

**MINUTES OF THE
SOCIAL SERVICES APPROPRIATIONS SUBCOMMITTEE**
Room 30 West House Building, State Capitol Complex
February 11, 2016

Members Present: Sen. Allen M. Christensen, Co-Chair
Rep. Paul Ray, Co-Chair
Rep. Edward H. Redd, House Vice Chair
Sen. Luz Escamilla
Sen. Lincoln Fillmore
Sen. Deidre M. Henderson
Sen. Alvin B. Jackson
Sen. Brian E. Shiozawa
Sen. Todd Weiler
Rep. Melvin R. Brown
Rep. Rebecca Chavez-Houck
Rep. Bradley M. Daw
Rep. Sandra Hollins
Rep. Earl D. Tanner
Rep. Robert Spendlove
Rep. Raymond Ward

Members Absent: Sen. Mark B. Madsen

Staff Present: Mr. Russell T. Frandsen, Fiscal Analyst
Mr. Stephen C. Jardine, Fiscal Analyst
Ms. Tonya Hadley, Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

1. Call to Order/Approval of Minutes

Co-Chair Christensen called the meeting to order at 8:01 a.m.

3. Public Input

The following citizens spoke in favor of Medicaid Expansion:

Dr. Kurt Rifleman, Doctor, Midtown Community Health Centers
Dr. Doug Douville, Doctor, Maliheh Free Clinic
Dr. Ellie Brownstein, Pediatrician, Utah Chapter of American Academy
Dr. William Cosgrove, Pediatrician, private practice
Ms. Liz Kuhlman, Advocate, Retired Child Development
Ms. Mary Jo McMillen, Executive Director, USARA
Mr. Robert McNutt, student, University of Utah
Mr. Dan Davidson, citizen
Mr. Paul Gibbs, citizen

Bishop Scott Hayashi, Bishop, Episcopal Church of Utah
Mr. Chase Thomas, Associate Director, Alliance for a Better Utah
Ms. RyLee Curtis, Senior Policy Analyst, Utah Health Policy Project
Dr. Jay Jacobsen, physician, Professor Emeritus of U of U School of Medicine
Ms. Noor UL-Hasan, parent
Mr. Ronnie Daniel, Executive Director, Alzheimer Association
Mr. Edward Blake, CEO, Habitat for Humanity
Ms. Vicky Samuelson, Co-director, Leg Action Group
Ms. Carol Tonnie, citizen
Mr. Adbiriz Ibrahim, Executive Director, Somalia Community
Ms. Patricia Halling, citizen
Dr. Mike Seipel, Retired Professor, BYU Social Work Department
Pastor Bill Germundson, St. Francis
Mr. Jerry Costley, Director, Denovo
Ms. Delanne Jessop Haslam, Citizen
Dr. Tom Metcalf, Retired Physician, Utah Chapter of American Academy
Judge Drew Quinn, citizen
Mr. Brian Pulsipher, intern, SUD Population
Ms. Stacy Stanford, advocate
Ms. Barbara Munoz, policy analyst, CAP Utah
Ms. Karina Brown, citizen
Mr. Jason Mathis, Executive Director, Downtown Alliance
Pastor Bob Von Trebra, Pastor, Holiday United Church of Christ
Ms. Jessie Mangel, Policy Analyst, Voices for Utah Children
Ms. Jean Hill, Government Liaison, Catholic Diocese of Salt Lake

The following spoke in support of Babywatch:

Ms. Sue Olsen, advocate, Up-to-3
Ms. Debbie Ballard, Program Director, Jordan School District- Baby Watch Early Intervention
Ms. Marsha Johnson, Compliance Coordinator, DDI Vantage

2. Unfinished Items from the Previous Agenda

Request for Appropriation - Baby Watch Early Intervention

Sen. Escamilla and Ms. Kelsey Lewis, Executive Director, Kids Who Count, introduced the [Baby Watch Early Intervention](#) program to the committee. Sen. Henderson asked what happens to the children, if not fully funded. Ms. Lewis said services are then diluted. ([Cost study](#))

11. Request for Appropriation (Chavez-Houck) - Data Systems Assessment for Homeless Services

Rep. Chavez-Houck and Ms. Shaleane Gee, Division Manager, Special Projects and Partnerships, Office of Regional Development, Salt Lake County, highlighted H.B. 328 and

reduced the ask to \$161,300, instead of the \$250,000.

