

Social Services Subcommittee - Motions for Subcommittee Consideration

Ref #	I move to approve the following....	Health	Human Svcs	Workforce Svcs	USOR
1	FY 2012 or FY 2013 budgets motions				
1A	A <i>recommended</i> base budget for the Department of Health of \$2,208,436,200 FY 2013 as detailed by line item in the following 11 Budget Briefs: Executive Director's Operations, Family Health and Preparedness, Disease Control and Prevention, Local Health Departments, Workforce Financial Assistance Program, Health Care Financing, Medicaid Management Information System Replacement, Medicaid Sanctions, Children's Health Insurance Program, Medicaid Mandatory Services, and Medicaid Optional Services with all other changes as approved by the subcommittee.				
1B	A total <i>FY 2013 recommended</i> budget for the Department of Human Services of \$557,016,100 as found on: p. 3 in Budget Brief - Human Services - Executive Director Operations, p. 5 in Budget Brief - Human Services - Substance Abuse and Mental Health (including \$14,500 in operations and maintenance funding for the new facility at the Utah State Hospital transferred from the Division of Facilities Construction and Management along with a one-year negative offset), p. 6 in Budget Brief - Human Services - Services for People with Disabilities, p. 3 in Budget Brief - Human Services - Office of Recovery Services, p. 5 in Budget Brief - Human Services - Child and Family Services, and p. 3 in Budget Brief - Human Services - Aging and Adult Services.				
1C	A total <i>FY 2013 recommended</i> budget of \$1,201,387,900 for the Department of Workforce Services as detailed by line item in the following 5 Budget Briefs: Administration, Operations and Policy Line Item, <u>except for a reduction of \$2,735,000 federal funds for Operations and Policy Line Item, Other Assistance Program to reflect updated estimates.</u>				
1D	A total <i>FY 2013 Recommended</i> budget for the Utah State Office of Rehabilitation of \$77,854,300 as found on p. 4 in Budget Brief - Utah State Office of Rehabilitation.				
	Fee approval				
2	All of the fees for the Department of Health, the Department of Human Services, and the Department of Workforce Services as found in: 1) Issue Brief - Health Department Fees heard in subcommittee on February 7, 2012; 2) Issue Brief - Fees - The Department of Human Services heard in subcommittee on January 25, 2012, and 3) Issue Brief - DWS Fees and Intent Language heard in subcommittee on February 9, 2012.				
3	Agency Requested Intent Language (included in Briefs by staff)				
3A	Under Section 63J-1-603 of the Utah Code the Legislature intends that the appropriations provided for the Division of Substance Abuse and Mental Health line item for the Drug Courts in Item 13 of Chapter 4 Laws of Utah 2011 not lapse at the close of Fiscal Year 2012. The use of any nonlapsing funds is limited to "Other Charges/Pass Through" expenditures.				
3B	Under Section 63J-1-603 of the Utah Code the Legislature intends that the appropriations provided for the Division of Substance Abuse and Mental Health line item for State Substance Abuse Services and Local Substance Abuse Services in Item 13 of Chapter 4 Laws of Utah 2011 not lapse at the close of Fiscal Year 2012. The use of any nonlapsing funds is limited to "Other Charges/Pass Through" expenditures.				
3C	Under Section 63J-1-603 of the Utah Code the Legislature intends that up to \$50,000 of appropriations provided for the Division of Substance Abuse and Mental Health line item in Item 13 of Chapter 4 Laws of Utah 2011 not lapse at the close of Fiscal Year 2012. The use of any nonlapsing funds is limited to computer equipment and software, capital equipment or improvements, equipment, or supplies.				
3D	The Legislature intends that, Under Section 63J-1-603 of the Utah Code appropriations provided for the Department of Workforce Services – Administration line item in Item 18 of Chapter 4 Laws of Utah 2011 not lapse at the close of Fiscal Year 2012. The amount of any nonlapsing funds is limited to \$201,000 from the General Fund. The use of any nonlapsing funds is for Administration line item expenses.				

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3E	The Legislature intends that, Under Section 63J-1-603 of the Utah Code appropriations provided for the Department of Workforce Services – Operations and Policy line item in Item 19 of Chapter 4 Laws of Utah 2011 not lapse at the close of Fiscal Year 2012. The amount of any nonlapsing funds is limited to \$3,100,000 from the General Fund, \$3,900,000 from the Special Administrative Expense Account, and \$3,300,000 from Reed Act Funds. The use of any nonlapsing funds is for Operations and Policy line item expenses.				
