

Minutes of the Joint Legislative Oversight Committee

August 16, 2024

Room EW42, Capitol, Boise, Idaho



Representative Douglas Pickett, presiding cochair

Committee members in attendance were Senators Melissa Wintrow (cochair), C. Scott Grow, Dave Lent, James D. Ruchti, Representatives Douglas T. Pickett (cochair), Jordan Redman, and Steve Berch. Also present were Ryan Langrill, Interim Director, Office of Performance Evaluations; and Office of Performance Evaluations (OPE) staff.

Audience members in attendance included the following: Christine Pisani, Tara Adams, Leah McElwee, Will Carson, Sam Butikofer, Jim Roberts, Melissa Vian, Sarah Gornik, Allison Highley, Angela Lindig

Representative Pickett called the meeting to order at 12:33 p.m.

Approval of minutes from March 15, 2024

Senator Wintrow moved to approve the minutes from March 15, 2024. Senator Lent seconded the motion. It passed by unanimous voice vote without debate.

Status of Luma, Children's Residential Care, and K-12 Funding reports

Cochair Pickett welcomed OPE's Interim Director Ryan Langrill. Director Langrill provided an update on the Luma study that was authorized in February 2024, noting that it has been the office's priority with an all-hands-on-deck approach. He said the office hopes to have the report ready to be released in the first week of October. OPE has offered to present to JFAC during their November meeting. He also mentioned that he would be in contact with the JLOC members about whether to have an additional committee meeting to release the report in person or to release it remotely for a later presentation date.

Representative Berch asked if the OPE report could include references to the LSO report. Director Langrill said yes, noting that there are two versions of the LSO report: one public and one with redacted information for security purposes. OPE will link to and reference the public report.

Director Langrill then provided an update on the Children's Residential Care study. The report is estimated to be completed in late spring of next year. He said the report will be helpful not only to the Department of Health and Welfare, but also to the new Health and Human Services Ombudsman that was created last session.

Director Langrill moved on to an update on the K-12 Education Funding report. Based on interviews done last spring with study requesters, the report will be approached in two sections.

First, project lead Casey Petti will meet with key legislators to determine any policy-driven data needs that could be met prior to the next legislative session. Secondly, there would be an option for more in-depth fieldwork, including answering questions that might require OPE to reach out directly to school districts. That part of the work would be released toward the end of legislative session.

Director Langrill spoke about the vacant evaluator position at OPE, mentioning that there have been a large number of qualified applicants.

Representative Berch asked if there was a targeted date on the K-12 report. Director Langrill said if any information is needed urgently before the session, OPE can complete it. Any less urgent or additional work will be released later, likely in March 2025. Representative Berch emphasized that anything that could be done on the report before education budgets are set or negotiated would be helpful.

County Coroners and Death Investigations Update

Representative Pickett welcomed Torey Danner and Kelli Brassfield. Senator Wintrow commented that she and Representative Pickett had met with coroners several times since the last JLOC meeting to learn about what recommendations the coroners have and she was impressed by the high number of Zoom attendees. Representative Pickett added he was impressed by the representation from all over the state from both rural and urban areas.

Torey Danner, Bannock County Coroner and Vice President of the Idaho State Association of County Coroners, presented on recommendations to help improve the coroner system based on OPE report findings. Mr. Danner spoke about four initial main areas of improvement: system design; state oversight; finance and equipment; and autopsies and death investigations. Coroners used the OPE report to create goals in each area that could be prioritized based on need, feasibility, and stakeholder input. Ms. Brassfield reviewed the drafted changes in order.

Senator Lent asked about the annual salary for coroners and if the OPE report referred to part-time or full-time positions as compared to other median salaries for elected county officials. Casey Petti, Principal Evaluator, answered that most elected county employees are elected are part-time, with some exceptions like sheriffs. Positions like commissioners are typically part time and even they had a significantly higher median salary than coroners. Coroners are overwhelmingly part time in the state, but so are other positions like commissioners. Mr. Danner added that while being a coroner is a part-time position, it is a 24-7 job.

Senator Lent asked regarding who determines the list of items that result in death in the draft, specifically radiation. He wondered how often that would occur and why it's on the list. Mr. Danner said that this was because of INL and to cover any circumstances there. Senator Lent commented this is an overreaction to a hazard that does not exist. Ms. Brassfield said she would take this back to the group, emphasizing that this type of feedback is why the draft is being reviewed by the committee before it is presented in session.

