

MINUTES OF THE
SOCIAL SERVICES APPROPRIATIONS SUBCOMMITTEE
Room 30 House Building, State Capitol Complex
Thursday, February 14, 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. Luz
Robles Sen. Evan J. Vickers Sen.
Todd Weiler Rep. Rebecca
Chavez-Houck Rep. Tim Cosgrove
Rep. Edward H. Redd Rep. Marc
K. Roberts Rep. Earl D. Tanner

MEMBERS ABSENT:

Sen. Peter C. Knudson
Pres. Wayne L.
Niederhauser Sen. Brian
E. Shiozawa Rep. Brad L.
Dee Rep. Paul Ray

MEMBERS EXCUSED: Sen. Luz Robles

STAFF PRESENT:

Mr. Russell Frandsen, Fiscal
Analyst Mr. Stephen Jardine,
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.titalt.gov> A list of visitors and a copy of handouts are filed with the committee minutes.

Co-Chair Christensen called the meeting to order at 8:10 a.m.

Approval of Minutes

MOTION: Sen. Christensen moved to approve the minutes of the January 31, 2013 meeting. The motion passed unanimously.

Public Comment

Debbie Mayo, Executive Director, New Horizons Crisis Center (NHCC), Richfield, Utah, spoke on the need for services for domestic violence in rural areas and the difficulty of providing that without funds.

Rep. Chavez-Houck wondered about the actual area served by the NHCC and how law enforcement works with them to make the connection in such a broad area covered.

Ms. Mayo replied that they work with all the law enforcement agencies in all of the counties and in most counties there is an on call 24 hour crisis team and hotline. An advocate is contacted and the person is transported to safety. Ms. Mayo stated that their area goes from the Nevada border to Hanksville.

Anne Burkholder, Chief Executive Officer, Young Women's Christian Association, supported the Department of Human Services Building Block request of \$474,000 ongoing funds to strengthen the network of private non-profit domestic violence shelter programs in 12 rural and urban areas in the state and spoke on the benefits and the increased need of the shelters.

Julee Smith, Executive Director, Your Community Connection, spoke on the value of the shelters especially for the children involved. Ms. Smith gave an example of a mother and two daughters who escaped violence and had success after coming to the shelter.

Sen. Christensen commented that he has been to the above-mentioned shelter and was impressed with what he saw and stated they are scratching by with the funds they receive.

Kendra Wyckoff, Education Coordinator for the Utah Domestic Violence Council; Jill Anderson, Executive Director, Community Abuse Prevention Services serving Cache and Rich County; each presented evidence of how consistent, strong support and mentoring allow the victims to become strong and be able to improve their lives.

Rep. Cosgrove and Rep. Redd both related evidence that the shelters succeed and are beneficial by sharing about friends and family who have participated in the shelters and have been able to move forward.

Kay Card, Executive Director, Safe Harbor, Davis County, emphasized that domestic violence is a public safety issue. Half the murders in Utah are domestic violence related. Women in the shelters are not being abused or murdered. Collaboration with many agencies and organizations assists families in moving forward. Currently, in collaboration with Woods Cross Police a Lethality Assessment Program is being developed to identify families with risk issues and provide interventions for them to prevent death.

Sen. Christensen reminded the committee also that people in shelters are not murdering and that men are also involved in the shelters.

Sen. Weiler shared his thanks also as he has visited Safe Harbor and seen the work done there.

Jaylyn Hawks, Executive Director, Seekhaven, Moab, Utah, shared a letter from an abuse survivor that happened before Seekhaven was available and how their family had nowhere to go and was grateful for this shelter for families in Moab. She emphasized the importance of community involvement and education. Ms. Hawks told of the efforts to create a safe community by providing age-appropriate presentations to students and community members on bullying, healthy relationships, dating violence and social media safety. She also stated that the demand has increased and the funding has not.