3F	The Legislature intends that, Under Section 63J-1-603 of the Utah Code appropriations provided for the Department of Workforce Services – General Assistance line item in Item 20 of Chapter 4 Laws of Utah 2011 not lapse at the close of Fiscal Year 2012. The use of any nonlapsing funds is limited to \$600,000 for General Assistance line item expenses.				
3G	The Legislature intends that, Under Section 63J-1-603 of the Utah Code appropriations provided for the Department of Workforce Services – Unemployment Insurance line item in Item 21 of Chapter 4 Laws of Utah 2011 not lapse at the close of Fiscal Year 2012. The amount of any nonlapsing funds is limited to \$55,000 from the General Fund. The use of any nonlapsing funds is for Unemployment Insurance line item expenses.				
3H	Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations provided for Executive Director’s Office in Item 1 of Chapter 4 Laws of Utah 2011 not lapse at the close of Fiscal Year 2012. The use of any nonlapsing funds is limited to \$90,000 for computer equipment, software, and employee training.				
3I	Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$250,000 of Item 2 of Chapter 4, Laws of Utah 2011 for Emergency Medical Services not lapse at the close of Fiscal Year 2012. The use of any nonlapsing funds is limited to testing, certifications, background screenings, replacement testing equipment, and testing supplies.				
3J	Under Section 63J-1-603 of the Utah Code, the Legislature intends that criminal fines and forfeiture money collected for Emergency Medical Services in Item 2 of Chapter 4, Laws of Utah 2011 not lapse at the close of Fiscal Year 2012. The use of any nonlapsing funds is limited to purposes outlined in Section 26-8a-207(2).				
3K	Under Section 63J-1-603 of the Utah Code, the Legislature intends that civil money penalties collected for Item 2 of Chapter 4, Laws of Utah 2011 from childcare and health care provider violations not lapse at the close of Fiscal Year 2012. The use of any nonlapsing funds is limited to trainings for providers.				
3L	Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$210,000 of Item 2 of Chapter 4, Laws of Utah 2011 from fees collected for the purpose of plan reviews by the Bureau of Health Facility Licensure, Certification and Resident Assessment not lapse at the close of Fiscal Year 2012. The use of any nonlapsing funds is limited to plan review activities.				
3M	Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$50,000 of Item 2 of Chapter 4, Laws of Utah 2011 of unused funds appropriated for the Assistance for People with Bleeding Disorders Program not lapse at the close of Fiscal Year 2012. The use of any nonlapsing funds is limited to services to eligible clients.				
3N	Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations provided for Disease Control and Prevention in Item 77 of Chapter 379 Laws of Utah 2011 not lapse at the close of Fiscal Year 2012. The use of any nonlapsing funds is limited to the following: \$175,000 for replacement computer equipment, software, laboratory equipment, and for facility improvements/expansion for the Office of the Medical Examiner.				
3O	Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations provided for Disease Control and Prevention in Item 3 of Chapter 4 Laws of Utah 2011 not lapse at the close of Fiscal Year 2012. The use of any nonlapsing funds is limited to the following: \$250,000 for laboratory equipment, computer equipment, software and building improvements for the Unified State Laboratory.				
3P	The Legislature intends that funds collected as a result of sanctions imposed under Section 1919 of Title XIX of the federal Social Security Act and authorized in UCA 26-18-3 shall not lapse at the close of fiscal year 2012. The use of any nonlapsing funds is limited to the purposes outlined in Section 1919.				

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3Q	Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations provided for the Children’s Health Insurance Program in Item 82 of Chapter 379 Laws of Utah 2011 not lapse at the close of Fiscal Year 2012. The use of any nonlapsing funds is limited to caseload and utilization increases.				
3R	Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations provided for Health Care Financing in Item 5 of Chapter 4 Laws of Utah 2011 not lapse at the close of Fiscal Year 2012. The use of any nonlapsing funds is limited to \$50,000 for the purchase of computer equipment.				
