



HUMAN SERVICES - FOLLOW-UP ON PREVIOUS INTENT LANGUAGE

SOCIAL SERVICES APPROPRIATIONS SUBCOMMITTEE
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ISSUE BRIEF

SUMMARY

This report summarizes Department of Human Services intent language passed by the Legislature during its 2011 General Session and provides an agency response regarding the status of each piece of passed intent language.

LEGISLATIVE ACTION:

1. The Fiscal Analyst recommends the Subcommittee authorize the two Division of Child and Family Services pilot projects associated with 2011 General Session intent language. These pilot projects were presented to the Subcommittee in its October 2011 interim meeting. A quorum was not present at that meeting in order to take a vote.

EXECUTIVE DIRECTOR'S OFFICE:

Senate Bill 2, Item 83 (for FY 2012):

The Legislature intends that the Departments of Health, Human Services, and Workforce Services report to the Office of the Legislative Fiscal Analyst by November 1, 2011 on how they will increase public awareness of their fraud reporting systems and encourage the public to report Medicaid fraud.

Agency Response:

[The Department of Human Services response was incorporated in the Department of Health response to the Legislative Fiscal Analyst.](#)

The Legislature intends that the Departments of Health, Human Services, Workforce Services, and the Medicaid Fraud Control Unit report to the Office of the Legislative Fiscal Analyst by July 1, 2011 on how they will coordinate their response to the 34 recommendations within the State's control from State agencies contained in the issue brief entitled Medicaid Survey Results. Additionally, these agencies shall report by December 1, 2011 on specific plans of action or reasons for not acting on the 34 recommendations so that the Legislature may decide what additional action may be needed.

Agency Response:

[The Department of Human Services response was incorporated in the Department of Health response to the Legislative Fiscal Analyst.](#)

The Legislature intends that the Departments of Health, Human Services, Workforce Services, and the Medicaid Fraud Control Unit report to the Office of the Legislative Fiscal Analyst by January 1, 2012 on plans to follow up on feasible recommendations that could be implemented from the 945 comments from the public in the issue brief entitled Medicaid Survey Results. This report will allow the Legislature to decide what additional action may be needed.

Agency Response:

[The Department of Human Services response was incorporated in the Department of Health response to the Legislative Fiscal Analyst.](#)

The Legislature intends the Department of Health and the Department of Human Services study the cost and benefits of having a single point of entry to determine eligibility for clients seeking any type of Medicaid long term

care services. The Departments shall additionally report on the potential cost and benefits of using a non-State entity to provide the single point of entry services. The Departments shall report back recommendations for further action in one combined report to the Office of the Legislative Fiscal Analyst by September 1, 2011.

Agency Response:

The Department of Human Services response was incorporated in the Department of Health response to the Legislative Fiscal Analyst.

The Legislature intends the Department of Human Services report back during the 2012 General Session its progress regarding the following items found in the document titled *Human Services In-depth Budget Review Recommendations and Follow Up* affecting the departments Fiscal Year 2012 appropriated budget as reported to the Social Services Appropriations Subcommittee on February 3, 2011: item numbers 1, 2, 3, 6, 7, 9, 10, 11, 13, 14, and 15 of the Selected Major Recommendations and numbers 1, 2, 4, 5, 8, 9, 10, 11, 12, 13, and 14 of the Remaining Recommendations.

Agency Response:

The Department of Human Services reported its progress regarding the In-depth Budget Review Recommendations. The responses are addressed under a separate document titled *Issue Brief – FY2013 – Follow Up on Human Services In-depth Budget Review*.

SUBSTANCE ABUSE AND MENTAL HEALTH:

House Bill 3, Item 80 (for FY 2011):

Under Section 63J-1-603 of the Utah Code the Legislature intends that up to \$500,000 of appropriations provided for the Division of Substance Abuse and Mental Health line item for the Drug Courts in Item 107 of Chapter 2 Laws of Utah 2010 not lapse at the close of Fiscal Year 2011. The use of any nonlapsing funds is limited to "Other Charges/Pass Through" expenditures.

Agency Response:

The Division of Substance Abuse and Mental Health had \$6,700 remaining appropriations for Drug Courts and Boards at the end of FY 2011. These funds have been budgeted as "Other Charges/Pass Through" expenditures in FY 2012.

Under Section 63J-1-603 of the Utah Code the Legislature intends that up to \$500,000 of 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 107 of Chapter 2 Laws of Utah 2010 not lapse at the close of Fiscal Year 2011. The use of any nonlapsing funds is limited to "Other Charges/Pass Through" expenditures.

Agency Response:

The Division of Substance Abuse and Mental Health had \$194,500 remaining appropriations for State Substance Abuse Services and Local Substance Abuse Services at the end of FY 2011. These funds have been budgeted as "Other Charges/Pass Through" expenditures in FY 2012.

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 107 of Chapter 2 Laws of Utah 2010 not lapse at the close of Fiscal Year 2011. The use of any nonlapsing funds is limited to computer equipment and software, capital equipment or improvements, and equipment or supplies.

Agency Response:

The Division of Substance Abuse and Mental health has budgeted \$50,000 for the purchase of computer equipment and software in FY 2012 from appropriations not lapsed at the end of FY 2011.

SERVICES FOR PEOPLE WITH DISABILITIES:

Senate Bill 2, Item 85 (for FY 2012):

The Legislature intends the Division of Services for People with Disabilities (DSPD) use FY 2012 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, and individuals court ordered into DSPD services. The Legislature also intends DSPD use FY 2012 beginning nonlapsing funds for lease expenses.

Agency Response:

DSPD has used \$72,300 of the \$73,600 FY 2012 beginning non-lapsing funds to provide services as specified in legislative intent language and the remaining \$1,300 for lease expenses as specified in legislative intent language.