4. Medicaid Expansion

(a) Sen. Davis - S.B. 77, *Medicaid Expansion Proposal*

Co-chair Christensen maintained if this committee funds Medicaid expansion, then there is no other money for any of the other items.

(b) Rep. Ward - H.B. 302, *Utah Medicaid Amendments*

Rep. Ward presented HB 302 Utah Medicaid Amendments. Sen. Jackson asked Rep. Ward about providing charity care. Rep. Ward still takes Medicaid patients. Sen. Jackson followed-up with a question about the doctors that don't take Medicaid patients, because it doesn't pay well enough. Rep. Ward supplied the information. Sen. Jackson asked if this pushes Medicaid patients to the back of the line. Dr. Ward answered that in his clinic Medicaid patients are seen in the same order as anyone else.

(c) Rep. Dunnigan – *Healthcare Improvement Initiative*

Rep. Dunnigan presented a Healthcare Improvement Initiative that could cover 1/3 of uninsured population. Sen. Shiozawa spoke in support. Rep. Redd asked about the mental health that would be provided in this proposal. Rep. Dunnigan answered that ACOs (accountable care organizations) cover 82 percent now of Medicaid, but don't cover behavioral/mental health. The plan will have counties opt-in into integrated clinics under the ACO umbrella.

Rep. Chavez-Houck wanted information on the types of people to be served. Rep. Dunnigan supplied there will be two eligible categories. Adults with children up to 55 percent poverty (1/4 of the cases) and childless adults (3/4 of the cases). Rep. Chavez-Houck clarified that they are looking at FPL (federal poverty level). Rep. Dunnigan said yes, primarily income; but there will likely be a secondary criteria.

Rep. Tanner raised the concern of the JRI-population losing their Medicaid during incarceration. Rep. Dunnigan said the plan includes a suspension of benefits while they are serving their time in jail. Rep. Hollins clarified the 12-month limit. Rep. Dunnigan replied it is a 12-month minimum. Sen. Escamilla quizzed if there needs to be a special waiver. Rep. Dunnigan explained that the 1115 waiver is already in place, but requires an amendment.

5. SB 180 Update - Medicaid Reform

Mr. Nate Checketts, Acting Medicaid Director, Department of Health, reviewed last Friday's PowerPoint slides. Rep. Tanner asked about Quality of Care. Mr. Checketts reviewed claims. CAHPS is a survey administered.

["Social Services Subcommittee- Motions for Subcommittee Consideration" #4A](#) was explained

by Mr. Checketts. A vote was not taken.

10. Request for Appropriation (Redd) - Healthcare Workforce Financial Assistance Program

Rep. Redd and Dr. Marc Babitz, Deputy Director, presented [Request for Appropriation for Healthcare Workforce Financial Assistance Program](#).

7. Motions for Subcommittee Consideration

MOTION: Senator Escamilla moved to fund \$500,000 to replenish the Individuals with Visual Impairment Fund (Account 2355) using one-time budget reduction recommendations ultimately accepted from the Budget.

SUBSTITUTE MOTION: Rep. Redd moved to fund \$250,000 this year and \$250,000 the following year to replenish the fund.

Rep. Tanner rejected the Substitute motion. He feels it violates public trust to not fund it fully now, as promised. Co-Chair Ray and Mr. Jardine clarified that the funds were not spent illegally. Rep. Tanner maintained that it still violates trust. Rep. Ray clarified that this fund is not a “trust,” just a restricted account. Sen. Escamilla echoed Rep. Tanner’s sentiment that it is a moral issue to replenish the funds. Rep. Redd summed that he agrees with paying back the money and just wanted to present an option to free up some funds for other projects.

The substitute motion failed with Sen. Fillmore, Sen. Escamilla, Sen. Jackson, Rep. Hollins, Rep. Ward and Rep. Tanner voting in opposition. Co-chair Christensen, Sen. Shiozawa, and Rep. Chavez-Houck were absent for the vote.

The original motion passed unanimously with Co-chair Christensen, Sen. Shiozawa, and Rep. Chavez-Houck absent for the vote.

