

**MINUTES OF THE
SOCIAL SERVICES APPROPRIATIONS SUBCOMMITTEE**
Room 30 House Building, State Capitol Complex
Tuesday, February 19, 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. Paul Ray
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

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.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 8:11

Stephen Jardine, Fiscal Analyst, was excused for the death of his father.

Rep. McCay, House Vice Chair, conducted the Public Comment section.

Rep. Chavez-Houck introduced a Public Health Policy class from Utah Valley University along with Dr. McAdams.

Public Comment on Medicaid Expansion

Claudia Fruin, Pediatrician, Utah Chapter of the American Academy of Pediatrics, advocate for those not insured; Lindsy Roundy, Student, has Multiple Sclerosis and daughter with special needs covered by other sources. She is not covered by insurance or access to health care; Tiffany Lewis, Citizen, numerous medical issues including previous addiction to medications and heroin recovering; Joe Fretwell, single adult male with medical issues; Diane McCaman, caregiver supporting Mountainland Caregiver Services took care of her mother with Alzheimer's; Patti Jo Toomer, Citizen taking care of mother with memory loss and panic attacks; Mindey Wheeler-

Crawford, widowed mom with health issues and mother of ten year old boy with several health issues and no insurance; Don Cola, has continuing back pain issues as a result of abscesses and staph infection as well as depression; Maurice Wells, Physician supporting caregivers;

Shawn McMillen, Citizen, recovered from alcohol and drug addiction for 30 years, employed for 30 productive years; Maude Norman, Citizen representing pharmacist daughter-in-law who sees those who cannot afford care or prescriptions; Allan R. Nelson, retired principal and volunteer for Meals on Wheels delivering 9-15 meals each Wednesday; Carol Jenson, volunteer for Senior Food Box Program through the Utah Food Bank delivers 30 Lb. boxes of food each Friday; Miriam Hyde, Chair, Utah Disability Caucus, referred to her handout; Laura Nielson, Inter with the Utah Health Policy Project spoke on financial benefits; Jamie Hartley, Advocate, Utah Health Policy Project who receives home health services and was able to return to college despite skin condition; Danny Harris, Director for Advocacy with American Academy of Retired People (AARP) of Utah, representing over 211,000 members aged 50 plus with about 15,000 50-64 years old who could be affected. Each spoke in support of expanded Medicaid coverage which would assist in the many instances shared as well as others.

Chair Menlove thanked all and continued with the agenda.

Optional Expansion for Medicaid-Report by Health Department Contractor

Dr. David Patton, Executive Director, Utah Department of Health (DOH), reported that the contractor delivered a preliminary draft and the Department has been working to interpret that and are continuing to work with it but it is not ready for public delivery yet. In response to a question of when it would be ready by Rep. Menlove, Dr. Patton replied that hopefully in a week or two it would be available.

Rep. Chavez-Houck asked for an idea of the scope of the request of the study so that those on the committee not involved in the review can be aware of the broad scope of the study.

Dr. Patton replied that it is a cost benefit study. Some things be looked at are the mandatory expansion and the optional expansion. With the mandatory expansion costs and benefits of the Affordable Care Act (ACA) passage after the Supreme Court review which will need funding and will likely include those who are eligible for Medicaid but not enrolled and enroll because of the mandate to have health insurance. There are also a number of issues to look at with the optional expansion. Administrative costs are being considered as far as eligibility as well as processing. Savings areas and the impact of billions of dollars over time coming into the state economy, medically needy coverage, public assistance savings, uncompensated care will all be detailed in the study.

Rep. Chavez-Houck inquired whether other states studying the same issues have been analyzed also. Dr. Patton acknowledged that other states' studies have been looked at and the best choice for Utah will be made. He stated that this is a limited study as far as financial costs and there are many other factors to be looked at also. Rep. Chavez-Houck also asked about states that are moving forward and are seeing possible benefits from it so is it possible to capture those models for us. Dr. Patton replied that he is not aware of any current benefits the states are receiving by deciding to expand yet, one reason being that the program does not take effect until 2014.

