



FOLLOW-UP ON PREVIOUS INTENT LANGUAGE

DEPARTMENT OF HUMAN SERVICES

SOCIAL SERVICES APPROPRIATIONS SUBCOMMITTEE
STAFF: CLARE TOBIN LENCE

ISSUE BRIEF

SUMMARY

The purpose of this issue brief is to evaluate department compliance with the intent statements adopted by the Legislature during its 2017 General Session --and 2016 General Session where applicable -- 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.

The Office of the Legislative Fiscal Analyst has no concerns of non-compliance. This brief is for informational purposes only and requires no legislative action.

DEPARTMENT

House Bill 2, Item 66 (2016 General Session):

*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. **[Also approved for FY 2016 supplemental funding items in Senate Bill 3, Item 93].***

Agency Response: The Department of Human Services has provided data as requested.

Senate Bill 2, Item 90:

*The Legislature intends that the Department of Human Services prepare proposed performance measures for all new funding of \$10,000 or more for building blocks and give this information to the Office of the Legislative Fiscal Analyst by June 1, 2017. 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, 2017 with another report two months after the close of the fiscal year where the funding was provided. **[Also approved for FY 2017 supplemental funding items in House Bill 3, Item 95].***

Agency Response: The Department of Human Services has provided data as requested.

EXECUTIVE DIRECTOR OPERATIONS

Senate Bill 7, Item 14 (for FY 2017):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$500,000 of appropriations provided in Item 44, Chapter 5, Laws of Utah 2016 for the Department of Human Services - Executive Director Operations line item not lapse at the close of Fiscal Year 2017. The use of any nonlapsing funds is limited to expenditures for data processing and technology based expenditures; facility repairs, maintenance, and improvements; short-term projects and studies that promote efficiency and service improvement; and expenditures for H.B. 259, "Fraud Prevention Legislation," 2016 General Session.

Agency Response: The Department of Human Services, Executive Director Operations line item nonlapsed \$349,500, which is intended for data processing and technology, service improvements, and facility improvements.

Senate Bill 7, Item 54:

The Legislature intends that the Department of Human Services provide a report on the System of Care program to the Office of the Legislative Fiscal Analyst no later than October 1, 2017. The report shall include: (1) the geographic areas of the State where the program has been implemented; (2) the number of children and families served; (3) the total population of children and families that could be eligible; (4) a description of how the department determines which children and families to serve; (5) a measure of cost per child and cost per family; and (6) a plan for how funding for the program will be sustained over the next five years.

Agency Response: The Department of Human Services has provided data as requested.

The Legislature intends that the Department of Human Services report on the following performance measures for the Executive Director Operations line item, whose mission is "To strengthen lives by providing children, youth, families and adults individualized services to thrive in their homes, schools and communities": (1) Corrected department-wide reported fiscal issues -- per reporting process and June 30 quarterly report involving Bureaus of Finance and EDO Bureau of Internal Review and Audit (Target = 70%), (2) Percentage of initial foster care homes licensed within 3 months of application completion (Target = 60%), and (3) Double-read (reviewed) Case Process Reviews will be accurate in The Office of Services Review (Target = 96%) by October 15, 2017 to the Social Services Appropriations Subcommittee. The Legislature further intends that the Department of Human Services consider revising the target for measure (1) and submit any proposed changes.

Agency Response: The Department of Human Services has provided data as requested.

SUBSTANCE ABUSE AND MENTAL HEALTH

Senate Bill 7, Item 15 (for FY 2017):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$3,000,000 of appropriations provided in Item 45, Chapter 5, Laws of Utah 2016 for the Department of Human Services - Division of Substance Abuse and Mental Health not lapse at the close of Fiscal Year 2017. The use of any nonlapsing funds is limited to expenditures for data processing and technology based expenditures; facility repairs, maintenance, and improvements; pass-through expenditures to local authorities providing direct services; short-term projects and studies that promote efficiency and service improvement; and expenditures for the Forensic Competency Restoration Unit.

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.

Senate Bill 7, Item 55:

The Legislature intends that the Department of Human Services report on the following performance measures for the Substance Abuse and Mental Health line item, whose mission is to "To promote hope, health and healing, by reducing the impact of substance abuse and mental illness to Utah citizens, families and communities": (1) Local Substance Abuse Services - Successful completion rate (Target = 44%), (2) Mental Health Services - Adult Outcomes Questionnaire - Percent of clients stable, improved, or in recovery while in current treatment (Target = 84%), and (3) Mental Health Centers - Youth Outcomes Questionnaire - Percent of clients stable, improved, or in recovery while in current treatment (Target = 84%) by October 15, 2017 to the Social Services Appropriations Subcommittee.

Agency Response: The Department of Human Services has provided data as requested.