4	Other special intent language				
4A	The Legislature intends the Department of Human Services and the Division of Child and Family Services (DCFS) report back during the 2013 General Session actions and progress regarding the following items from the Auditor General’s audit of DCFS and the affect of these items on the DCFS Fiscal Year 2013 appropriated budget: 1) the mixture of in-home services compared to out-of-home services; 2) progress on policies, training, and implementation of enhancements to in-home services; 3) funding by program as shown in audit figure 1.2 with enhanced information regarding annual numbers served and the cost per individual served; 4) trends of in-home and foster care services as shown in audit figures 2.1 and 2.3; 5) cost and utilization of foster care services by region as shown in audit figures 3.1 and 3.2; 6) inter-region placements and use of courtesy worker visits by region as shown in audit figure 5.1; 7) number of full-time equivalent (FTE) positions that staff all child protective services, in-home, and foster care cases on the last day of the fiscal year as a percentage of all FTEs shown by region; 8) annualized subsidy cost per adoption by region as shown in audit figure 6.6; 9) regular review, monitoring, and reevaluation of the appropriateness of all foster care placements; 10) review of staffing practices among the division’s five regions to ensure accurate caseload calculations; and 11) adoption subsidy policies and funding practices to bring more consistency to regional practices.				
4B	The Legislature intends the Department of Human Services report back during the 2013 General Session its progress regarding the following items found in the document titled “Human Services - Follow Up on In-depth Budget Review” affecting the department’s Fiscal Year 2013 appropriated budget as reported to the Social Services Appropriations Subcommittee on January 25, 2012: item numbers 1, 2, 4, 6, 7, 8, 10, 12, 13, 14, and 15 of the Selected Major Recommendations and numbers 1, 2, 5, 6, 7, 8, 9, and 14 of the Remaining Recommendations.				
4C	The Legislature intends the DORA (Drug Offender Reform Act) program report to the Office of the Legislative Fiscal Analyst by September 1, 2012 regarding how it has implemented the five strategies intended to strengthen the DORA program recommended by the Utah Criminal Justice Center in its November 2011 <i>Drug Offender Reform Act: DORA Statewide Report</i> . If these strategies have not been implemented, the Legislature further intends the DORA program provide specifically why each recommendation has not been adopted.				
4D	Under Section 63J-1-603 of the Utah Code the Legislature intends that any remaining funds provided by item 16, Chapter 4 of the Laws of Utah 2011 for the Division of Child and Family Services not lapse at the close of Fiscal Year 2012. It is further the intent of the Legislature that nonlapsing funds are to be used only for one-time costs associated with Adoption Assistance, Out of Home Care, Service Delivery, In-home Services, and SAFE Management Information System modernization. If nonlapsing funds are to be used for ongoing programs, the division must first receive specific approval from the Social Services Appropriations Subcommittee in FY 2013 at either an interim meeting or during the 2013 General Session.				
4E	The Legislature intends the Division of Child and Family Services (DCFS) begin modernizing its SAFE database system using internal funding and routinely report on the modernization project’s status and current cost estimates at both interim and General Session subcommittee meetings as well as to the Office of the Legislative Fiscal Analyst. The Legislature further intends DCFS develop performance measures associated with organizational efficiencies and worker productivity to demonstrate the anticipated benefits that modernizing the SAFE system would have on the core purposes of DCFS and share these measures with the subcommittee prior to any significant expenditure of funds for the SAFE project.				

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4G	The Legislature intends that the Departments of Health and Human Services conduct a study to identify one or more Medicaid <u>home and community based</u> waivers that could be expanded to save money or be cost neutral. The Departments shall submit their detailed proposals by September 1, 2012 to the Office of the Legislative Fiscal Analyst.				
4H	Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations provided for Medicaid Management Information System Replacement in Item 79 of Chapter 379 Laws of Utah 2011 not lapse at the close of Fiscal Year 2012. The use of any nonlapsing funds is limited to \$5,300,000 for the redesign and replacement of the Medicaid Management Information System.				
4I	Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$400,000 of Item 2 of Chapter 4, Laws of Utah 2011 for Primary Care Grants Program not lapse at the close of Fiscal Year 2012. The use of any nonlapsing funds is limited to primary care grants.				
4J	Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to \$500,000 of Item 3 of Chapter 4 and Item 77 of Chapter 379, Laws of Utah 2011 for the alcohol, tobacco, and other drug prevention reduction, cessation, and control programs not lapse at the close of Fiscal Year 2012. The use of any nonlapsing funds is limited to alcohol, tobacco, and other drug prevention, reduction, cessation, and control programs.				