Senator Wintrow clarified that the group's meeting was to create continuity and accountability; that if there are deaths, there should be an investigation. She commented that any kind of accidental death should be investigated, not that any kind of damage or blame would be assumed.

Ms. Brassfield said that some of the biggest changes made were in the education requirements, which allows for coroners and up to two deputies to be reimbursed from the Association from funds received from death certificates.

Senator Grow asked if the coroner is always an elected job and Ms. Brassfield confirmed that it is. Senator Grow asked regarding any disadvantage to a new person who is not certified and trying to seek the position. Ms. Brassfield said that the draft states that all newly appointed coroners should attend school within one year of taking office.

Representative Pickett asked if a different policy point was forthcoming regarding jurisdiction of unattended bodies. Mr. Danner said that will be looked at in the future as the effects on other agencies needs to be examined.

Representative Berch asked if there was a dollar amount for how to adequately fund and maintain resources for coroners. He encouraged the organization to come back to the legislature with what is needed. Mr. Danner responded that it may not be as simple as a dollar amount, but they are looking at how to better facilitate each individual counties' needs.

Senator Wintrow asked Mr. Danner to speak about the process of working on the draft and his vision for the future. Mr. Danner spoke about figuring out what is needed and how to prioritize. He spoke about working with coroners across the state to find about their differing needs. He emphasized looking at realistic potential solutions. Senator Wintrow asked if there was a commitment for the group to continue to work with legislators to improve the system. Mr. Danner responded that the legislative committee was put together by the Association for this purpose. They are trying to build a foundation that also puts Idaho in line with national standards. Senator Wintrow encouraged Mr. Danner to contact members of the committee for help, especially as they look for sponsors for legislation this year.

Child Welfare, Medicaid Rate Setting, Direct Care Workforce, and Idaho Health Data Exchange Updates

Director Langrill gave a brief overview of the findings for the seven OPE reports that Director Adams would be providing updates on. OPE has released four reports and two whitepapers on the child welfare system, two reports on Medicaid, and one report on the Idaho Health Data Exchange.

Representative Pickett welcomed Department of Health and Welfare (DHW) Director Alex Adams and congratulated him on his new position.

Director Adams said the department had reorganized anything related to children, youth, or family services into a new wing of the department called Child, Youth, and Family Services, directed by Monty Prow. Director Adams pointed out the Legislative and Regulatory Affairs Division, headed by Jared Larsen. Mr. Larsen will be the face seen in Legislative sessions and Director Adams encouraged the committee to keep Mr. Larsen's email handy for any questions for the department.

Director Adams referred to the handout titled The Journey for Idaho Youth Achieving Safety and Permanency, noting that it was a way for him to start mapping out interventions and solutions. He said the leadership team is working on a Wildly Important Goal to double the rate of foster families relative to the number of foster kids. He provided details about the need to improve the ratio of foster homes to foster children and how the department is working toward this goal. He emphasized that reunification at all costs is not the goal – permanency is the goal.

Director Adams said they are trying to improve the culture of the department and moving from minimum to maximum transparency in child welfare cases. Recognition is another focus to help with retention. All divisions in the department should have a goal that connects to the overall focus of the Wildly Important Goal.

Representative Pickett asked about the Direct Care Workforce OPE report and if there would be any focus in that area. Director Adams said that they are focusing on a singular Wildly Important Goal, though that's not to say the other stuff doesn't matter. This still need to happen on a daily basis and there are many other initiatives going on, but the leadership team is focused on child welfare as the area where they can have the biggest ROI.

Representative Redman asked for more details on the prevention side. Director Adams introduced Deputy Director Monty Prow to speak to his prevention playbook developed while working in Juvenile Justice. Mr. Prow said research shows that prevention and intervention is the way to go. There is a need for specialists to provide direct delivery of service to kids or parents, depending on need.

Senator Grow encouraged the department to look at their potential savings and include that in their presentation to JFAC.

Senator Wintrow spoke about the nexus of foster kids and kids with developmental or other disabilities and said that it was her belief that we are not doing a good enough job as a state to work with those really hard cases. She said she is seeking solutions for the state's responsibility in meeting the needs of families who have children with complex needs and are being left behind in the foster system. Director Adams said they are making efforts to expand congregate care, such as the Payette Assessment Center, which the department now runs.

