

**JOINT PERFORMANCE REVIEW COMMITTEE
FEBRUARY 25, 2016
MINUTES**

The Joint Performance Review Committee met at 10:00 a.m. on Thursday, February 25, 2016 in Room A, MAC Building, Little Rock, Arkansas.

Committee members present: Senators Alan Clark, Co-Chair, Ronald Caldwell, Linda Collins-Smith, Joyce Elliott, Bart Hester, Missy Irvin, and Terry Rice. Representatives Kim Hammer, Co-Chair, Scott Baltz, Charlene Fite, Mickey Gates, Mary "Prissy" Hickerson, Josh Miller, Micah Neal, Milton Nicks, Jr., Dwight Tosh, Dave Wallace, and David Whitaker.

Other legislators present: Senators Jonathan Dismang, Greg Standridge, and Jon Woods. Representatives Jim Dotson, Charlotte Douglas, Sheila Lampkin, David Meeks, Betty Overbey, Mathew Pitsch, James Sorvillo, and Marshall Wright.

Call to Order

Representative Hammer called the meeting to order.

Approval of Minutes – February 11, 2016 [Exhibit C]

A motion to approve the minutes of the February 11, 2016 JPR committee meeting was made by Representative Baltz and seconded by Representative Tosh. The motion carried.

Continued Discussion of Methods and Options to Improve Efficiency, Accountability, and Transparency in State Government and Foster Better Communication Between Agencies and Their Employees [Exhibit D, D-1]

Representative Hammer recognized Dr. Michael Lauderdale, Principal Investigator, and Dr. Noel Landuyt, Director, Institute for Organizational Excellence (IOE), University of Texas at Austin. Dr. Lauderdale told legislators the Institute was created in 1979 in Austin, Texas to research the efficiency of state government. The Institute conducts research in 35 states and for 130 state agencies. The Institute surveys ¼ million government employees each year. Research is performed using an employee engagement model to determine efficiencies and effectiveness of agencies, provide benchmarking comparisons, and measures for the entire state. Dr. Landuyt outlined how the process could work in Arkansas:

- The Institute would identify partners; universities, state agency directors, and key liaisons within state agencies
- A local partner would work specifically with the state agency
- The Institute would contract directly with a state agency
- Cost for data collection and creation of reports would range from \$2.00 to \$3.00 per employee

- The Institute would provide orientation to agencies, governmental leaders, and local partners

Dr. Landuyt said data from state agencies would be collected using an electronic survey called the Survey of Employee Engagement, which requires less than ten minutes for employees to complete. The Institute would then compile reports using the data, provide orientation and interpretation to the legislature, and be provided to the agency under contract. The process is done in real time and takes a couple of months from inception to reporting. Dr. Landuyt was asked to identify the local partner he referenced. Dr. Landuyt said the Institute typically works with a state university.

Representative Hammer recognized Joni Lee, University of Arkansas at Little Rock (UALR), Melissa Rust, University of Arkansas System Office, and Randy Massanelli, University of Arkansas at Fayetteville. Ms. Lee was asked if she believes the process offered by the Institute would be effective in Arkansas. She said the university system would have to determine faculty and professional staff requirements needed to partner with IOE. She said obtaining the data collected from a state employee survey, and have it provided to university personnel for assessment, would facilitate their work with each state agency.

Representative Hammer recognized Melissa Rust. Ms. Rust said the University of Arkansas System has several campuses with faculty members who have research expertise. She believes the faculty would be able to provide the necessary expertise for this process should the state proceed with the survey.

Representative Hammer recognized Randy Massanelli. Mr. Massanelli said the University of Arkansas at Fayetteville has two programs, both provide evaluation and consulting services, including:

- The Engineering/Business School has a program called Ignite, an industry engagement organization. The program provides research-based solutions to the industry for identified issues under a Memorandum of Understanding.
- The University School of Education has an evaluation team that performs research measurements for K-12 educators.

Mr. Massanelli told legislators that discussions were held between his office and the IOE to determine how the University of Arkansas could provide assistance. He thinks the University would need to restructure portions of its programs, but it does have the expertise to work with the Institute.

Representative Hammer recognized Edith Crowell, Training Manager, Office of Personnel Management. Ms. Crowell was asked if Arkansas has a comprehensive statewide survey of state employees similar to IOE's survey. She said it does not.

