June 1, 2016 on maintenance of effort (MOE)*

requirements for all major federal grants over \$500,000 annually. The report shall include at a minimum a five year history (2011 to 2015) of: (1) maintenance of effort payments for each grant, including showing how much was paid above the minimum required levels, (2) the appropriate federal references with key language regarding each grant's MOE requirements, (3) how much state funding has been replaced, if any, with third party expenditures for maintenance of effort and how that state funding was used, (4) what is the minimum federally-required MOE for each grant, (5) options for how to reduce MOE annual amounts while continuing to comply with federal MOE requirements, and (6) how MOE requirements have changed and the impacts of those changes.

**Agency Response:**

**The Department of Human Services provided the report as requested.**

*The Legislature intends that the Departments of Health, Human Services, Workforce Services, and the Utah State Office of Rehabilitation provide a report to the Office of the Legislative Fiscal Analyst by June 1, 2016 on the following for all major federal grants over \$500,000 annually a five year history (2011 to 2015): (1) a list and dollar value of all expenditures by a third party used to count as its state match to access federal funds (2) under what scenarios could third party match become unavailable (3) any federal proposals to disallow counting third party match (4) what the agency would change in the future for its spending if third party match is no longer available.*

**Agency Response:**

**The Department of Human Services provided the report as requested.**

**House Bill 7, Item 44 (for FY 2017):**

*The Legislature intends that the Department of Human Services report on the following performance measures for the Executive Director Operations line item: (1) Corrected department-wide reported fiscal issues -- per reporting process and June 30 quarterly report involving Bureaus of Finance and Internal Review and Audit (Target = 70%), (2) Percentage of initial foster care homes licensed within 3 months of training completion (Target 60%), and (3) double-read (reviewed) Case Process Reviews will be accurate in The Office of Service Review (Target = 90%) by October 15, 2016 to the Social Services Appropriations Subcommittee.*

**Agency Response:**

**The Department of Human Services provided the report as requested.**

**SUBSTANCE ABUSE AND MENTAL HEALTH:**

**Senate Bill 3, Item 94 (for FY 2016):**

*Under Section 63J-1-603 of the Utah Code, the Legislature intends that appropriations provided for the Division of Substance Abuse and Mental Health not lapse at the close of Fiscal Year 2016. The use of any non-lapsing funds is limited to expenditures for data processing and technology based expenditures; facility repairs, maintenance, and improvements; other charges and pass through expenditures; and, short-term projects and studies that promote efficiency and service improvement.*

**Agency Response:**

**Non-lapsing funds are budgeted to be used for data processing, technology, facility, pass-through expenditures and/or short-term projects promoting efficiency and service improvement and a Pilot for Medically Assisted (Addiction) Treatment (MAT). The MAT program combines medications with counseling and behavioral therapies to provide a whole-patient approach to the treatment of substance use disorders.**

**House Bill 7, Item 17 (for FY 2016) and Item 45 (for FY 2017):**

*The Legislature intends to increase the number of vehicles for the Department of Human Services, Utah State Hospital by two cars to enable staff to perform competency restoration services in county jails.*

**Agency Response:**

**The two additional vehicles are being used for staff to perform competency restoration services in county jails. No additional vehicles are requested for FY17 or FY18.**

**House Bill 7, Item 45 (for FY 2017):**

*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 = 80%), and (3) Mental Health Centers - Youth Outcomes Questionnaire - Percent of clients stable, improved, or in recovery while in current treatment (Target = 80%) by October 15, 2016 to the Social Services Appropriations Subcommittee.*

**Agency Response:**

**The Department of Human Services has provided the data as requested.**

**House Bill 2, Item 67 (for FY 2017):**

*If the \$6.4 million building block request regarding Local Mental Health Medicaid Match is funded with one-time funding during the 2016 General Session, it is the intent of the Legislature that this issue be studied during the 2016 interim to determine the best solution for funding Medicaid mental health services in an effective ongoing manner and responsibilities regarding who and how that should be financially sustained.*

**Agency Response:**

**The issue was reported and studied during the June 16, 2016 interim meeting of the Social Services Appropriations Subcommittee. See the issue brief titled, [Issue Brief - 2016 General Session - Local Authority Mental Health Medicaid Match Report](#).**

