

MINUTES

CHILD WELFARE SYSTEM TASK FORCE

December 4, 2018
Room 582-N—Statehouse

Members Present

Senator Vicki Schmidt, Chairperson
Representative Erin Davis, Vice-chairperson
Senator Laura Kelly
Representative Linda Gallagher
Representative Jarrod Ousley
Dr. Linda Bass, Representative of KVC Kansas (substituting for Lindsey Stephenson)
Gail Cozadd, Kansas Children's Service League
Mickey Edwards, State Director, Court Appointed Special Advocates
Serena Hawkins, Guardian *ad litem*
Alicia Johnson-Turner, member, Citizen Review Board
Honorable Jeffrey Larson, District Court Judge
Patricia Long, Prevention and Protection Services Director, Department for Children and Families
Rachel Marsh, Saint Francis Community Services
Gina Meier-Hummel, Secretary for Children and Families
Katherine Melhorn, M.D., Child Death Review Board
Sergeant David Ohlde, Assistant Chief, Marysville Police Department
Mary Tye, Vice-president, Kansas Foster and Adoptive Parent Association

Members Absent

Senator Ty Masterson—Excused
Sandra Lessor, Assistant District Attorney, Sedgwick County—Excused
Lindsey Stephenson, Representative of KVC Kansas—Excused
Ashlyn Yarnell, family law attorney—Excused

Staff Present

Robert Gallimore, Kansas Legislative Research Department
Iraida Orr, Kansas Legislative Research Department
Amy Deckard, Kansas Legislative Research Department
Ashley Stites, Kansas Legislative Research Department
Kyle Hamilton, Office of Revisor of Statutes
Nick Myers, Office of Revisor of Statutes
Scott Abbott, Office of Revisor of Statutes
Gary Deeter, Committee Assistant

Conferees

Sarah Irsik-Good, MHA, Kansas Foundation for Medical Care
Susan Fout, Deputy Secretary for Aging and Disability Services
Gina Meier-Hummel, Secretary for Children and Families

Others Attending

See [Attached List](#).

Tuesday, December 4
All Day Session
Room 582-N—Statehouse

Call to Order and Welcome

The Chairperson called the meeting to order at 9:02 a.m. and welcomed members, conferees, staff, and audience members. She noted the Task Force has been meeting regularly for 18 months and today is its final meeting.

Update: Psychiatric Residential Treatment Facilities (PRTFs)

The Chairperson welcomed Sarah Irsik-Good, MHA, Kansas Foundation for Medical Care (KFMC); Ms. Good reported on the findings of the KFMC audit of the procedures used by the managed care organizations (MCOs) to determine admission of young people into psychiatric residential treatment facilities (PRTFs). She explained that an external validation audit provides an independent, external review to assure the quality of surveillance, monitoring, and reporting that MCOs send to the Kansas Department of Health and Environment (KDHE) and Kansas Department for Aging and Disability Services (KDADS).

Ms. Good briefly explained KFMC's qualifications for conducting the audit and the professional composition of the PRTF validation team. The audit used a targeted sample to assess 200 PRTF admission requests previously audited by KDHE and KDADS and determined to be 100 percent appropriate based on the MCOs' established criteria for medical necessity. KFMC validated the targeted samples audited. She commented the term "medical necessity" is the basis for determining admission, and she observed the term indicates no community services are available to meet the medical needs of an applicant. She noted each MCO uses different guidelines for determining medical necessity, but all guidelines were evidence-based and approved. She said the targeted sample included 20 denials and 20 approvals ([Attachment 1](#)).

Responding to a member's series of questions about the breadth of the audit, Ms. Good replied the audit was limited in scope to medical necessity review.

Susan Fout, Deputy Secretary for Aging and Disability Services, provided follow-up information regarding the KFMC audit. She reported there are 282 licensed beds with a current census of 258 and 140 individuals on a waiting list for admission into a PRTF. She stated, although a new facility will open in Wichita in 2019, the agency still lacks capacity.

Members expressed frustration that KDADS has not addressed members' concerns about the critical social and medical needs of many young people in the system. Ms. Fout responded to members' questions:

- There are limited community options for those who would qualify for admission into a PRTF;
- Some youth who could qualify for admission are in foster care, others remain in their homes, and some are stranded in a PRTF awaiting completion of a discharge plan; and
- A facility in Atchison might be renovated into a PRTF; KDADS is considering it as a possibility.