4K	The Legislature intends that the Department of Health report quarterly to the Office of the Legislative Fiscal Analyst on the status of replacing the Medicaid Management Information System replacement beginning September 30, 2012. The reports should include, where applicable, the responses to any requests for proposals.				
4L	The subcommittee intends that if the Executive Appropriations Committee provides funding in FY 2012 for "DOH - CMS Mandated Compliance Projects" that the following intent language be included: Under Section 63J-1-603 of the Utah Code, the Legislature intends that up to [insert amount funded by EAC] for Health Care Financing not lapse at the close of Fiscal Year 2012. The use of any nonlapsing funds is limited to compliance with federally-mandated projects.				
4M	<u>The Legislature intends that the Department of Health fund the cost of covering emergency dental services for adults on Medicaid within existing appropriations up to \$250,000 General Fund for FY 2013 as an offset for current emergency room expenditures. If existing appropriations prove to be insufficient, the Legislature intends that the Department of Health request funding in future years to cover the costs of providing these services. The Department shall report to the Office of the Legislative Fiscal Analyst by January 1, 2013 on the net cost of providing these services. The report shall include recommendations if the services should be continued.</u>				
4N	<u>The Division of Services for People with Disabilities (DSPD) develop several options to measure the safety of individuals in its care and bring these measures back to the Subcommittee for review and input during one of its 2012 interim meetings. After receiving input from the Subcommittee, DSPD begin to report the measure regarding safety of individuals in its care in the Output and Outcome Measures report provided annually to the Social Services Appropriations Subcommittee.</u>				
4O	<u>The Legislature intends the Department of Health, the Utah State Office of Rehabilitation and the Utah State Office of Education (Special Education) use funds previously transferred to support the UDDC information and referral phone/website to instead provide direct client services to individuals with disabilities within each of these three state-governed agencies. The Legislature further intends the Utah Developmental Disability Council (UDDC), as a federally-established and federally-governed agency, use its federal funds to support its information and referral phone/website.</u>				
5	Approve additional Federal ARRA (Stimulus) Funds				
5A	I move to approve the authorization of additional federal stimulus funds and accompanying intent language for FY 2012 and FY 2013 for the Department of Health as found in Issue Brief - ARRA Funds Approval - Department of Health and presented in subcommittee on February 7, 2012. Accompanying intent is not approved for the following line items: Health Care Financing, Medicaid Mandatory Services, and Medicaid Optional Services.				

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5B	All General Funds appropriated to the Department of Workforce Services - DWS Operations & Policy and DWS Unemployment Insurance line items are contingent upon expenditures from Federal Funds - American Recovery and Reinvestment Act (H.R. 1, 111th United States Congress) not exceeding amounts appropriated from Federal Funds - American Recovery and Reinvestment Act in all appropriation bills passed for FY 2012. If expenditures in the DWS Operations & Policy and DWS Unemployment Insurance line items from Federal Funds - American Recovery and Reinvestment Act exceed amounts appropriated to the DWS Operations & Policy and DWS Unemployment Insurance line items from Federal Funds - American Recovery and Reinvestment Act in FY 2012, the Division of Finance shall reduce the General Fund allocations to the DWS Operations & Policy and DWS Unemployment Insurance line items by one dollar for every one dollar in Federal Funds - American Recovery and Reinvestment Act expenditures that exceed Federal Funds - American Recovery and Reinvestment Act appropriations.				
6	Other FY 2012 or FY 2013 budgets motions				
6A	Transfer \$2,260,400 in General Fund for FY 2012 from the Division of Child and Family Services in the Department of Human Services to the Division of Services for People with Disabilities.				
6B	I move to authorize the Division of Child and Family Services pay for performance pilot project discussed in the Issue Brief <i>Human Services - Follow Up on Previous Intent Language</i> , p. 4.				
6C	I move to authorize the Division of Child and Family Services pilot project regarding parents of children in state custody paying a part of required drug testing discussed in the Issue Brief <i>Human Services - Follow Up on Previous Intent Language</i> , pp. 4-5.				
6D	The changes found in the Analyst's Issue Brief entitled, "Department of Workforce Services Budget Adjustments" as heard in the Subcommittee on February 9, 2012 (General Fund Transfers, Dedicated Credits Increases, Special Administrative Expense Account Increases, and Reed Act Increases.)				
