



# FEES – THE DEPARTMENT OF HUMAN SERVICES

SOCIAL SERVICES APPROPRIATIONS SUBCOMMITTEE  
STAFF: STEPHEN JARDINE

ISSUE BRIEF

## **SUMMARY**

In accordance with UCA 63J-1-504 requiring the agency to “submit its fee schedule . . . to the Legislature for its approval on an annual basis”, the following fees are proposed for the services of the Department of Human Services. These fees will generate an estimated \$3,547,700 in FY 2013, \$3,200,900 or 90 percent of the total amount coming from three child support collection related fees. The Department of Human Services is not requesting fee increases for FY 2013.

The department is requesting the elimination fees associated with a proposed DCFS drug testing fee pilot program outlined in Legislative intent language from the 2011 General Session. Under the proposal, entities contracted to provide drug testing will collect the agreed upon portion from the person being tested and bill the division for the remainder of the drug test cost. As a result, no fee revenue will flow through the DCFS budget and the fees should be removed from the list if the proposal is approved.

## **LEGISLATIVE ACTION**

1. The Fiscal Analyst recommends the Subcommittee adopt the fee schedule shown on page 2 as Table 1.
2. The Fiscal Analyst further recommends the Subcommittee approve the proposed DCFS drug testing pilot program discussed on pages 3 and 4.

## **PROPOSED DEPARTMENT OF HUMAN SERVICES FY 2013 FEES**

The following Table 1 shows the proposed fee rates for FY 2013:

Department of Human Services Fees				
FY 2013				
Fee description	FY 2013 Fees	Change from FY 2012	Est. No. of Units	Est. FY 2013 Revenues
Initial License (new program)	\$300.00	No Change	50	\$15,000
Adult Day Care (0-50 consumers/program)	\$100.00	No Change	12	\$1,200
Adult Day Care (>50 consumers/program)	\$200.00	No Change	1	\$200
Adult Day Care per licensed capacity	\$3.00	No Change	250	\$800
Child Placing	\$250.00	No Change	100	\$25,000
Day Treatment	\$150.00	No Change	150	\$22,500
Outpatient Treatment	\$100.00	No Change	250	\$25,000
Residential Support	\$100.00	No Change	130	\$13,000
Residential Treatment	\$200.00	No Change	175	\$35,000
Residential Treatment per licensed capacity	\$3.00	No Change	3,300	\$9,900
Social Detoxification	\$200.00	No Change	10	\$2,000
Life Safety Pre-inspection	\$200.00	No Change	50	\$10,000
Outdoor Youth Program	\$300.00	No Change	10	\$3,000
Outdoor Youth Program per licensed capacity	\$5.00	No Change	700	\$3,500
Intermediate Secure Treatment	\$250.00	No Change	10	\$2,500
Intermediate Secure Treatment per licensed capacity	\$3.00	No Change	700	\$2,100
Therapeutic School Program	\$200.00	No Change	5	\$1,000
Therapeutic School Program per licensed capacity	\$3.00	No Change	200	\$600
FBI Fingerprint Check (Live Scan) *	\$39.25	No Change	600	\$23,600
FBI Fingerprint Check (Hard Copy) *	\$39.25	No Change	300	\$11,800
Office of Licensing Live Scan	\$10.00	No Change	275	\$2,800
Alcoholic Beverage Server Fee (Off Premise)	\$3.50	No Change	7,190	\$25,200
Alcoholic Beverage Server Fee (On Premise)	\$2.50	No Change	12,226	\$30,600
Alcoholic Beverage Server Fee (On Premise)	\$2.50	No Change	1,108	\$2,800
Graduated Fee - Critical Support Services for People with Disabilities (Non-Medicaid Matched) **		No Change	11	\$10,000
Credit Card Convenience Fee	\$5.00	No Change	3,820	\$19,100
Recovery Services Collections Processing Fee	\$5.00	No Change	528,180	\$2,640,900
Recovery Services Federal Tax Intercept Fee (Retained)	\$25.00	No Change	6,400	\$160,000
\$25 Collection Fee	\$25.00	No Change	16,000	\$400,000
Live Scan Testing Fees (DCFS)	\$10.00	No Change	4,275	\$42,800
<del>Drug Testing (DCFS)</del>	<del>\$10.00</del>	<del>No Change</del>	<del>210</del>	<del>\$2,100</del>
<del>Drug Testing (DCFS) (NOTE A)</del>	<del>\$5.00</del>	<del>\$5.00</del>	<del>22,000</del>	<del>\$110,000</del>
Domestic Violence Treatment Fees	\$10.00	No Change	580	\$5,800
GRAMA Records paper (per side of sheet) ***	\$0.25	No Change	-	\$0
GRAMA Records audio tape (per tape) ***	\$5.00	No Change	-	\$0
GRAMA Records video tape (per tape) ***	\$15.00	No Change	-	\$0
GRAMA Records compiling and reporting in another format (per hour) ***	\$25.00	No Change	-	\$0
GRAMA Records compiling and reporting in another format (if programmer/analyst assistance required) (per hour) ***	\$50.00	No Change	-	\$0
GRAMA Records mailing ***	actual cost	No Change	-	\$0
<b>Total Estimated Revenues for FY 2013</b>				<b>\$3,547,700</b>
* Billed back from the Department of Public Safety				
** For persons who do not meet Medicaid waiver eligibility requirements and are open for Non-Medicaid Matched Services, a graduated fee is assessed amounting to 1% of gross family income (GFI) if income is between 300% and 399% of Poverty; 2% of GFI if income is between 400% and 499% of Poverty; and 3% of GFI if income is more than 500% of Poverty. One twelfth of the calculated yearly fee is collected monthly.				
***These GRAMA fees apply for the entire Department of Human Services, including Juvenile Justice Services				
<del>NOTE A: This fee, per Legislative direction, is a proposal that is in place but has not been implemented.</del>				