Rep. Tanner voiced curiosity about the decision process and what the sequence would be and what steps would be taken as we consider whether to expand Medicaid.

Dr. Patton replied that there is no time line or deadline in the decision for Medicaid expansion. The implementation date is the only deadline and the need to decide would probably need to be made by July of 2013. If we miss the first year the only thing missed would be the 100 percent match from the Federal

Government. In terms of the decision process, the Governor is ultimately tasked with the decision and has promised to have the Legislative Branch involved in that decision also. Studies will be done previous to the decision.

Chair Menlove requested that a presentation be moved up because the presenter has other commitments.

Funding Requests

Julee Smith, Director, Community Connection Family Crisis Center, Weber County, reported that this domestic violence/rape crisis center located in Weber County also serves Morgan County. Ms. Smith stated the facility has 26 beds and over 500 percent of the capacity has been turned away in the past year. The request being made is for an expansion that would triple the capacity of the shelter. She explained turning away people has a serious effect because 40 percent of the homicides in Utah are domestic violence related.

Ms. Smith continued that the expansion is going on and this funding would cover the need for future caseworkers, food, utilities, maintenance, and childcare so the people could get jobs.

Rep. Rich Cunningham spoke in regard to support of HB 118, the Automatic External Defibrillator (AED) account. He addressed the facts related to deaths from cardiac arrest and the fact that 47 percent of patients survive if CPR and defibrillation are done within the first 5 minutes. He informed the committee that the Bill would establish a grant program to assist in placement of AEDs in all municipal departments that respond to accidents, Government law enforcement agencies responding to accidents, and schools grades 7-12.

Sen. Christensen inquired about the number of responding agencies that do not have the AEDs.

Rep. Cunningham replied that out of 550 Highway Patrol vehicles there are 10 that do have the AEDs and 9 of the 10 do not work. More schools have them and some fund raising will be done at football games to help with matching funds.

Sen. Luz Robles spoke on behalf of the Children's Center. She reminded the committee that access to the Center is important because those seeking services there have no other option as far as preschoolers. They do not qualify any other place and this Center also serves as a place for children to be while their parents work. She also thanked Rep. Menlove for her support in this and Rep. Menlove concurred with Sen. Robles on the impact this Center has on family lives.

Sen. Christensen clarified to the committee that the funding being presented now has been lumped with other requests and later in the week the priorities will be ranked separately.

Rep. Redd asked about the mental health issues in regard to this day-care center.

Sen. Robles addressed his inquiry by explaining that the center deals with a broad set of issues which mostly address children who have been involved as victims of a crime, torture, or abuse. The program she was addressing had to do with preschoolers who have had a traumatic experience and because of their situation cannot be in a regular daycare setting or preschool because they are violent or do not know how to handle the situation to deal with their traumatic experience. She stated the Children's Center is one of the few centers qualified to deal with those situations and when funding was lost from Human Services it eliminated services in that area. She stated it is imperative to protect the children.

Sen. Christensen asked how many Children's Centers there are across the state for the abused children and Sen. Robles referred to Dr. Douglas Goldsmith, Director of the Children's Center. Dr. Goldsmith explained that the Center provides treatment for children across the Wasatch front from Ogden to Provo and is also working with all the county mental health centers across the state to provide training and access to services similar to theirs across the state.

Sen. Weiler presented two requests. First he presented information on The Alliance House which takes people off the street and helps them stay out of emergency room and other situations. The funding being asked for is \$70,000 in one-time state funding to expand what they are doing.

Rep. Chavez-Houck asked for an explanation of the match that could be received by Alliance House if they are able to get the appropriations.

Sen. Weiler invited Dan Braun to explain the \$35,000 Hearst Foundation Grant they received in 2012 and are looking for a match 2 to 1, thus the \$70,000 request. Mr. Braun informed the committee the desire for expansion from the 29 units of housing through a model that has been visited.