The Legislature intends the Department of Human Services provide to the Office of the Legislative Fiscal Analyst no later than August 15, 2017 the following information for the Medication Assisted Treatment Pilot Program: (1) cost per client, (2) changes in employment, housing, education, and income among clients, (3) the number of new charge bookings among clients, (4) measures of cost-effectiveness, (5) options for reducing the cost of treatment, including obtaining naltrexone from compounding pharmacies, and (6) options for continued funding beyond the current one-time funding, if the pilot shows positive outcome measures.

Agency Response: The Department of Human Services has provided data as requested.

House Bill 346, Item 2:

The Legislature intends that the amount provided by this item be used to fund the grant awards described in Subsection 62A-15-1101(10). [As funding by the Legislature allows, the state suicide prevention coordinator shall award grants, not to exceed a total of \$100,000 per fiscal year, to suicide prevention programs that focus on the needs of children who have been served by the Division of Juvenile Justice Services.]

Agency Response: DSAMH has met with Leadership from the Division of Juvenile Justice Services (DJJS) and Juvenile Court to discuss how best to structure grants, training and support for suicide prevention programs that focus on the needs of children who have been served by the (DJJS). For this first year a grant has been extended for Collaborative Suicide Prevention Safety Planning and an initial training has been scheduled for October 27th, 2017 for key DJJS staff, Juvenile Court staff and their identified partners who will be the champions in their respective organizations. Based on the feedback from the initial training additional trainings will be scheduled throughout the State to train other key DJJS staff, Juvenile Court staff and their key partners in this Evidenced Based Practice shown to reduce suicide attempts and increase help seeking behavior and emotional regulation. A brief explanation of the training is as follows: This full-day workshop is designed to enhance professionals' knowledge about crisis response planning for managing acute suicide risk, and to increase their ability to confidently and competently administer this intervention with at-risk individuals. The first half of the workshop provides didactic knowledge about suicide, the development of the crisis response plan intervention, and its empirical support, all of which are designed to increase responders' knowledge. The second half of the workshop includes clinical demonstrations by the instructor and skills practice by attendees, which are designed for participants to acquire skill competency. DSAMH will continue to meet with DJJS, Juvenile Court and their identified partners to determine the next best steps for suicide prevention programs targeted at reducing risk for children, adolescents and their families served in the juvenile justice system.

SERVICES FOR PEOPLE WITH DISABILITIES

House Bill 7, Item 46 (2016 General Session):

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 nonlapsing 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.

Senate Bill 7, Item 56:

The Legislature intends that the Department of Human Services report on the following performance measures for the Services for People with Disabilities line item, whose mission is to "To promote opportunities and provide supports for persons with disabilities to lead self-determined lives": (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, 2017 to the Social Services Appropriations Subcommittee.

Agency Response: The Department of Human Services has provided data as requested.

Under Subsection 62A-5-102(7)(a) of the Utah Code, the Legislature intends that the Department of Human Services - Division of Services for People with Disabilities (DSPD) use Fiscal Year 2018 beginning nonlapsing 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 that DSPD report to the Office of Legislative Fiscal Analyst by October 15, 2018 on the use of these nonlapsing 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.

Senate Bill 2, Item 92:

The Legislature intends that if funding is appropriated for the building block titled "DHS - DSPD Direct Care Staff Salary Increase Phase III," 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, 2017 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 19, 2017 Social Services Appropriations Subcommittee meeting – [Direct Care Staff Increase Report](#).

OFFICE OF RECOVERY SERVICES

Senate Bill 7, Item 57:

The Legislature intends that the Department of Human Services report on the following performance measures for the Office of Recovery Services line item, whose mission is to "To serve children and families by promoting independence by providing services on behalf of children and families in obtaining financial and medical support, through locating parents, establishing paternity and support obligations, and enforcing those obligations when necessary": (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, 2017 to the Social Services Appropriations Subcommittee. The Legislature further intends that the Department of Human Services consider changing measure (2) and submit any proposed changes.

Agency Response: The Department of Human Services has provided data as requested.

CHILD AND FAMILY SERVICES

Senate Bill 7, Item 17 (for FY 2017):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$3,500,000 of appropriations provided in Item 48, Chapter 5, Laws of Utah 2016 for the Department of Human Services - Division of Child and Family Services not lapse at the close of Fiscal Year 2017. The use of any nonlapsing funds is limited to facility repair, maintenance, and improvements; Adoption Assistance; Out of Home Care; Service Delivery; In-Home Services; Special Needs; SAFE Management Information System modernization consistent with the requirements found at UCA 63J-1-603(3)(b); expenditures for S.B. 82, "Child Welfare Modifications," 2016 General Session; and pass-throughs to the Utah Foster Care Foundation.