Brief Update on the Status of the CoCENTRIX Software for the Universal Assessment Tool Being Used by the Division of Aging and Adult Services, Department of Human Services (DHS)

Craig Cloud, Director, Division of Aging and Adult Services (DHS) was sworn in under oath by Representative Hammer. Gregg Barker, CTO, CoCENTRIX, was sworn in under oath via telephone. Mr. Cloud said that DHS is in the process of negotiating the final terms of the agreement with CoCENTRIX for an estimated costs of \$1.1 million for maintenance for the remainder of 2016. He said that CoCENTRIX delivered the final deliverable, the "ANSER" interface, on February 15, 2016. The DHS Project Manager, Northrop Grumman, is in the process of testing the interface. Once testing is completed, all DHS requirements will have been met. Mr. Cloud said that any additional payments will require a new Request for Proposal (RFP) containing defined deliverables and fixed-cost parameters for traditional Medicaid.

Gregg Barker, CoCENTRIX, was asked for his comments. Mr. Barker agreed with Mr. Cloud's statements and had no additional comments.

A motion to recommend that DHS make the final payment to CoCENTRIX was made by Representative Hammer and seconded by Senator Rice. The motion carried.

Review of the Technical and General Services Contract Between the Employee Benefits Division (EBD) and the American Health Holding, Inc. – Assigned to the JPR Committee by Legislative Council [Exhibit F]

Janis Harrison, Interim Executive Director, Employee Benefits Division (EBD), and Paul Ford, Interim Administrator, Office of State Procurement (OSP), were sworn in by Representative Hammer.

Ms. Harrison was asked when did she assume the EBD Interim Director position. She was also asked to describe the Request for Proposal (RFP) process and timeline for the contract between EBD and American Health Holding, Inc. The contract was referred by the Arkansas Legislative Council (ALC) to the JPR Committee during the ALC meeting on February 19, 2016. Ms. Harrison said she assumed the EBD Interim Director position on January 3, 2016. She referenced page four of the contract provided to committee members (Exhibit F) which shows the timeline for the Population Health Management RFP. Ms. Harrison said she understood that EBD opened the bid for the RFP in the Spring of 2015, which would consolidate services for utilization, review, management, and case management. The consolidation would bring two contracted programs together into one RFP. She said RFP documentation indicate that the appropriate steps were taken and there was sufficient time allowed for a decision to be made by EBD on July 2, 2015. The former EBD Executive Director determined that no award would be issued. Ms. Harrison was asked why no bid was awarded and if efforts were made to retool the RFP to re-release the bid.

Paul Ford responded to the question and said that OSP reviewed the evaluation results and noticed confusion and misunderstanding by the evaluators rating the contract bids. Mr. Ford said the determination was made to create a new RFP. Mr. Ford was asked if he knew why the RFP was not reissued considering the time available, July 2, 2015 to December 31, 2015, appeared to have allowed ample time to do so. Mr. Ford

said his office had not received certain specifications needed and referred the RFP back to EBD for new specifications for the RFP.

Ms. Harrison said a letter was submitted by Mr. Bob Alexander, the former EBD Director, to DF&A Internal Purchasing in November 2015 requesting sole source justification. December 2015, EBD was notified of approval for the sole source contract. However, nothing occurred following the notification. Ms. Harrison said that moving forward, EBD is starting the process of writing a new RFP because the current contract will cease at the end of 2016. Ms. Harrison said her office hopes to have its work completed for review by OSP in May 2016.

Representative Hammer said that without objection an official request will be sent to Mr. Bob Alexander, former Director, EBD, to appear before the committee. He then recessed the Committee meeting at 12:10 p.m.

Discussion of Foster Care and Adoptions Procedures in Arkansas

Senator Clark reconvened the Committee meeting at 1:15 p.m.

Mandy Moss, former Foster Parent of the Year and an adoptive parent, and Katherine Blackmon, Katherine Blackmon Carroll Law Firm, were sworn in under oath by Senator Clark. Ms. Moss described in detail her family's experience in the foster care system over the past five years:

- Mr. and Mrs. Moss became a foster family December 2010
- Mr. and Mrs. Moss had six foster care placements in 2011
- Mr. and Mrs. Moss were named Foster Family of the Year
- In 2012, the Moss family received a nine-month-old foster child
- A permanency planning hearing resulted in Mr. and Mrs. Moss being named as the adoptive family of the nine-month-old child

Ms. Moss provided an overview of events and conversations with DHS staff concerning the family moving to a different county. The Moss family moved to Northwest Arkansas in July 2012 with the understanding that a Termination of Parental Rights (TPR) of the biological parents was scheduled for August 2012. The Moss family agreed to provide transportation every two weeks, a ten-hour round trip drive, for visitations with the child's biological parents. What was to have been a one-month timeframe resulted in one and half years due to delays by DHS and the courts before the biological parents rights were terminated. Mr. and Mrs. Moss ultimately adopted the foster child with the help of a private attorney. Ms. Moss said she and her husband were harassed, threatened, and targeted by DHS throughout the process.