MOTION: Rep. Redd moved to increase the previously-approved fee entitles: “Review and authorize cremation” from \$55 to \$100 to help offset the funding block request from the Department of Health entitled “Medical Examiner Improve Autopsy Report Turnaround Times” by \$283,500. This increase is approved regardless of if other funding is provided for that building block.

The motion passed unanimously with Co-chair Christensen, Sen. Shiozawa, and Rep. Chavez-Houck absent for the vote.

MOTION: Rep. Redd moved “ The legislature intends that if funding is appropriated for the building block titled, “ Increase Caseload for Medically Complex Children’s Waiver,” then the following intent language is approved: The legislature intends all one-time appropriations provided in fiscal year 2017 for the building block entitled “increase caseload for Medically

Complex Children's Waiver" be used to the maximal extent that is possible for opening new slots for children who meet the waiver criteria."

The motion passed unanimously with Co-chair Christensen, Sen. Shiozawa, and Rep. Chavez-Houck absent for the vote.

MOTION: Rep. Redd moved "The Legislature intends that the Department of Health shall study enrollment trends for children in the CHIP and Medicaid programs. The Department of Health shall assess the estimated relative costs to the state of the current practice month-to-month eligibility vs continuous 12-month enrollment for children. Cost estimates should also include if possible estimates of increase cost to the state related to care needed due to adverse outcomes related to delays in diagnoses and treatments related to the current practice of month-to-month eligibility. The Department of Health will work with stakeholders and report findings to the Office of the Legislative Fiscal Analyst by August 30, 2016.

The motion passed unanimously with Co-chair Christensen, Sen. Shiozawa, and Rep. Chavez-Houck absent for the vote.

MOTION: Rep. Redd moved "The Legislature intends that the Department of Health remove the optional 5 year waiting period for the legal immigrant children who currently qualify for 100% federal funding in the Medicaid and Children's Health Insurance Program."

Co-Chair Ray explained the 5 year wait. Rep. Redd added his knowledge about the refugees he works with who need this program.

The motion passed unanimously with Co-chair Christensen, Sen. Shiozawa, and Rep. Chavez-Houck absent for the vote.

MOTION: Rep. Redd moved to approve the following: 1. Motions for the sheet entitled "Motions for Subcommittee Consideration" dated 1/22/2016 2:28 PM: 6E, 6F, 6G, and 6H. The purpose for any additional non-lapsing funds is the Traumatic Brain Injury Fund. 2. Under section 63J-1-603 of the Utah Code the Legislature intends that up to \$100,000 funds not otherwise designated as non-lapsing to the Department of Health- Executive Director's operations line item shall not lapse at the close of Fiscal Year 2016. The use of any non-lapsing funds is for the Traumatic Brain Injury Fund.

Co-chair Ray explained non-lapsing authority. Rep. Tanner asked how much was given last year in non-lapsing funds. Mr. Frandsen said it was in the \$50-60,000 range.

The motion passed unanimously with Sen. Shiozawa and Rep. Chavez-Houck absent for the vote.

MOTION: Rep. Ray moved to approve the following: Reduce the General Fund amount on the building block for the following item and amounts as found on the "Building Block Prioritized

List State Funds - Chair Proposal” dated 2/8/2016 7:25 AM: Item #68 – DHS - Marriage Commission Pre-marital Educational Program - reduce General fund request by \$300,000 (from \$300,000 down to \$0) and approve the use of one-time TANF funding for this purpose for FY2017.

Co-chair Christensen added that if they get a bill passed, the Marriage Commission will have alternate funding for FY 2017.

The motion passed unanimously with Sen. Shiozawa and Rep. Chavez-Houck absent for the vote.

MOTION: Co-chair Ray moved the following: The legislature intends the Department of Human Services ‘Division of Aging and Adult Services use applicable federal funding reserves to provide one-time finding of \$160,000 for Senior Nutrition (Meals on Wheels). The motion passed unanimously with Sen. Shiozawa and Rep. Chavez-Houck absent for the vote.

MOTION: Co-chair Ray moved the following: 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 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. The motion passed unanimously with Sen. Shiozawa and Rep. Chavez-Houck absent for the vote.