Sen. Weiler presented his next request for the Health Emergency Assistance Fund to create a mechanism to provide General Fund support to local public health emergencies that have state wide impact. He stated that this is funding to assist the local health departments as the frontline disease investigation and response agency which need access to resources such as vaccines, laboratory tests, personnel and equipment in times of outbreak as well as a bank to draw on those resources. The one time funding amount of \$250,000 is requested to seed the Local Health District Emergency Fund.

Rep. Menlove deferred the Chair position to Rep. McCay while she presented her request.

Rep. Ronda Menlove presented HB 81 which addresses Cytomegalovirus (CMV) which is a very common virus most of us will contract in our lives. It is benign unless a pregnant woman contracts it and it passes to her baby. The CMV will cause disabilities such as deafness, blindness, Cerebral Palsy, and death. She stated that this is groundbreaking legislation in that public education is being sought. The bill seeks to educate pregnant women, those who may become pregnant, healthcare providers, school nurses, instructors, and many other personnel. Rep. Menlove informed the committee that there are two pieces to it. The first is \$4000 one-time money to produce materials and the second is \$30,800 to provide ongoing education. CMV is being tested for now and paid for by insurance.

Rep. Menlove returned to the Chair position.

Budget and Issue Briefs

Russell Frandsen, Fiscal Analyst, presented Budget Briefs:

- a. Department of Human Services- Division of Aging and Adult Services (DAAS)-the analyst's FY 2014 recommended budget is \$23 million which is \$400,000 less than the revised budget and supports 52 FTE. There is an adjustment for a match rate change that results in some savings. This division is the state agency authorized to coordinate all state activities related to the Older Americans Act of 1965.
- b. Aging and Adult Services-Performance Measures Issue Brief – This brief is for information only and has an attached 8 year performance history. There are areas highlighted where a greater than 5 percent improvement or decline are indicated.

Rep. Tanner asked for explanation of the reduction in the one-time funding.

Mr. Frandsen explained about the funding received in 2013 and because it is one-time funding it was not automatically approved for FY 2014. There were also some adjustments for Federal Funds.

Ongoing Funds Priority List for Aging

Sarah Brenna, Director, Salt Lake County Aging Services, shared information on the Utah Area Association of Aging (AAA) and what their purpose is and who is represented by them. She also explained that they receive Federal funds. Services such as Meals on Wheels, transportation, senior centers and 3 home and community-based programs including 2 long-term care waiver programs as well as caregiver support programs are included in what they do. Ms. Brenna informed the committee that there are three funding requests the Department is supporting which are: 1. A \$250,000 one-time request last year into an ongoing request, 2. Discussion of additional caregiver support dollars in the amount of \$310,000, 3. A \$310,000 request for Adult Protective Service (APS) workers in their administration of the ombudsman program which has incurred a significant increase of intakes.

Rep. Menlove asked for an idea of which areas the funds would be distributed to. Ms. Brenna referred to the summary in the Budget Brief that discusses some of the impacts. Some of the largest requests come for respite services. Some of the respite services are emergency respite services which are short-term.

Rep. Menlove clarified that she meant geographic areas and Ms. Brenna stated that the agency represents all the state.

Rep. Tanner asked for information on how much is already built into the base budget and Ms. Brenna responded that there is about \$310,000 in the base budget for caregiving. Rep. Tanner requested information on the remaining area amounts. Ms. Brenna deferred to Russell Frandsen for the figures.

Russell Frandsen, Fiscal Analyst, provided the amounts which are \$2.7 million for adult protective services. Meals-on-wheels budget is \$1.9 million.

Ms. Brenna also informed the committee that half the budget comes from the county in Salt Lake County.

Rep. Tanner wanted to know if the \$2.7 million is largely Federal Funds. Ms. Brenna responded negatively and Scott McBeth, Director, Mountainland Department of Aging and Family Services, explained the aging services funds. The senior service dollars that come from the state which includes federal dollars and state dollars for the 12 agencies we receive about \$16.5 million and 45 percent of that or \$7.2 million are federal funds. Rep. Tanner then asked if 45 percent is common for all funds and Ms. Brenna replied that the ombudsman program is different because it is administered solely by the state.