Agency Response: At the close of fiscal year 2017, \$623,000 was nonlapsed to provide for facility improvements, maintenance and repair. \$58,400 was nonlapsed due from savings of implementing S.B. 82, 2016 General Session, half-way through fiscal year 2017 and to be used in fiscal year 2018 for psychotropic medication review process under S.B. 82, 2016 General Session.

The Legislature intends the Department of Human Services - Division of Child and Family Services use nonlapsing 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: No funds were non-lapsed using this intent language.

The Legislature intends the Department of Human Services - Division of Child and Family Services use nonlapsing state funds originally appropriated for Adoption Assistance non-Title 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 533 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 nonlapsing funds to fulfill this Federal requirement. At the close of fiscal year 2017, \$293,400 was nonlapsed and to be used in FY 2018.

Senate Bill 7, Item 58:

The Legislature intends that the Department of Human Services report on the following performance measures for the Child and Family Services line item, whose mission is "To keep children safe from abuse and neglect and provide domestic violence services by working with communities and strengthening families": (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 12 months (Target = 74.2%) by October 15, 2017 to the Social Services Appropriations Subcommittee. The Legislature further intends that the Department of Human Services consider revising the target for measure (1) and submit any proposed changes.

Agency Response: The Department of Human Services has provided data as requested.

Senate Bill 2, Item 93:

The Legislature intends that the Department of Human Services provide to the Office of the Legislative Fiscal Analyst no later than October 15, 2017 the following information for youth that are court-involved or at risk of court involvement, to assess the impact of juvenile justice reform efforts on the Division of Child and Family Services: (1) the number of youth placed in each type of out-of-home setting, (2) the average length of out-of-home stay by setting, (3) the reasons for out-of-home placement, (4) the daily cost of each type of out-of-home setting, (5) the number of youth receiving services in the community, (6) the average length of community service provision, (7) a list of support services delivered in the community, including frequency of use and costs of each service, and (8) remaining barriers to implementing the reforms.

Agency Response: The Department of Human Services has provided data as requested.

AGING AND ADULT SERVICES

Senate Bill 7, Item 18 (for FY 2017):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$50,000 of appropriations provided in Item 49, Chapter 5, Laws of Utah 2016 for the Department of Human Services - Division of Aging and Adult Services - Adult Protective Services not lapse at the close of Fiscal Year 2017. The use of any nonlapsing funds is limited to 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 \$50,000 for the purchase of computer equipment and software; capital equipment or improvements; other equipment or supplies; and special projects or studies in FY18 for appropriations not lapsed at the end of FY17.

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$350,000 of appropriations provided in Item 49, Chapter 5, Laws of Utah 2016 for the Department of Human Services - Division of Aging and Adult Services - Waiver Services not lapse at the close of Fiscal Year 2017. The use of any nonlapsing funds is limited to client services for the Aging Waiver.

Agency Response: The Division of Aging and Adult Services is using the nonlapsing funds to help manage the Waiver program in FY 2018.

Senate Bill 7, Item 59:

The Legislature intends that the Department of Human Services report on the following performance measures for the Aging and Adult Services line item, whose mission is "To provide leadership and advocacy in addressing issues that impact older Utahns, and serve elder and disabled adults needing protection from abuse, neglect or exploitation": (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, 2017 to the Social Services Appropriations Subcommittee.

Agency Response: The Department of Human Services has provided data as requested.

OFFICE OF PUBLIC GUARDIAN

Senate Bill 7, Item 19 (for FY 2017):

Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$50,000 of appropriations provided in Item 50, Chapter 5, Laws of Utah 2016 for the Department of Human Services - Office of Public Guardian not lapse at the close of Fiscal Year 2017. The use of any nonlapsing funds is limited to the purchase of computer equipment and software; capital equipment or improvements; other equipment or supplies; and special projects or studies.

Agency Response: The Office of Public Guardian has budgeted \$50,000 for the purchase of computer equipment and software; capital equipment or improvements; other equipment or supplies; and special projects or studies in FY18 for appropriations not lapsed at the end of FY17.

Senate Bill 7, Item 60:

The Legislature intends that the Department of Human Services report on the following performance measures for the Office of Public Guardian (OPG) line item, whose mission is "To ensure quality coordinated services in the least restrictive, most community-based environment to meet the safety and treatment needs of those we serve while maximizing independence and community and family involvement": (1) OPG strives to ensure all other available family or associate resources for guardianship are explored before and during involvement with OPG (Target = 10% of cases being transferred to a family member or associate), (2) OPG will obtain an annual cumulative score of at least 85% on their quarterly case process reviews (Target = 85%), and (3) OPG eligible staff will obtain and maintain National Guardianship certification (Target = 100%) by October 15, 2017 to the Social Services Appropriations Subcommittee.

Agency Response: The Department of Human Services has provided data as requested.