Rebecca Otsuka, Director, Youth Providers, a partner with Division of Child and Family Services who deals with the most vulnerable youth who are in custody stated that as a business she bills Medicaid for the services provided which must be healthy and safe for the clients.

Sen. Christensen asked for a clarification of the difference of foster care and what Ms. Otsuka provides. Ms. Otsuka stated this is privatized contracted care for youth with more intense needs which may include mental health needs. Sen. Christensen also asked Stephen Jardine, Fiscal Analyst, to check where on the priorities list this would be located and Mr. Jardine said that it is found near the bottom - a possible increase of one percent which would be a provider cost of living adjustment to those with more intense needs.

Jane Patten, Executive Director, Peace House, Summit County, Utah, stated the role of their organization and how the location in a rural area affects being able to provide services. This shelter provides overflow services to Salt Lake City and the whole valley.

Sen. Christensen acknowledged the safety and cleanliness of the Peace House but also that it needs assistance because it is inadequate.

Justin Naylor, Program Director, Community Treatment Alternative (CTA) Community Supports, a private provider which contracts with Division of Child and Family Services (DCFS), related a story of a girl which was referred to them and is living with a professional parent family and receives wrap-around service from their organization. He stated there have been various issues with the girl and she is currently at the hospital and could be put in the State Hospital where it would cost the state roughly \$100,000 more a year there than in the CTA program. Mr. Naylor requested as the previous presenters ongoing increased funding for the programs available.

Unfinished Items from Previous Agenda-Non-Medicaid Building Blocks

Dr. David Patton, Department of Health (DOH), introduced Sheila McDonald. Ms. McDonald shared information about the data breach in April of 2012. She explained that she was asked to assist the victims by listening, answering, and navigating through the credit-monitoring. This breach affected 780,000 individuals. A number of those are requesting that the credit-monitoring be extended. The governor is recommending an additional year of monitoring because he feels the state is responsible to the victims. Ms. McDonald stated that the public trust needs to be regained. The request for funds is to improve the public health care system. Ms. McDonald presented the cost per month if individuals do this on their own versus the state taking care of it. The state cost is greatly reduced because of the volume involved. She also submitted that there is a time factor involved in notifying those breached as soon as possible after the session if this is approved or not.

Sen. Christensen expressed reservations about the \$922,000 it would cost to fund this since none that were breached have had information used and it would be an insurance policy for peace of mind and not provide direct services to anyone. It is double what the domestic violence shelters are requesting.

Sen. Weiler wondered what would be different if we extend it a year and then what would happen the next year. Ms. McDonald stated that it is basically care-taking and peace of mind. Sen. Weiler also wondered about it creating false expectations of protection that would then be extending year after

year for a lifetime.

Rep. Redd inquired about what is done if someone believes their information has been compromised. Ms. McDonald explained that there is the monitoring as well as ongoing monitoring and alerts along with fraud resolution services. In addition there is opportunity for a credit freeze through an agency the state has contracted with. She continued to share instances when an actual identity theft had taken place. Rep. Redd asked for clarification on what the amount of \$922,000 covers and it was clarified that it covers the Experian products which are the Protect My ID Program and the Family Secure.

Sen. Weiler asked about sending out notification that the coverage has ended but if requested the coverage would extend for a year which would cut down on the number involved because not everyone would request it.

Dr. Patton responded that he wasn't sure about the number that might be involved and couldn't predict.

Sen. Christensen replied that it was 250,000 that had their social security numbers given out from a total of 780,000 involved in the breach.

Rep. Redd brought up the issue that some people involved in instances such as this may not totally comprehend the issue because of experience or language issues due to them being refugees. Rep. Cosgrove commented on using technology and that it has advanced so quickly that it is a serious commitment to

invest in the protection of information that comes with it.

Rep. Chavez-Houck asked if there was a way to monitor the trending about who is being compromised and is there a way to track for a year and see if it can be tied into the breach and also the idea of opting in presented by Sen. Weiler. Dr. Patton replied that he felt they have a good program in place but perhaps the tracking would be helpful also.

