

Minutes of the Joint Legislative Oversight Committee

June 6, 2025

EW42, Capitol, Boise, Idaho



Representative Jordan Redman, presiding cochair

Committee members in attendance: Senators Melissa Wintrow (cochair), C. Scott Grow, Representatives Jordan Redman (cochair), Douglas T. Pickett, Ilana Rubel, and Steve Berch. Also present were Ryan Langrill, Director of the Office of Performance Evaluations; and Office of Performance Evaluations (OPE) staff.

Audience members in attendance included the following: Monty Prow, Laura Stute, and Sasha O'Connell

Representative Redman called the meeting to order at 9:04am.

Coroners update

Kelli Brassfield, Policy Advisor for the Idaho Association of Counties, and Senator Wintrow provided an update on the legislation inspired by the County Coroners report. The Governor requested that the subcommittee address the issues outlined in the report. Ms. Brassfield and Senator Wintrow are chairing the subcommittee, which is focusing on confidentiality and security.

Representative Berch asked if any budget requests will be made in the next session. Ms. Brassfield said they are looking into it. Senator Wintrow commented about her excitement about the committee. Berch commented that the estimated needed resources should be sent as soon as possible for the legislature. Ms. Brassfield acknowledged this and noted the complex process of determining funding.

Report presentation: *State Oversight of Children's Residential Care*

Representative Rubel moved that the committee release the OPE report *State Oversight of Children's Residential Care*. Representative Pickett seconded the motion and it passed by unanimous voice vote.

Director Langrill introduced the report and acknowledged work done by the Department of Health and Welfare (department) in response to previous OPE reports. He also spoke about the impact of recent changes at the department.

Mackenzie Moss, Senior Evaluator, Lauren Bailey, Principal Evaluator, and Tasha Schreiter, Performance Evaluator, presented the findings and recommendations of the report.

Representative Rubel asked about the recommendation for a centralized investigation system. Ms. Moss explained that the specific recommendation was to have an entity assigned to investigate abuse. Whether the entity was in or out of the department is a legislative decision. Some states use their licensing staff and others have an equivalent entity outside of their department. She noted that investigation is a potential role for the Health and Social Services Ombudsman. Senator Wintrow noted the Caregiver Misconduct Registry workgroup, mentioning that this report was an opportunity for collaboration. Senator Grow added that there needs to be one entity in charge of investigation.

Senator Wintrow asked about Licensing's use of the new risk assessment matrix and what the majority of violations at facilities were for. Ms. Moss said that the five most common administrative rule violations were related to staff training, documentation of medication management, personnel records, compliance with background checks for staff, and documentation of medication changes. The matrix assigns a risk level to each violation, which helps Licensing make enforcement action decisions. Senator Wintrow asked about Licensing's follow-up process. Ms. Moss said when there is a plan of correction, facilities are required to document changes and Licensing reviews them.

Representative Berch asked if COVID was a factor in enforcement actions. Ms. Moss said that while Licensing's day-to-day operations were impacted, COVID did not seem to impact any enforcement actions based on the data sample reviewed by the team (2016-2024).

Senator Wintrow asked if the state had a formal assessment process for the best placement of children. Ms. Bailey said that this assessment is not formally tracked for all children. Representative Berch asked about the specific goal of shutting down short term rentals, wondering if due diligence was used to determine where children were moved. Ms. Bailey responded that OPE tried to determine this, but it was difficult due to the changes in foster care availability and the inconsistent tracking of placement reasons. Representative Berch asked if financial considerations were a factor. Ms. Bailey said there are not any financial incentives or disincentives for placements. Representative Redman asked about how short-term rentals were staffed. Ms. Bailey answered they were staffed by department or contracted staff.

Representative Berch asked if it was common for other states to place children in out-of-state facilities. Ms. Schreiter answered that this is common, since not every state will have a facility that can meet specific needs. Representative Berch asked if children from other states come to Idaho. Ms. Schreiter said yes, but they were unable to track data from other states.

Representative Pickett asked if contract monitors are employed by the state. Ms. Schreiter confirmed that monitors are employed by the department, and that Idaho employees are overseeing out-of-state contracts. Representative Pickett asked if monitors communicate with their assigned child by traveling or calling. Ms. Schreiter said monitors do physically travel out of state, but some visits are conducted virtually.

Deputy Director Monty Prow of the Department of Health and Welfare expressed gratitude to JLOC and to OPE for their work. He said they agree with all the recommendations in the report

and are working to implement them. He noted the improvements already made in reducing the number of children who are in congregate care in- and out-of-state, which is primarily due to the increase in foster families.

Representative Berch asked why there is not a psychiatric care facility in Eastern Idaho. Deputy Director Prow said a facility in southeast Idaho will open in about a year. Representative Berch asked if kin are always the preferred placement or if an assessment takes place. Deputy Director Prow responded there is always a background check and the department has introduced kin-specific licensing for foster care. Representative Berch asked if the department would need more staff to implement the report recommendations. Deputy Director Prow said a significant number of resources have been applied to this area already, so it is probably too early to tell. There are 63 new employees dedicated to prevention work. Representative Berch recommended the department ask JFAC for any needed resources.

Senator Wintrow asked Deputy Director Prow to speak directly to the report recommendations, to explain how the department is coordinating with Magellan, and for his thoughts on the Caregiver registry. Deputy Director Prow spoke about a recently developed process for tracking child needs. He said he would like to invite others who specialize in the topic to speak about Magellan in a future update. He noted that improvements to the contract monitoring process were in progress.

Senator Wintrow asked for more information on how the department will work on the abuse investigation situation, which is at the heart of this report. Deputy Director Prow said there is a focus on being proactive rather than reactive. Senator Wintrow asked about the recommendation for communication protocols. Deputy Director Prow said they are working on it, but noted the difficulty in addressing the variety of potential situations. Senator Grow commented that the lack of a directly responsible entity for youth in care may be a legislative issue rather than an issue for the department to address.

Senator Wintrow made a motion that the department provide a progress update to JLOC in September 2025. Representative Pickett seconded and the motion passed without debate.

Trevor Sparrow, the Health and Human Services Ombudsman, expressed his appreciation for the report. He said his office is working to finish developing their policies. He said the office is ready to help the department with the development of a bill of rights for youth in facilities and an abuse investigation process. He noted the office's small staff as a concern.

Senator Wintrow made a motion that the ombudsman office also report progress to the committee in September 2025. Representative Rubel seconded and the motion passed without debate.

Project updates

Director Langrill provided an update on the following OPE reports and the estimated release schedule: 911 Emergency Communications System, Idaho Home Learning Academy, Career Technical Education, and State Workplace Facilities.

Representative Berch asked if the 911 report will look at how other states operate their 911 systems. Director Langrill said the report would. Representative Berch asked if funding concerns would be addressed in the Idaho Home Learning Academy report. Director Langrill said the report would go in depth on the Home Learning Academy.

Representative Berch asked if any other meetings are planned in the interim. Director Langrill said there will be a meeting in September for the updates from the department and ombudsman. He said there may also be a meeting to release one of the reports.

Representative Redman adjourned the meeting at 10:53 am.