The Legislature intends the Division of Services for People with Disabilities (DSPD), in consultation with stakeholders, providers, and the state Medicaid agency, explore options for a tier approach for individuals waiting for services to be utilized as an alternative or in addition to programs currently funded as part of the FY 2012 DSPD appropriations. It is further the intent of the Legislature that these efforts, along with recommendations, be reported back to the Social Services Appropriations subcommittee by January 2012.

Agency Response:

The Division held a workgroup session in October, with invitations to stakeholders, providers and the State Medicaid agency to explore the tier approach option to services as an alternative to current programs, or for people waiting for services. Although this is a complex issue that would need further study, the workgroup did formulate some initial options and recommendations.

The workgroup concluded that if the system continued in its current form or status quo, which is designed to serve those with most critical needs first, that this would eventually result in the population being served as mainly consisting of ‘high cost’ individuals. People waiting for services would continue to escalate in their needs due to the lack of any cost saving preventative services.

A method discussed by the workgroup as an option to achieve cost savings, or future savings, was to eliminate the Community Services waiver and replace it with three waivers whose structure is comprised of a limited family support waiver, a supported living and supported employment waiver, and a full residential waiver. This option would result in a complete system change, and it was anticipated that a waiting list would still remain for the residential waiver, that additional funding would be needed, and that careful planning around transitioning between waivers, according to a person’s need, should be included to ensure continuity of service and support.

As an alternative to either a complete system change or remaining with the status quo, the workgroup suggested that more emphasis and policy decision be focused on increasing the use of intervention services that would provide future savings for little upfront costs. The workgroup suggested continuing support of the Employment First initiative and the Supported Employment program, also recommended were, family preservation and respite programs for people waiting for services.

CHILD AND FAMILY SERVICES:

House Bill 3, Item 82 (for FY 2011):

Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations within the Division of Child and Family Services Line Item 110, Chapter 2 of the Laws of Utah 2010 not lapse at the close of Fiscal Year 2011. The use of any nonlapsing funds is limited up to \$358,800 from the area of Service Delivery and is limited in its use only for lease expenditures.

Agency Response:

The Division of Child and Family Services has non-lapsing funds of \$358,800 in the Service Delivery area at the end of Fiscal Year 2011 to be used in Fiscal Year 2012 for lease expenditures.

Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations within the Division of Child and Family Services line item in Item 110, Chapter 2 of the Laws of Utah 2010 not lapse at the close of Fiscal Year 2011. The use of any nonlapsing funds is limited up to \$5,500,000 for Adoption Assistance and Out of Home Care programs for Other Charges/Pass Through expenditures.

Agency Response:

The Division of Child and Family Services has non-lapsing funds of \$5,500,000 at the end of Fiscal Year 2011 to be used in Fiscal Year 2012 for Adoption Assistance and Out of Home Care programs. Non-lapsing funds will only be used for Other Charges/Pass Through category expenditures.

Senate Bill 3, Item 14 (for FY 2011):

Nowithstanding the intent language found in Item 82, House Bill 3, Current Fiscal Year Supplemental Appropriations, 2011 General Session, under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations within the Division of Child and Family Services line item in Item 110, Chapter 2 of the Laws of Utah 2010 not lapse at the close of Fiscal Year 2011. The use of any nonlapsing funds is to Adoption Assistance, Out of Home Care, and Service Delivery.

Agency Response:

The Division of Child and Family Services in addition to the above amounts has non-lapsing funds of \$1,950,500 at the end of Fiscal Year 2011. This additional non-lapsing amount will be restricted for use in Adoption Assistance, Out of Home Care and Service Delivery expenditures.

Senate Bill 2, Item 87 (for FY 2012):

The Legislature intends the Division of Child and Family Services develop proposals for a pay for performance pilot project and report back to the Office of the Legislative Fiscal Analyst by September 1, 2011.

Agency Response:

Report submitted to Office of Legislative Fiscal Analyst by required due date.

The Legislature intends the Department of Human Services and the Division of Child and Family Services (DCFS) report back during the 2012 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 2012 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 divisions five regions to ensure accurate caseload calculations; and 11) adoption subsidy policies and funding practices to bring more consistency to regional practices.

Agency Response:

Please see the separate document titled *Issue Brief – FY2013 – Follow Up on Child and Family Services Performance Audit*.

The Legislature intends the Division of Child and Family Services (DCFS) in conjunction with the Courts develop a proposal to have parents who have children in DCFS custody and are required to do mandatory drug testing pay

some or all of the cost of the drug testing and provide a written report of their proposal to the Legislative Fiscal Analyst by September 1, 2011.

Agency Response:

Report submitted to Office of Legislative Fiscal Analyst by required due date.

AGING AND ADULT SERVICES:

House Bill 3, Item 83 (for FY 2011):

Under Section 63J-1-603 of the Utah Code the Legislature intends that appropriations within the Division of Aging and Adult Services Line Item 111, Chapter 2 of the Laws of Utah 2010 not lapse at the close of Fiscal Year 2011. The use of any nonlapsing funds is limited up to \$8,900 and is limited in its use only for lease expenditures.

Agency Response:

The Division of Aging and Adult Services intends to use the entire \$8,900 for lease expenditures in State Fiscal Year 2012.

Senate Bill 48, Alzheimer's State Plan Task Force, Item 3 (for FY 2011):

Under Section 63J-1-603, the Legislature intends that the \$20,920 appropriated by this item shall not lapse at the close of fiscal year 2011.

Agency Response:

The Division of Aging and Adult Services does not intend to use non-lapsing funds of \$20,920 appropriated for the Alzheimer's State Plan Task Force.