Budget and Issue Briefs

Russell Frandsen, Fiscal Analyst, presented briefs from Wednesday, February 13, 2013. Mr. Frandsen reminded the committee that Budget Briefs is the base budget and recommendations which are: approval of the base budget, ongoing funding, in addition there are intent language statements which give direction and are regarding non-lapsing authority which allows organizations to keep all the funds and use it for other purposes within the organization. There is also some internal reallocation. If no action is taken the reallocations would stay in the budget. Issue Briefs may require action or may be for information only.

a. Department of Health Budget Brief- \$2.4 billion request

b. Executive Director's Operations - the administrative arm of Department of Health, \$12.5 million base budget recommended for approval a one-time reduction of \$65,000 along with some intent language.

C. Family Health and Preparedness - health care facility licensing as well as services to women, infants and children. There are two legislative action pieces which are the base budget of \$1

16,626,000 as well as intent language and two internal reallocations which cover the possible savings from plastic eligibility cards and applies it to the Baby Watch Early Intervention block and additionally health facility licensing for HB497.

d. Disease Control and Prevention - Promoting health and reducing the causes of death \$62 million base budget and three intent language statements relating to non-lapsing authority.

e. Local Health Departments — the only action is a \$2 million ongoing base budget.

f. SB 13 Medical Examiner Amendments — for information only.

g. HB 171 — Abortion Clinic Licensing — for information only.

h. Intent Language and Non-lapsing Balances Follow-up — Provide non-lapsing authority in an appropriations bill for FY 2013 for all of Medicaid funds again or remove the non-lapsing authority from FIB 272 via legislation. Clarification of FIB 272 which had to do with autism treatment funding put into Medicaid. A waiver was sought and approved by the federal government and a 2 year pilot is moving forward with Medicaid funding for that.

A. Health Department Fees — all fees need to be approved by the legislature each year. The collective increase in fees is 5 percent or \$700,000. Much of the increase is because of improved system of updating quantities. The biggest fee increase is for a new newborn metabolic screening which is \$7.38 for each newborn to test for Severe Combined Immunodeficiency Syndrome (SDIC). The increase in fee will generate \$374,000 from the fee increase per child. The other increase is from increase in births.

Sen. Henderson asked about the impetus for the test on newborns and Dr. Marc Babitz, Division Director of the Department of Family Health and Preparedness, responded that the testing for the syndrome is recommended because if it is detected it is completely treatable and would otherwise be at risk for life threatening issues because their immune system is compromised. About 95 percent of the fee is doing the test and 5 percent is the cost of the tracking. The prevalence for this is about one per hundred thousand.

Many of the genetic tests we do now are 1 out of ten thousand. Russell Frandsen, Fiscal Analyst, researched the number of births for 2012 calendar year there were at least 52,500 births so there would be about one child every other year detected with this disease. Sen. Henderson queried if this test detects all immune deficiencies or is it specific. Dr. Babitz replied that it covers just the one specific but it is the Severe Combined Immunodeficiency Syndrome.

j. ARRA Funds Approval — Department of Health, is requesting increase of \$2.2 million for FY

2013 and \$22 million for FY 2014.

Domestic Violence Shelters

Peg Coleman, Executive Director of the Utah Domestic Violence Council (UDVC), introduced Rachel Bustamante who spoke on entering the shelter with 3 small children. Ms. Bustamante proceeded to share her experience and that of her children and the change that came about. She stated that she entered the shelter as a victim and left a survivor. Ms. Coleman took a moment to share her view of the reverence the people of Utah bring to the issues before them and also the coming together of all the private, non-profits who together provide a safety net. She also had praise for the rape recovery that is being done so well.

Russell Frandsen, Fiscal Analyst, corrected the number of children identified with the Severe Combined Immunodeficiency Syndrome disease each year which is actually 1 in 100,000 which

means about one child every other year.