Table 1

**PROPOSED DCFS DRUG TESTING PILOT PROGRAM*****Background***

The Legislature passed the following 2011 General Session intent language in Senate Bill 2, item 87:

*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.*

The Division of Child and Family Services (DCFS) paid for 22,000 drug tests in FY 2011 and spent approximately \$706,300 in state funds for this purpose. DCFS presented a proposed drug testing fee pilot program to the Social Services Appropriations Subcommittee during its October 2011 interim meeting. Under the proposal, entities contracted to provide the drug testing will collect the agreed upon portion from the person being tested and bill the division for the remainder. As a result, no fee revenue will flow through the DCFS budget.

DCFS expenditures for drug testing have been:

FY 2010 - \$768,400  
 FY 2011 - \$706,300  
 FY 2012 - \$311,600 (through December)

***Goals of the proposal***

DCFS states the goals of the proposal are to:

- 1) Comply with Legislative intent language,
- 2) Reduce the amount of state General Fund utilized to pay for drug testing for parents of children in foster care across the state, and
- 3) Encourage parents' accountability.

***The proposal***

- DCFS proposes to require a parent pay a \$5 copayment toward the total cost of every drug test.
- The copayment will be paid to the contract provider conducting the test upon arrival for testing.
- There will be one copayment for each visit.
- The copayment will be required prior to any collection or testing.
- No testing will be done if there is no \$5 copayment.
- If a parent arrives for drug testing on their assigned day without the copayment, a parent may return later the same day during testing hours with the copayment and be tested without having to reschedule their assigned day.
- The contract provider shall obtain, track, and report the copayments from the parents to DCFS.
- The contract provider shall take ownership of the \$5 copayment and deduct the \$5 copayment from the total cost of the test(s) when billing DCFS.
- The bill submitted to DCFS shall show the total cost per test and the \$5 copayment received from the parent.
- If a parent does not complete the drug test, it will be reported to the caseworker as a failure to test. The caseworker will report this information to the Court.

***Measuring results***

DCFS indicates its goals are to:

- 1) Reduce state General Fund spent on parent drug testing and
- 2) Increase parents' accountability for their drug use.

***Measures DCFS will track***

DCFS provided the following measures it will track in connection with this pilot program:

- Total number of drug tests administered
- Type of tests administered and the total cost
- Percentage of Positive vs. Negative vs. Missed tests
- Percentage of court ordered tests with DCFS paying the full costs of testing. This should reduce if trends show improved testing results with clients personally invested in co-payment for drug testing and participation in treatment
- Number of tests declined by client with a signed admission acknowledging improper use of drugs. This should reduce the number of administered tests for clients knowing that the results would be negative

***Analyst's recommendation***

The Fiscal Analyst recommends the Subcommittee authorize the pilot program.

**APPENDIX – DESCRIPTION OF FEES**

**Initial License (new program) - \$15,000 – Office of Licensing** – \$300 per facility, initial licensing fee for new treatment programs not previously licensed by the department.

**Adult Day Care (0-50 consumers/program) - \$1,200 – Office of Licensing** - \$100 per facility providing day care services to fewer than 50 vulnerable adults.

**Adult Day Care (>50 consumers/program) - \$200 – Office of Licensing** - \$200 per facility providing day care services to more than 50 vulnerable adults.

**Adult Day Care per licensed capacity - \$800 – Office of Licensing** - \$3 per person times the facility capacity added to base fee.