**SERVICES FOR PEOPLE WITH DISABILITIES:****House Bill 7, Item 46 (for FY 2017):**

*The Legislature intends that the Division of Services for People with Disabilities (DSPD) use Fiscal Year 2017 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, individuals court ordered into DSPD services and to provide increases to providers for direct care staff salaries. The Legislature further intends DSPD report to the Office of Legislative Fiscal Analyst by October 15, 2017 on the use of these non-lapsing funds.*

**Agency Response:**

**Most of the beginning non-lapsing funds now go for waiting list respite services based on a statute change. Only a portion will be used for the purposes included in this intent language.**

*The Legislature intends that the Department of Human Services report on the following performance measures for the Services for People w/ 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 October 15, 2016 to the Social Services Appropriations Subcommittee.*

**Agency Response:**

**The Department of Human Services has provided the data as requested.**

**House Bill 2, Item 68 (for FY 2017):**

*The Legislature intends that if funding is appropriated for the building block titled, "DHS - DSPD Direct Care Staff Salary Increase," the Division of Services for People with Disabilities (DSPD) shall: 1) Direct funds to increase the salaries of direct care workers; 2) Increase only those rates which include a direct care service component, including respite; 3) Monitor providers to ensure that all funds appropriated are applied to direct care worker wages and that none of the funding goes to administrative functions or provider profits; 4) In conjunction with DSPD community providers, report to the Office of the*

*Legislative Fiscal Analyst no later than September 1, 2016 regarding the implementation and status of increasing salaries for direct care workers.*

**Agency Response:**

**The Division of Services for People with Disabilities responded to Senate Bill 2 intent language on direct care staff wages. The Division's response was reported and discussed in the September 22, 2016 Social Services Appropriations Subcommittee meeting – [Direct Care Staff Increase Report](#).**

**OFFICE OF RECOVERY SERVICES:**

**House Bill 7, Item 47 (for FY 2017):**

*The Legislature intends that the Department of Human Services report on the following performance measures for the Office of Recovery Services line item: (1) ORS Total Collections (Target = \$265 million), (2) Child Support Services Collections (Target = \$225 million), and (3) Ratio: ORS Collections to Cost (Target = > 6.25 to 1) by October 15, 2016 to the Social Services Appropriations Subcommittee.*

**Agency Response:**

**The Department of Human Services has provided the data as requested.**

**House Bill 2, Item 69 (for FY 2017):**

*The Legislature intends the Department of Human Services (DHS), in conjunction with its Office of Recovery Services (ORS), provide to the Office of the Legislative Fiscal Analyst no later than August 15, 2016: (1) A report including a five year history (FY 2012 through FY 2016) of medical collections by its various sub-categories/types of recoveries and data to show the changes in workload. The report should specifically address changes with Accountable Care Organizations (ACOs); (2) A detailed explanation of additional ORS medical collection duties provided for the Department of Health required by either federal law or by DOH contract and an indication of the effect, if eliminated, on additional direct or indirect collections for DOH as well as which functions are now performed by ACOs that were previously performed by DHS; and (3) An estimate of how the ORS budget might be reduced to match actual collections to date and future projections.*

**Agency Response:**

**The Office of Recovery Services submitted a report titled "[Response to 2016 Legislative Intent Language](#)" to the Legislative Fiscal Analyst prior to the August 15, 2016 deadline. This report was reviewed with the Social Services Appropriations Subcommittee at its September 22, 2016 Interim meeting.**

**CHILD AND FAMILY SERVICES:**

**Senate Bill 3, Item 95 (for FY 2016):**

*Under Section 63J-1-603 of the Utah Code, the Legislature intends that any remaining funds provided for the Division of Child and Family Services, in Item 30, Chapter 10, Laws of Utah 2015 not lapse at the close of Fiscal Year 2016. It is further the intent of the Legislature that these non-lapsing funds are to be used to purchase up to 17 State Fleet vehicles for Adoption Assistance, Out of Home Care, Service Delivery, In-Home Services, Special Needs, and SAFE Management Information System modernization consistent with the requirements found at UCA 63J-1-603(3)(b).*

**Agency Response:**

**At the close of the fiscal year \$911,800 was non-lapsed to be used for the purchase of 17 State Fleet vehicles, non-recurring Adoption Assistance costs, and computer monitors to support SAFE function of division.**

*Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$200,000 provided for the Division of Child and Family Services, in Item 30, Chapter 10, Laws of Utah 2015 not lapse at the close of Fiscal Year 2016. These non-lapsing funds are to be used for the GrandFamilies program consistent with the previous year's intent language.*

**Agency Response:**

**At the close of the fiscal year \$200,000 was non-lapsed and is limited to be used for the Grand Families program in FY 2017.**

**House Bill 7, Item 48 (for FY 2017):**

*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 reunified within in 12 months (Target = 74.2%) by October 15, 2016 to the Social Services Appropriations Subcommittee.*

**Agency Response:**

**The Department of Human Services has provided the data as requested.**

*The Legislature intends to increase by 25 the number of vehicles assigned to the Division of Child and Family Services. Approval of this increase in vehicles will reduce the division's dependency on case workers use of personal vehicles to accomplish division responsibilities in child welfare. The division is requesting 16 sedan models a size bigger than the Standard State Fleet Vehicle, 5 passenger vans and 4 SUV's for the rural and remote areas of the State. The additional room is needed to add car seats and carry clothing and supplies when a child is removed from the home.*

**Agency Response:**

**DCFS intends to purchase up to 25 vehicles, pending internal savings incurred by division throughout FY 2017.**

**House Bill 2, Item 70 (for FY 2017):**

*The Legislature intends the Department of Human Services' 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 consistent with the requirements found at UCA 63J-1-603(3)(b).*

**Agency Response:**

**The division will calculate the unused funding at the end of the year providing non-lapsing funds to fulfill this Federal requirement. At the close of the fiscal year, \$197,900 was non-lapsed to be used in FY 2016. The division also has \$36,500 non-lapsing for the use of child welfare services allowable under Title IV-B or Title IV-E of the Social Security Act.**

*The Legislature intends to reinvest non-lapsing state funds originally appropriated for Out of Home Care to enhance Service Delivery or In-Home Services consistent with the requirements found at UCA 63J-1-603(3)(b). The purpose of this reinvestment of funds is to increase capacity to keep children safely at home and reduce the need for foster care, in accordance with Utah's Child Welfare Demonstration Project authorized under Section 1130 of the Social Security Act (Act) (42 U.S.C. 1320a-9), which grants a waiver for certain foster care funding requirements under Title IV-E of the Act. These funds shall only be used for child welfare services allowable under Title IV-B or Title IV-E of the Act.*

**Agency Response:**

**The division will use \$70,700 non-lapsed funds to enhance In-Home or service delivery, increase capacity to keep children safely at home and reduce the need for Foster Care in accordance with the federal Title IV-E Waiver, Title IV-B or Title IV-E.**

**AGING AND ADULT SERVICES:**

**Senate Bill 3, Item 96 (for FY 2016):**

*Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$50,000 of appropriations provided for the Department of Human Services' Division of Aging and Adult Services - Adult Protective Services, in Item 31, Chapter 10,*

*Laws of Utah 2015 not lapse at the close of Fiscal Year 2016. These funds are to be used for the purchase of computer equipment and software, capital equipment or improvements, equipment, or supplies.*

**Agency Response:**

**Division of Aging and Adult Services – Adult Protective Services is using the non-lapsing funds to replace computer equipment and improve office environments through new cubicles, office stations, conference tables, and chairs.**

*Under Section 63J-1-603 of the Utah Code, the Legislature intends that any remaining funds provided by Item 31, Chapter 10, Laws of Utah 2015 for the Department of Human Services' Division of Aging and Adult Services not lapse at the close of Fiscal Year 2016. It is further the intent of the Legislature that these non-lapsing funds are to be used for client services for the Aging Waiver consistent with the requirements found at UCA 63J-1-603(3)(b).*

**Agency Response:**

**The Division of Aging and Adult Services is using the non-lapsing funds to help manage the Waiver program in FY 2017.**

**House Bill 7, Item 49 (for FY 2017):**

*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 October 15, 2016 to the Social Services Appropriations Subcommittee.*

**Agency Response:**

**The Department of Human Services has provided the data as requested.**

**House Bill 2, Item 71 (for FY 2017):**

*The Legislature intends the Department of Human Services' Division of Aging and Adult Services use applicable federal funding reserves to provide one-time funding of \$160,000 for Senior Nutrition (Meals on Wheels).*

**Agency Response:**

**The Division of Aging and Adult Services has budgeted one-time Federal funding as requested.**