Foster Care Rates

Palmer DePaulis, Executive Director of Human Services, introduced Brent Platt, Director of the Division of Child and Family Services, who explained about the rates paid to foster families which vary from \$15 to \$30 per day depending on issues and need. He stated that the highest amount paid to these families was in 2009 for a teenager which was \$30.75 and in the succeeding years through 2012 the rate was dropped for example from the high of \$15.50 per day to \$14 for a child 0 to 5 years of age. He requested that the amount given be raised back to the 2009 level. The request is for \$253,000 and it is found in the Budget Brief. He stated the need for foster parents along with Mr. DePaulis.

Rep. Tanner asked for information on the different types of foster care. Mr. Platt spoke about 2 types of foster care pools. There is one group we contract with where we pay directly for basic services is paid \$13 to \$30 per day depending on a child's need. In addition there are providers we contract with which are proctor agencies who hire their own foster parents. Mr. Platt stated these agencies are utilized when there are very difficult issues where one on one is needed. He gave examples of sexually reactive children who cannot be with other children, those who runaway, and those who are horrible in school who are given to "proctor" parents and also work with a tracker. He explained one ongoing issue has to do with not wanting to put "regular" kids with the proctor agency because the cost is so much higher. Given that, the pool of foster parents is greatly needed.

Mr. Platt went on to explain the structured foster care which is within the system. Structured foster care handles children with minor behavioral issues who might also need more oversight. Rep. Tanner asked for clarification about who the requested funds would go to. Mr. Platt answered that the increase would go to all those in their system which includes basic, structured and specialized foster parents. Community providers are paid from a separate pot of money.

Sen. Christensen asked about how arbitrary the decision is to place a child. Mr. Platt commented that there is an assessment done as each child comes to the system.

Rep. Redd shared that the foster care parents who do this put in a lot more than the \$15 per day and that this is a labor of love.

Mr. Platt compared pay for foster parents in the states surrounding us and stated that only Idaho pays a little less than Utah. The other surrounding states have higher rates.

Division of Family Services Providers and Billing of Medicaid

Christina Nielson Zidow, Deputy Director of Odyssey House of Utah and President of the Youth Providers of Utah, explained the purpose of provider care. The services are for children who have greater needs than can be addressed in standard foster care. These include therapeutic foster homes, group homes, intensive therapeutic services, proctor and foster care. These children may have abuse-related trauma, mental health problems, behavioral problems, and substance abuse problems. These youth may also be ones who have sexually offended. They may be out of their homes because of safety issues within the community or with themselves. The children are also at varying levels. The level above providers is State Hospital/ mental institution or incarceration. Many trained providers have left because of low rates.

Sen. Christensen advocated for the funding to increase so that more providers don't leave and damage the system we have in place and also informed the committee there are no new ones standing in their place.

Eric Bjorklund, President, Utah Youth Village, explained the purpose of the Youth Village and also that the children in DCFS are our children. He commented about how the children in DCFS were ignored 20 years ago and from that the *David C.* lawsuit came about. He emphasized how woeful the pay was and then proceeded to relate how our state is currently running lean and mean. He then related an incident about a client 4 years ago and how this child who had been in treatment 4 months was being moved because of funding cuts and potentially moved to where he might harm children. Mr. Bjorklund urged the committee to approve a 2 percent rate increase to prevent incidents like this from happening so that employees can compete with McDonald's employee pay.

Stephen Jardine, Fiscal Analyst, reminded the committee that voting would take place in a matter of days and if ideas, motions or intent language needs to be addressed to get with staff for help in preparing.

Sen. Christensen informed the committee that the unheard briefs scheduled for today on the agenda would be addressed tomorrow.

MOTION: Rep. Redd moved to adjourn
Co-Chair Christensen adjourned the meeting at 9:53 a.m.

Minutes were reported by Ms. Paula Winter, Senate Secretary

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