Gina Meier-Hummel, Secretary for Children and Families, commented that because PRTFs are private facilities, any attempts to bring one online requires significant up-front costs. A member suggested the State may not have fully explored federal funding availability. Another member stated Kansas government is failing its needy young people. Secretary Meier-Hummel reported the Department for Children and Families (DCF) has addressed funding by providing adjusted reimbursement rates to those that offer specialized care and additional services. She said that together with more targeted recruitment, the agency hopes to add 50 more beds within the next 2 months, thus stabilizing placement.

Further discussion centered on Temporary Assistance for Needy Families (TANF) and its impact on foster care. A member recommended returning TANF payments to its pre-2011 eligibility standard. Secretary Meier-Hummel noted DCF has begun directing staff assignments to address special-needs individuals and establishing wrap-around services for young people.

Responding to a question regarding the TANF reserve, Dan Lewien, Director of Financial Services, KDADS, replied that currently TANF will have \$57.0 million in reserve by the end of 2018; the agency receives \$101.0 million each year. Currently, the state is spending about \$7.0-8.0 million per year more than the grant it receives, and thus the reserve is projected to be spent down in about seven years.

Update: Department for Children and Families

Secretary Meier-Hummel updated the Task Force on a variety of pending issues. She reported several improvements are producing positive results, then noted areas of continued focus ([Attachment 2](#)). She stated that as of December 3, 2018, 16 youth are still missing, but no children have been forced to sleep in agency offices since September 20. She noted maps outlining the family preservation and foster care catchment areas for the new grants and contracts ([Attachment 3](#)), and she referenced DCF responses to the working groups, responses that specifically address the fiscal impact and policy references to working group recommendations ([Attachment 4](#)).

Secretary Meier-Hummel announced new service providers will enable DCF to strengthen community services and offer more comprehensive plans. She said she will limit the number of youth under each provider, will emphasize continuity of services, and will create adequate placement options. She noted DCF is on track to finalize 1500 adoptions this calendar

year, twice the number from the previous year; her goal is working to shorten the time for adoptions. She also noted the federal Family First preservation initiative will provide services for the entire state.

Secretary Meier-Hummel responded to members' questions:

- DCF is working to develop a new grant structure to include accountability (performance incentives and penalties), case management, and financial oversight; and
- Grants and contracts with providers are compliant with the Kansas Department of Administration contract strictures but are prepared by DCF.

Georgianna Correll, KDADS Budget Director for Financial and Information Services, responding to a PRTF question, replied that KDHE licenses the providers' beds, but KDHE does not dictate number or utilization of the beds. Ms. Fout added that each PRTF decides how many beds to make available. A member commented reimbursement rates and procedures do not offer incentives to stay open. Another member added the staffing turnover rates create a major problem for PRTFs.

Discussion and Finalization of Task Force Recommendations and Report

The Chairperson praised members of the Task Force and the Working Groups for their thorough work and for their insightful recommendations. The Chairperson outlined the process for approving the draft recommendations, which had been organized into three tiers according to levels of priority: each draft recommendation would be individually considered for any further changes and then deletion or approval ([Attachment 5](#)). The Chairperson then guided the Task Force through consideration of each draft recommendation, with the following results.

Tier One

1. Workforce. Approved.
2. Data Infrastructure. Secretary Meier-Hummel explained that the data programs will be implemented in stages, with funding of \$1.25 million in FY2020 and \$18.5 million over the next three years. Approved.
3. Family First Act. A member asked for assurance that all available federal funds had been considered. Secretary Meier-Hummel noted the Act focuses on family preservation. Approved.
4. Access to Care. Members discussed the scope of the term "high-risk" in the recommendation. After much discussion, members agreed to add the term "Medicaid eligible," and change the word "and" to "or." Approved.

Tier Two

5. Foster Care Re-entry and Transitional Services. Approved.

6. Service Setting. Approved.

7. Reintegration Support. Approved.

8. Foster Homes. Approved.

9. Analysis of Service Delivery. Approved.

10. Safety Net, Early Childhood Programs, and Early Intervention. Members discussed funding issues. A member suggested returning TANF funding to its pre-2011 levels. Another member questioned why the recommendation included only government-funded support. A member of the Working Group explained the term “concrete supports” generally refers to a “hard good” such as food, clothing, or housing. Members agreed to remove “government-funded” from the recommendation and add an “additional consideration” to the report for legislative consideration of restoration of TANF eligibility to pre-2011 levels. Approved.