**Child Placing - \$25,000 – Office of Licensing** - \$250 per agency providing adoption and/or foster care.

**Day Treatment - \$22,500 – Office of Licensing** - \$150 per non-residential facility providing specialized treatment services to clients during the day.

**Outpatient Treatment – \$25,000 – Office of Licensing** - \$100 per facility providing individual therapy, group, or family counseling services.

**Residential Support - \$13,000 – Office of Licensing** - \$100 per facility providing residential support (i.e., supervised living environment, shelter care, sober living, etc.) services.

**Residential Treatment - \$35,000 – Office of Licensing** - \$200 per facility providing 24-hour specialized treatment services to persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies.

**Residential Treatment per licensed capacity - \$9,900 - Office of Licensing** - \$3 per person times the facility capacity added to base fee.

**Social Detoxification - \$2,000 – Office of Licensing** - \$200 per facility providing non-medical detoxification services.

**Life Safety Pre-inspection - \$10,000 – Office of Licensing** - \$200 for a Life-Safety inspection per facility providing residential services for disabled persons as required by federal law.

**Outdoor Youth Program - \$3,000 – Office of Licensing** - \$300 per program providing youth wilderness therapy services.

**Outdoor Youth Program per licensed capacity - \$3,500 – Office of Licensing** - \$5 per person times the program capacity added to base fee.

**Intermediate Secure Treatment - \$2,500 – Office of Licensing** - \$250 per facility providing residential treatment services in a secure setting.

**Intermediate Secure Treatment per licensed capacity - \$2,100 – Office of Licensing** - \$3 per person times the facility capacity added to base fee.

**Therapeutic School Program - \$1,000 – Office of Licensing** - \$200 per facility providing therapeutic boarding school services.

**Therapeutic School Program per licensed capacity - \$600 - Office of Licensing** - \$3 per person times the facility capacity added to base fee.

**FBI Fingerprint Check (Live Scan) — \$23,600 - Office of Licensing** - \$39.25 per person requiring a fingerprint-based background screen via Live Scan.

**FBI Fingerprint Check (Hard Copy) - \$11,800 – Office of Licensing** - \$39.25 per person requiring a fingerprint-based background screen via hard copy prints.

**Alcoholic Beverage Server Fee (Off Premise) – \$25,200 – Division of Substance Abuse and Mental Health** - A fee charged to maintain a database of individuals who have completed off-premise alcohol sales training.

**Alcoholic Beverage Server Fee (On Premise) - \$33,400 – Division of Substance Abuse and Mental Health** - A fee charged to maintain a database of individuals who have completed on-premise alcohol sales training.

**Graduated Fee - Critical Support Services for People with Disabilities (Non-Medicaid Matched) - \$10,000 – Division of Services for People with Disabilities** – Fee is assessed based on ability to pay and is used to pay part of the cost of support services incurred by an individual with severe disabilities who does not participate in one of the division’s federal Medicaid waiver programs.

**Credit Card Convenience Fee - \$19,000 – Office of Recovery Services** – Fee assessed (collected) when ORS accepts a payment over the Internet or by telephone for child support or other payments made by non custodial/custodial parents or other non child support payments owed the State of Utah.

**Recovery Services Collections Processing Fee - \$2,640,000 - Office of Recovery Services** – Fee assessed (collected) and paid for child support payments made to ORS by *obligee*.

**Recovery Services Federal Tax Intercept Fee (Retained) - \$160,000 - Office of Recovery Services** – Fee retained by ORS for Federal Tax Intercept payments related to owed child support.

**\$25 Collection Fee - \$400,000 - Office of Recovery Services** – Annual one-time fee collected from child support payments made by non-custodial parent.

**Live Scan Testing Fees (DCFS) - \$42,800 - Division of Child and Family Services** – Fees are charged to foster parents, adoptive parents, kinship caregivers, proctor parents and contracted provider employees who will have direct access to children. These individuals have an electronic scan of finger prints sent to the Department of Public Safety Bureau of Criminal Identification to be run against Utah criminal records and the FBI criminal database. This testing fulfills State and federal law requirements. The fee partially offsets the cost for DCFS staff to administer the tests.

**Domestic Violence Treatment Fees - \$5,800 – Division of Child and Family Services** – Fees are charged to perpetrators of domestic violence who are court ordered to pay the fee and attend counseling sessions. If they do not pay the fee they are referred back to the Courts and arrangements are made for the fee to be paid and counseling to continue.

**GRAMA Records paper, audio tape, video tape, reporting in another format, and records mailing – Department-wide** - Fees are for the costs associated with producing, providing, or compiling information requests and the delivery of that information.