6E	Increase the ongoing appropriation to the Department of Health Medicaid Mandatory Services line item from the General Fund Restricted Nursing Care Facilities Account by \$1,993,800 and \$4,643,400 from federal funds in FY 2013. This has the effect of increasing assessments on nursing homes by 0.5% (from 4.7% to 5.2% of revenues). Up to \$110,200 of the increase from the General Fund Restricted Nursing Care Facilities Account may be used to offset the State increased cost for hospice care reimbursement as stipulated in HB 397 Medicaid Program Amendments from the 2010 General Session. To account for all of the approved State hospice costs from the nursing home assessments, move \$1,086,800 in FY 2012 and \$1,197,000 ongoing in FY 2013 from the General Fund Restricted Nursing Care Facilities Account in the Nursing Home program within the Medicaid Mandatory Services line item to the Hospice Care Services program within the Medicaid Optional Services line item.				
6F	Transfer \$100,000 ongoing General Fund from Medicaid Optional Services to Health Care Financing to fund two nurses for case management in targeted rural areas for clients with chronic conditions. The Department shall report back to the subcommittee during the General Session in 2013 and 2014.				
7	Analyst-recommended Changes				
7A	Approve a request to transfer \$100,000 of Beginning Nonlapsing to the Family Health and Preparedness line item from Medicaid Sanctions in FY 2012. This will allow Family Health and Preparedness to use these funds as matching funds for the federal National Background Check Program grant as well as a project to reduce hospital readmissions within 30 days of leaving a hospital.				
7B	Use the 3% maximum for administration from the Nursing Care Facilities Account as permitted by UCA 26-35a-106. Annually beginning in FY 2012, replace \$56,100 ongoing General Fund in Health Care Financing with \$56,100 from the Nursing Care Facilities Account from Medicaid Mandatory Services. Transfer \$56,100 ongoing General Fund from Health Care Financing to Children's Health Insurance Program to reduce the shortfall in Tobacco Settlement funding. Beginning in FY 2012 annually reduce the General Fund Restricted - Tobacco Settlement Account in the Children's Health Insurance Program by \$56,100. Reduce federal funds in Medicaid Optional Services by \$137,300 in FY 2012 and \$128,500 in FY 2013.				

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7C	<p>Transfer unanticipated General Fund savings of \$1,432,700 in FY 2012 and \$736,900 ongoing beginning in FY 2013 from Medicaid Optional Services to the Children’s Health Insurance Program, and reduce the General Fund Restricted - Tobacco Settlement Account by an equal amount. Transfer \$764,000 ongoing General Fund beginning in FY 2013 from Medicaid Optional Services to Medicaid Mandatory Services for a 2% increase in Medicaid physician rates. The General Fund savings of \$1,432,700 in FY 2012 and \$1,500,900 ongoing beginning in FY 2013 come from the following two sources of unanticipated savings in the pharmacy program:</p> <ol style="list-style-type: none"> 1. Preferred Drug List - \$1,410,300 in FY 2012 and \$1,477,400 ongoing in FY 2013 from higher than anticipated savings in the Preferred Drug List. 2. SB 41 from 2011 General Session - \$22,400 in FY 2012 and \$23,500 ongoing in FY 2013 for higher than anticipated savings from SB 41 from the 2011 General Session. <p>Reduce federal funds in Medicaid Optional Services by \$3,505,900 in FY 2012 and \$3,437,900 in FY 2013. Increase federal fund in Medicaid Mandatory Services by \$1,750,000 in FY 2013.</p>				
7D	<p>Make the following appropriation changes in the following two line items:</p> <ul style="list-style-type: none"> o Disease Control and Prevention – (1) \$2,410,700 reduction in appropriations from the General Fund Restricted - Tobacco Settlement Restricted Account in FY 2012 and ongoing beginning in FY 2013 and (2) \$300 General Fund transfer in FY 2012 and ongoing beginning in FY 2013 to the Children’s Health Insurance Program line item o Children’s Health Insurance Program - \$300 reduction in appropriations from the General Fund Restricted - Tobacco Settlement Restricted Account in FY 2012 and ongoing beginning in FY 2013. 				
7E	<p>Authorize the Fiscal Analyst to update the Medicaid and CHIP caseload cost estimates in the subcommittees' prioritization lists based upon the results of future consensus forecasting meetings.</p>				
8	<p>Other motions by committee members</p>				