Ms. Carroll responded to questions by legislators as to if the events surrounding the foster care and adoption by the Moss family is an isolated case. Ms. Carroll said during her 19 years of private practice she has had many dealing with DHS and experienced five cases in 2015 similar to what happened with the Moss family. She said families have experienced retaliation and punishment by DHS employees and it is not uncommon.

Cecile Blucker, Director, Division of Children and Family Services (DCFS), was sworn in under oath by Senator Clark. Ms. Blucker discussed DCFS policies when DHS personnel do not follow legal due process within the foster care system. DCFS employees are to follow the required procedures to implement disciplinary action when it is warranted.

Lauri Currier, Executive Director, The CALL, was sworn in under oath by Senator Clark. Ms. Currier described The CALL as a group of Christian individuals interested in helping foster care children. The organization was developed in 2007 in partnership with DCFS in Pulaski County. Ms. Currier said The CALL is a 501 C-3 non-profit organization funded through individual donors, churches, corporations, and foundations. The organization is led by volunteers with the goal of providing foster homes for children within local communities. In 2010, DCFS asked The CALL to become a statewide organization. The CALL had affiliates in 21 counties at that time. They launched statewide in 2011, creating and implementing standards of practice and expanding recruitment and training. There are currently CALL affiliates in 37 counties. The CALL provides training for foster families using a model known as PRIDE training. Ms. Currier highlighted data from the organization:

- 489 information meetings for foster families have been held
- 3,579 families attended informational meetings over the past 7 years
- 1,384 families were recruited during the meetings
- 237 PRIDE training weekends have been held
- 1,817 foster families have completed training
- 984 foster homes have been opened
- 338 adoptive families have been opened

Todd and Monica were sworn in under oath by Senator Clark. Senator Clark told legislators the couple requested their last names not be made public. Todd said he and his wife were recruited and trained as foster parents by The CALL. They accepted placement of a newborn baby in November 2015 at the request of a DHS investigator, due to the presence of drugs in the baby at birth. Todd and his wife fostered the newborn, providing medical care for the infant using the same pediatrician they use for their biological children. He provided details of what happened to his family during the time they provided foster care:

- An initial visit with the newborn's biological family occurred on November 18, 2015
- The Arkansas State Police Crimes Against Children Division (CACD) advised Todd and Monica that a report of child neglect had been made against them on November 19, 2015 through the Child Abuse Hotline
- A CACD investigator, a DHS investigator, and a DHS caseworker inspected Todd and Monica's home, checked the baby, reviewed medical reports, and took photographs
- Todd and Monica were told they would receive a letter from the CACD investigator within 30 days containing the findings of the investigation
- Todd and Monica continued to foster the infant, plus a toddler, for several more weeks until both the baby and the toddler were placed with relatives

- The second week of January 2016, Todd contacted a DHS resource worker and learned their home was listed as unavailable for foster care placements because the CACD investigation had not been completed
- Todd called the investigator on January 11, 12, and 13. January 13, the CACD investigator called to apologize for the delay

A regional supervisor with DHS contacted Todd to advise that the CACD case had been closed and a report would be sent. Todd said he discussed the investigation process with the supervisor regarding the length of time and delays. He was told legislation would be required to decrease the amount of time it takes to close an unsubstantiated case. Todd asked the legislators to consider policy changes to allow CACD investigators the ability to make immediate determinations in cases where there are not true findings. Todd said he forwarded the CACD report of No Findings to the DHS resource worker as soon as it was received, only to learn that the case had been sent to a DHS Central Office committee for approval prior to their home being reopened for foster care placements. He and his wife continued to try to have their names cleared, only to learn that their case had been submitted to the Resource Family Review Committee on January 26. He was told that the committee only meets once a month, with next meeting being scheduled for February 10, 2016. He believes the foster care crisis is exacerbated by a slow moving bureaucracy and the possible abuse of the Child Abuse Hotline.

Major Ron Stayton, Division Commander, Crimes Against Children Division, Arkansas State Police, was sworn in under oath by Senator Clark. Major Stayton was asked about the length of time involved in an investigation and whether or not he believes an investigator should have the authority to immediately close cases when no evidence of maltreatment is found. Mayor Stayton discussed the efforts to pass legislation during the 89th legislative session for a No Merit closure. He said there was such a great amount of opposition that the final amended legislation was of little or no help to the CACD.

Senator Clark announced upcoming JPR Committee meetings scheduled for Wednesday, March 16, 2016 and Thursday, March 17, 2016. He also announced that a news feature on grandparents and foster parents rights would appear on KATV Channel 7 that evening.

With no further business, the meeting adjourned at 3:20 p.m.