11. Information Sharing. Since stakeholders in the Kansas City area often share information, a member suggested adding the phrase “irrespective of state borders” and removing the phrase “regarding confidentiality.” Members agreed with these changes. Approved.

12. Non-Abuse Neglect. This recommendation prompted extensive discussion and debate. Ultimately, members agreed to:

- Remove the portions of this recommendation regarding non-abuse neglect, as well as the phrases “high-risk” and “fully funded”;
- Create a fifth Tier 1 recommendation for a Judicial Council study of the Code for Care of Children, especially the non-abuse neglect issue and the best interests for permanency issue from the draft Recommendation #24; and
- Remove draft Recommendation #24 as a standalone recommendation.

13. Adoption Process. Members reviewed the October discussion regarding this recommendation and agreed to change the recommendation title from “Adoption Process” to “Relative Search.” Approved.

Lunch

The Chairperson recessed the meeting at 11:55 a.m. The meeting resumed at 1:35 p.m.

Approval of October 22, 2018, Task Force Minutes

The Task Force minutes for October 22, 2018, were approved. (Motion by Representative Davis and seconded by Gail Cozadd.)

Continuation of Discussion and Finalization of Task Force Recommendations and Report

Tier Three

Members continued their discussion of each of the Task Force recommendations.

14. Immediate Response. Approved.

15. Front-End Staffing. Members agreed to delete the word “only.” Approved.

16. Case Plans. In response to a member’s question, Hina Shah, Kansas Health Institute, noted there are many stakeholders that may participate in case planning, some of whom participate without reimbursement. A member commented that providing reimbursement increases stakeholder participation. Members agreed to remove “and provide reimbursement to required participants” and allow reimbursement to be considered as part of the restructuring of the process. Approved.

17. Post-Adoptive Support. Approved.

18. Maximizing Federal Funding. Approved.

19. Resources and Accountability. Members requested Ms. Shah submit language drawn from the supporting strategies for this recommendation to provide more specificity. Approved.

20. Serious Injury Review. Approved.

21. Court Appointed Special Advocates (CASA). Answering a question, a member replied that currently there are 23 CASA programs serving 25 judicial districts in 72 of 105 counties. Approved.

22. Physical Access. Responding to a question about the background of the recommendation, members replied the recommendation addresses needs of newborns and infants who are removed from the home, as well as transportation needs. Costs are mostly met through a case management grant. Approved.

23. Child Advocate. Members discussed the recommendation extensively. Discussion points included:

- The recommendation should be given to the Judicial Council for their consideration;
- The recommendation is duplicative with services provided by DCF through the agency’s Advisory Board, and it fractures DCF authority;
- An entity other than DCF offers an additional perspective; and

- Ms. Shah noted that even if the recommendation is not approved by the Task Force, the legislature can review the recommendation and strategies in the Working Group report.

The Chairperson requested the Task Force vote on whether to retain the recommendation. The result of the vote was to remove the recommendation.

24. Modifications to Code for Care of Children. See discussion and decision regarding Recommendation #12.

The Chairperson requested the Task Force vote to approve the entire set of recommendations, as changed during the discussion, with leeway for the language to be submitted by Ms. Shah as requested for Recommendation #19. Members agreed by voice vote to approve the recommendations with the stipulations stated by the Chairperson. Senator Kelly abstained.

Other Matters

Chairperson Schmidt expressed gratitude and praise for the time, expertise, and contributions of Task Force members. She noted the diverse qualifications and insights provided by members. She praised Ms. Shah for her comprehensive coordination of the working groups. She thanked Representative Gallagher, Senator Kelly, Representative Davis, Representative Ousley, the conferees and audience, and the staff. Representative Gallagher expressed gratitude for the Chairperson's leadership and reminded members of the original vision and determination of Representative Steve Alford to improve the welfare of Kansas children.

Adjourn

The final meeting of the Task Force was adjourned at 2:26 p.m.

Prepared by Gary Deeter

Edited by Robert Gallimore

Approved by the Committee on:

January 11, 2019

(Date)