MOTION: Sen. Escamilla moved to accept the following: 1. If staff is able to obtain written confirmation for the Departments of Health and Workforce Services that Temporary Assistance for Needy Families (TANF) federal funds can be used for the building block entitled “Babywatch Early Intervention Program,” staff is authorized to reduce the request up to \$2,500,000 and/or remove the funding item from the General Fund building block prioritization list, if the item is fully funded. 2. The legislature intends that all new funding provided from any sources for the building block entitled “Baby Watch Early Intervention Program” shall be used to provide direct care services. The motion passed unanimously with Sen. Shiozawa and Rep. Chavez-Houck absent for the vote.

MOTION: Rep. Spendlove moved to approve the following: The Legislature intends that the Department of Health 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 to the Office of the 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) 6. Balancing Incentive Program.

Rep. Redd spoke in support of the motion. Mr. Frandsen recommended that the Subcommittee add the words “and Department of Human Services”.

Substitute MOTION: Rep. Spendlove moved to approve the following: 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 to the Office of the 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) 6. Balancing Incentive Program.

The substitute motion passed unanimously with Sen. Shiozawa and Rep. Chavez-Houck absent for the vote.

MOTION: Co-Chair Ray moved the following intent language: The Legislature intends the Department of Human Services (DHS), in conjunction with its Office of Recovery Services (ORS), provide to the Office of 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 the 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. The motion passed unanimously with Sen. Shiozawa and Rep. Chavez-Houck absent for the vote.

8. Request for Appropriation (Christensen) - Primary Care Grants

Co-chair Christensen presented an appropriation request for [Primary Care grants](#). Rep. Ward questioned if there is an ongoing appropriation in place or if this is new. Co-chair Christensen, Mr. Babitz, and Mr. Frandsen explained.

12. Request for Appropriation (Romero) - Green Team Homeless Women Job Program

Rep. Romero and Ms. Camille Winnie, Director of Community Services, Salt Lake Downtown, presented [Green Team Garden Project Proposal](#). Rep. Redd inquired about the size of the farm and the outcomes and where they will get candidates from. Ms. Winnie detailed the process.

7. Motions for Subcommittee Consideration

Mr. Frandsen explained motions #6K, 6T, and 6W.

MOTION: Rep. Ray moved to approve the following motions for the Department of Health #6K, 6T, and 6W from the sheet entitled "[Social Services Subcommittee- Motions for](#)

[Subcommittee Consideration](#)" dated 1/22/2016 2:28 pm.

The motion passed unanimously with Sen. Shiozawa, Rep. Chavez-Houck, and Rep. Daw absent for the vote.

Mr. Jardine explained #6M on the "[Social Services Subcommittee- Motions for Subcommittee Consideration](#)", the [Salmon sheet: Building Blocks - Items to Remove From the List- Chair's Proposal](#), and the [Lilac sheet: Building Block Prioritized List- Chair Proposal](#).

MOTION: Rep. Ray moved to approve the following motions for the Department of Human Services' Office of Recovery Services line item #6M from the sheet entitled "[Social Services Subcommittee- Motions for Subcommittee Consideration](#)" dated 1/22/2016 2:28 pm.

The motion passed unanimously with Sen. Shiozawa, Rep. Chavez-Houck, and Rep. Daw absent for the vote.

Mr. Frandsen explained motion #11K.

MOTION: Rep. Ray moved to approve motion #11K from the sheet entitled "[Social Services Subcommittee- Motions for Subcommittee Consideration](#)" dated 1/22/2016 2:28 pm.

The motion passed unanimously with Sen. Shiozawa, Rep. Chavez-Houck, and Rep. Daw absent for the vote.

MOTION: Sen. Fillmore moved to accept the [Salmon sheet: Building Blocks - Items to remove from the List- Chair's Proposal](#) dated 2/11/2016 10:12 AM as a starting point.

The motion passed unanimously with Sen. Shiozawa, Rep. Chavez-Houck, and Rep. Daw absent for the vote.

Adjourn

MOTION: Sen. Henderson moved to adjourn. The motion passed unanimously with Sen. Shiozawa, Rep. Chavez-Houck, and Rep. Daw absent for the vote.

Co-chair Christensen adjourned the meeting 10:41 a.m.

Sen. Allen M. Christensen, Co-Chair

Rep. Paul Ray, Co-Chair