Department of Technology Services – Securing Data and Meeting New Threats

Mark VanOrden, Chief Information Officer and Executive Director, Department of Technology Services (DTS), spoke about how security is a high priority for DTS. He informed the committee that after the data breach in the spring of 2012 the firm of Deloitte and Touche was engaged to do a security

vulnerability assessment for each cabinet level agency. The objective was to find out where each agency stood in relation

to regulatory requirements against industry best practices. A framework was used based on the National Institutes of Standards in Technology (NIST). It was recommended that the state create a state security council. A council was established in November 2012 under the direction of Kristin Cox with 5 cabinet members including Mr. VanOrden, and Ken Petersen the DTS Chief Operating Officer. The current Chair for the Commission is Barry Conover from the state tax commission. The Council meets monthly to review security issues, discuss how to mitigate the issues, and work to resolve the findings in the Deloitte assessment. Mr. VanOrden shared that the state provides over 1,000 services online today. He gave several examples of those services. Mr. VanOrden then proceeded to share what has been improved since the breach such as: 24/7 monitoring of traffic to the network, which on an average day may include 20 million attacks to the network and have increased 25 fold in the last 2 years; also, we have worked closely with partner agencies and have made over 15 changes to policies, procedures and networks to insure safety.

Rep. Menlove commented that some of the data breach was caused by human error and judgment and this has not yet been addressed as far as that issue and wanted an explanation.

Ken Petersen, Chief Operating Officer, Department of Technology Services (DTS) replied that there have been separation of duties instituted. It is a checks and balances between developers and production. The two groups do know each other but report to different managers. A report is given on each report and anything that gets moved or changed must be vetted by a group across several disciplines and agencies. The procedure was in place before the breach but was not followed and so more scrutiny has been added as to execution of the policy.

Rep. Menlove further stated that the human error is an issue and will look forward to a report back.

Sen. Weiler requested a repeat of the number of cyber-attacks per day in Utah. Mr. Van Orden repeated the 20 million per day. Sen. Weiler also asked for reasons these attacks may be taking place and Mr. Van Orden stated there are many motivations such as attacking governments, anarchists do it to take government down, organized crime for monetary reasons by using credit card information and any number of reasons. Sen. Weiler further inquired if there has been any verification that any social security numbers from the data breach have been compromised. Mr. VanOrden responded that to date he was not aware of any that have been used fraudulently.

Sen. Christensen reminded the committee that they will be asked to prioritize an additional \$922,000 for an additional year of credit monitoring and stated that it is a sore point with him so spend this much money when in other places there could be a 3 to 1 match so essentially that is \$4 million that could be spent on direct people services instead of paying an agency to watch a computer to make sure that nothing which has so far not happened not happen again. The committee will be asked to prioritize this for the people we have potentially exposed.

Rep. McCay asked for a comment on the appropriateness of asking other departments to hire personnel to double check the work of DTS.

Mr. VanOrden commented that personally he feels it a good idea for agencies to have security staff. The large agencies like the Department of Health (DOH) may need full time staff. Smaller agencies may only need someone who makes that part of their job 20-25 percent of the time. Mr. VanOrden used an analogy of obtaining insurance for a vehicle.

Rep. McCay stated his concern with that and felt that a sit down together and discussion of how needs could be better met. Mr. VanOrden illustrated that the DOH has over 100 different applications that they monitor and run and would better know their own needs and so need to work in partnership. He stated that the

network is the responsibility of DTS to protect the system.

Rep. McCay stated that he will be making a motion that the appropriation that comes out for the additional security personnel will be coming out of DTS. He further explained that this is not a government expansion program where we continue to grow for security purposes for fiscally responsible state management.

Sen. Christensen explained to the audience that there is a somewhat prioritized list available of appropriations. There is an ongoing list and a one-time list to look at and this will continue to be worked on.

Rep. Menlove reviewed the times for meetings in the next three days and informed all that voting will take place Wednesday, Thursday and Friday also that it would be good to be present so we could have a quorum.

MOTION: Rep. McCay moved to adjourn
Co-Chair Menlove adjourned the meeting at 9:52 a.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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