

Minutes of the Joint Legislative Oversight Committee

February 6, 2017

Room EW 42, Capitol, Boise, Idaho



Cochair Representative Mat Erpelding called the meeting to order at 3:00 p.m. Attending the meeting were Senators Cliff Bayer (cochair), Mark Harris, Michelle Stennett, Cherie Buckner-Webb, and Representatives Maxine Bell, Caroline Nilsson Troy, and Elaine Smith. Also present were Rakesh Mohan, director, Margaret Campbell, administrative coordinator, and other OPE staff. Audience members included the following:

Senators Brent Hill, Bert Brackett, Abby Lee
Representatives Christy Perry, Eric Redman, Melissa Wintrow, Sue Chew
Richard Armstrong, Director, Department of Health and Welfare
Matt Wimmer, Medicaid Administrator, Department of Health and Welfare
Bill Leake, Chair, Idaho Association of District Boards of Health Trustees
Maggie Mann, Director, Southeastern Idaho Public Health
Geri Rackow, Director, Eastern Idaho Public Health

Approval of committee minutes

Senator Buckner-Webb moved to approve the minutes of the meeting on December 12, 2016. Senator Harris seconded the motion, and it passed by voice vote.

Report release: *Child Welfare System*

Senator Bayer moved to receive the report *Child Welfare System*. Senator Stennett seconded the motion, and it passed by voice vote.

Cochair Erpelding asked for a motion to release the follow-up report in the event JLOC did not have a quorum later in the meeting.

Senator Buckner-Webb moved to receive the follow-up report *Distribution of State General Fund Dollars to Public Health Districts*. Senator Stennett seconded the motion, and it passed by voice vote.

Cochair Erpelding called on Rakesh to introduce the report. Rakesh thanked the Department of Health and Welfare, Idaho Courts, prosecutors, public defenders, court-appointed special advocates, and especially foster parents and social workers. He said the report was requested by Representatives John Rusche, Christie Perry, and Mike Moyle.

Lance McCleve and Amanda Bartlett, principal evaluators, summarized the findings and recommendations of the report. Lance said that gaps in placement services, program capacity, organizational culture, and system-level oversight prevent the state's child welfare system from performing at the high level of expectation set through policy making and program design processes.

Lance said that despite collaboration and multiple forms of accountability, the child welfare system lacks system-wide accountability and oversight. Addressing complex, entrenched

problems of child welfare requires a systems approach with ongoing system-level oversight. He recommended the formation of a formal, system-wide oversight entity with authority to ensure ongoing accountability, visibility, and accessibility for all child welfare partners and stakeholders.

Amanda said a worsening shortage of foster parents threatens the fidelity of child welfare system. Placing children in their community, with their siblings, and within their culture is becoming harder to accomplish with fewer parents. Consequently, more children and youth spend nights in the office or are placed in group homes. In addition, foster parents are being asked to stretch their preferences and capacity. Foster parents are leaving the program faster than Child and Family Services can recruit new foster parents.

Amanda said that compromised performance and a persistent expectation gap are the effects of excessive workloads among social workers. Evaluators estimated social workers carry on average 28–38 percent more cases than what program managers, supervisors, and social workers believe social workers can carry while still serving every case effectively. Additional staff will likely improve workloads, but alone, is not enough. Workload should be addressed by examining processes, expectations, documentation, technology, and other requirements for opportunities to improve efficiency.

Amanda said the organizational culture in Child and Family Services is undercut by a constant feeling of crisis. Social workers' belief that they cannot consistently meet requirements and quality expectations has led to a culture of compromise in which poor performance is explainable, excusable, and expected; a condition that critically undermines meaningful accountability.

Cochair Erpelding asked whether research demonstrated anything that would help improve social workers' accountability on the ground. Lance said supervisors were tasked with the responsibility to ensure that cases went well and social workers were held accountable. When supervisors do well, accountability on the ground also does well.

Representative Troy asked about ensuring the accountability of parent recruitment plans and measuring the success of those plans. Lance said her question was at the core of the issue and the main message of the report. The state could ensure accountability and success by looking to all areas of the child welfare system, including accountability in Child and Family Services and with other stakeholders. This accountability could be achieved with an oversight entity that looks at reports to see what is happening on the ground.

Representative Troy asked whether social workers' workloads were different by region. Lance said he did not see significant differences and described a large-scale assessment by the Department of Health and Welfare to equally distribute staff among regions.

Senator Buckner-Webb asked about findings of excellence that could be replicated in other areas of the system. Lance said he had seen excellence all over the system. With reference to organizational culture, staff were working hard and doing the best with what they had. Amanda said an effort in northern Idaho helps children transfer out of foster care and get into college. In eastern Idaho, a program manager was thoughtful and insightful about learning processes and permanency selection. She said that social workers generally meet the targets set for federal performance measures in performance improvement plans.

Representative Smith referred to the effect of turnover on existing staff. She asked if Idaho had a shortage of social workers. Lance said rural areas have trouble finding social workers.

Representative Troy asked about foster parents being in line to adopt and then being removed from the adoption plans. Lance said this problem related to the organizational culture of Child and Family Services. Through survey questions, he was able to determine that stakeholders had different priorities of the child welfare system, and differences in priority showed up as disagreements with Child and Family Services. The problem could be improved with better communication from Child and Family Services. Amanda said she heard frequently three complicating factors that increase conflict: (1) the Indian Welfare Act, (2) the placement of infants, and (3) permanency selection to out-of-state family members.