Representative Berch said that while he appreciated the focus on efficiencies and cost savings, additional investments are needed for population needs. He encouraged the department to include a holistic view of their budget and the cost of those investments not being made. He

noted that if JLOC or OPE could assist in helping to analyze long term cost savings, he would welcome such a proposal in the future.

Director Adams then spoke about the other three OPE reports. He said that they terminated their agreement with the Health Data Exchange on June 30th. For Medicaid, the department requested 60 FTP and was appropriated for 24.5 FTP, which are due to be posted in the coming week. For direct care, the department has done rate increases during the last fiscal years (2022-2024), one of which was passed on to the direct care workforce. The department did a rate review for one of the providers and found that 20 percent of funds were potentially misappropriated instead of being passed on directly. The department started working with JFAC at the end of last session for possible policy solutions.

Representative Pickett thanked Director Adams and commented that he was concerned about consequences in regard to other needs and asked the director to address that. Director Adams said that an intense focus in one area doesn't minimize the contribution of any other area.

Representative Berch asked if it would be appropriate to direct OPE to do a follow-up at a future time to determine the impact of the rate increases. Director Langrill commented that OPE doesn't have excess capacity at this time, but the committee could prioritize this as a next step. He said that OPE currently has 14 open reports and would like to work with the committee to help prioritize according to OPE's capacity. Representative Pickett asked if the committee wanted to take up the motion.

Representative Berch moved to have OPE conduct a follow-up report at a time determined by OPE to be most opportunistic given the resources they have. Senator Wintrow seconded the motion.

Senator Grow encouraged the committee to be sensitive to OPE's workload and not overcommit them. Senator Wintrow commented that she felt better about the motion when Representative Berch clarified his motion, since there is discretion and not a mandate.

The motion passed by voice vote.

The committee went into break and reconvened at 2:26 p.m.

Managing Correctional Capacity report

Director Langrill provided a brief overview of OPE's Managing Correctional Capacity report.

Representative Pickett welcomed Josh Tewalt, Director of the Idaho Department of Correction.

Director Tewalt provided an update since the release of the report, taking into consideration the impact of COVID. Since the report was issued, the department will be adding roughly 2,000 new beds added to correctional capacity. In staffing, positions called Correctional Administrative Technicians have been added to do other functions that will free up security staff.

Director Tewalt spoke about the report's focus on long-term forecasting. He said that it is a mixed bag and forecasts can be misleading. The department is working with a nonprofit tech company called Recidiviz to help anticipate changes in policy and practice in the long term.

Representative Berch asked how many people are being incarcerated out of state versus in Idaho since this report. Director Tewalt answered that there are about 658 today. He said that the capacity increases in progress right now will be sufficient to manage the sentence population all in-state. Representative Berch asked about the timeframe for this and Director Tewalt said 24 to 36 months.

Representative Berch asked about the discussion six years ago regarding building a new state prison and if that still needed to be done. Director Tewalt said that he thought it would be a mistake to build a large prison and compared it against the department's current approach.

Representative Berch asked if Director Tewalt had any recommendations about sentencing reforms. Director Tewalt said there are many decision makers in the process and his role is to try to get people back to the community as safely as possible.

CNA advisory group

Representative Pickett asked for any representatives of Director Secrist. Finding none, he moved to the next agenda item.

OPE budget for fiscal year 2025

Director Langrill spoke about OPE's fiscal year 2025 that had just closed, noting that most costs were in personnel. Some consultants were hired to offset capacity issues, requiring a transfer of about \$10,000 from the personnel to the operating budget, making the operating expenses slightly higher than the original appropriation. The upcoming OPE budget submission for fiscal year 2026 is a maintenance budget. Director Langrill noted that he wanted to keep the committee informed of OPE's budget submission plans and would be happy to speak with members about any specific expenses. Representative Pickett said that no action was needed on the budget, to which Senator Grow provided a double positive gesture.

Director Langrill said that the Luma report should be ready at the beginning of October and hoped the committee is available for another meeting for its release. He noted he looked forward to working with committee and noted that the permanent director would be hired in November.

Representative Pickett adjourned the meeting at 2:54 p.m.