Representative Troy said that foster parents cited being bewildered about children in their care being sent home or sent to another family member with no understanding of why the change was made. To address this bewilderment, Lance said he made recommendations for correcting the organizational culture in Child and Family Services, which would improve relationships with foster parents. He said his recommendation for system-wide oversight could establish explicit expectations and priorities for the protective system.

Representative Bell asked whether Child and Family Services had sufficient reason for moving children and youth out of one foster home and into another. Lance said that data collection for movement had recently changed, making analysis difficult. To better understand the problem, he surveyed foster parents with questions about movement. Many foster parents indicated they had requested movement because of behavioral issues. Another reason for movement was to put siblings together in the same household. Also, social workers may initially push a foster parent to take more children, and those children would eventually need to be moved to a more permanent home.

Senator Harris asked whether licensing rules was an impediment to foster parents. Did the process need to be changed? Lance said he did not directly look at that question.

Rakesh said the office had seen positive spots in the child welfare system. As he talked with Lance and Amanda throughout the evaluation, they indicated the passion and commitment of two parts of the system: foster parents and social workers. Rakesh said the recommendation of a system oversight entity would help both groups to have better relationships and empower them in helping children.

Cochair Erpelding extended an invitation to the Governor's office to speak to the report.

Cochair Erpelding invited Richard Armstrong, Director, Department of Health and Welfare, to speak to the report. Mr. Armstrong said his staff had engaged openly with honest statements about the system. The results were clear that something needed to be done about basic resources. He said he had asked for six full-time equivalent positions this year, and until staffing levels were up, all other efforts would not be able to get the system where it needed to be.

Cochair Erpelding asked Mr. Armstrong what could be done to empower managers to help social workers. Mr. Armstrong said the agency had put forth effort and would need to put forth more effort toward this emotionally charged issue. He would also put more effort on training.

Cochair Erpelding extended an invitation to Idaho Courts to speak to the report.

Cochair Erpelding thanked Lance and Amanda for their report. He asked Rakesh to speak to further action. Rakesh said the office had made several recommendations in the report and the committee may want to have a follow-up in a year.

Senator Bayer moved to request a follow-up report in approximately one year. Representative Bell seconded the motion, and it passed by voice vote.

Report update: *Design of the Idaho Behavioral Health Plan*

Cochair Erpelding called on Matt Wimmer, Administrator of Medicaid. Mr. Wimmer said he had contracted with Oregon Health Science University's Center for Health System Effectiveness to evaluate whether inpatient services should be included in the Idaho Behavioral Health Plan. The department's evaluation had recommended pursuing opportunities for integration, such as transitioning inpatient care delivery to prospective payment or shifting to a coordinated care model. Mr. Wimmer said Medicaid had taken some steps under the existing contract to work together for better care coordination, better information, rapid response from providers, and establishing regional care networks to create a fully integrated model of care.

Cochair Erpelding called on Ryan Langrill, senior performance evaluator and team member of the report *Design of the Idaho Behavioral Health Plan*. Ryan said that Medicaid had taken a step toward making deliberate, informed decisions using third party expertise and a measurement of outcomes based on industry standards that can be used as a benchmark for performance of care.

Senator Bayer moved to request a follow-up report in approximately one year. Representative Troy seconded the motion, and it passed by voice vote.

Follow-up report release: *Distribution of State General Fund Dollars to Public Health Districts*

Bryon Welch reviewed the implementation of recommendations by the Trustees of the public health districts. He said the Trustees had completed one recommendation to periodically review indirect cost rates, and they were in process of completing two more recommendations: (1) establish formula objectives and (2) phase in future changes to the formula over several years. Three recommendations saw no change: (1) the Trustees' elimination of county contribution weights, (2) the Legislature's creation of separate funding for regulatory, fee-based programs, and (3) the Legislature's commission of a study to better link funding to program need.

Cochair Erpelding invited Bill Leake, chair of the Idaho Association of District Boards of Health Trustees. Mr. Leake said he had just been appointed chair and recognized the significance of this challenge. The Trustees would meet tomorrow to discuss the formula.

Representative Bell acknowledged that these things took time. She asked about the Trustees' timeframe. Mr. Leake said the Trustees have agreed to meet quarterly face-to-face. At the center of their discussion would be the question of fairness and equity. He would start with what services and programs were not being funded in each district and the cost of those programs. The process would take a few years. He said the formula was supposed to be simple, but there was nothing simple about providing health services across the state.

Representative Troy asked about the cost to subsidize regulatory fees at the expense of crises in the state, such as suicide rates. She said district 1 was showing great leadership. Mr. Leake said the Trustees would look at the funding formula and fees for services. He hoped to have recommendations next year.

Rakesh suggested closing the report because OPE had addressed the work it could. He recommended that the public health districts update the committee in one year.

Senator Bayer thanked Mr. Leake for his comments and said he was not sure JLOC could make a request to have districts report back to the committee.

Senator Bayer moved to close the report. Senator Harris seconded the motion, and it passed by voice vote.

Other business

Rakesh said the next meeting was tentatively planned for the end of February or first week of March to release a report on Public Law 280.

The meeting adjourned at 5:04 p.m.