

**JOINT PERFORMANCE REVIEW COMMITTEE  
NOVEMBER 29, 2016  
MINUTES**

The Joint Performance Review Committee met at 9:30 a.m. on Tuesday, November 29, 2016 in Room A, MAC Building, Little Rock, Arkansas.

Committee members present: Senators Alan Clark, Co-Chair, Linda Collins-Smith, John Cooper, Missy Irvin, Terry Rice, and Gary Stubblefield. Representatives Kim Hammer, Co-Chair, Scott Baltz, Jana Della Rosa, Lance Eads, Kenneth Ferguson, Mickey Gates, Josh Miller, Micah Neal, Dan Sullivan, and Dwight Tosh.

Other members present: Senators Jonathan Dismang and Larry Teague. Representatives Charlotte Douglas, Trevor Drown, David Meeks, Betty Overbey, Mathew Pitsch, James Ratliff, and Sue Scott.

Members-elect present: Senator-elect Trent Garner. Representative-elect Fred Allen and Jeff Williams.

**Call to Order**

Representative Hammer called the meeting to order.

**Opening Comments**

Representative Hammer thanked the members for the well attended meeting and declared a quorum.

**Consideration for Approval of Minutes – September 15, 2016 and October 20, 2016 [Exhibit C, C-1]**

A motion to approve the minutes of the September 15, 2016 and October 20, 2016 Committee meetings was made by Senator Cooper and seconded by Representative Scott. The motion carried.

**Brief Review of the Special Report – Review of Eligibility and Enrollment Framework (EEF) Project Procurement – Arkansas Department of Human Services – For the Period of May 21 through January 2016 Released October 14, 2016 by Arkansas Legislative Audit [Exhibit F, F-1]**

Representative Hammer asked committee members if there was any objection to Agenda Item G being taken out of order and presented first. As there were no objections, Misty Bowen-Eubanks, Chief Procurement Officer, Office of Procurement, was sworn in under oath by Representative Hammer. Ms. Eubanks referenced the Special Report prepared by the Legislative Audit Division (Exhibit F) as requested by the JPR Committee. She said the report outlines DHS' response to providing additional safeguards in the RFP and contract procurement process, which has been provided by OSP to state agencies. Representative Hammer said that without objection, the report is considered filed as presented.

**Discussion of Recent Reports Pertaining to the Division of Children and Family Services (DCFS), DHS [Exhibit D and D-1]**

Mischa Martin, Director, Division of Children and Family Services (DCFS), Keesa Smith, Deputy Director, Department of Human Services (DHS), were each sworn in under oath by

Senator Clark. Ms. Smith commented on the concerns expressed by legislators, Director Cindy Gillespie, and the Governor regarding the rising number of children who are in the foster care system. In May 2016, Director Gillespie created a foster care war room that began holding multiple planning sessions with DCFS and other DHS staff. These meetings focused on how to improve the foster care system. Ms. Smith said that as they move forward, DHS leadership is working to set goals with DCFS staff to improve and facilitate the foster care system.

Ms. Martin presented the DCFS report, "Moving Beyond Crisis", (Exhibit D-1). She said the report reflects the initial steps DHS is taking to improve the child welfare system by utilizing a statewide perspective. Ms. Martin said the agency has begun tracking and developing goals related to the placement of foster care children, including monthly reports submitted to the Central Office by the 15<sup>th</sup> of each month. Assistance with tracking related to placements was provided by Hornby Zeller Associates, Inc. The tracking includes data on the number of foster children, the number of foster home relative placements, and the number of foster homes opened. Ms. Martin said DCFS has begun working on adding statewide training with designated personnel in the Central Office who will work directly with foster parents to increase communication and provide support. She then described a proposal DCFS has presented to the Centers for Medicare and Medicaid (CMS) which will provide intensive home and community based services for children moving from an institution into a lower-level setting. DCFS has received approval from CMS and has obtained federal funding, which will allow them to work with the Division of Behavioral Health Services (DBHS) to move the children removed from their homes to more appropriate settings.

She then highlighted three project categories with suggested improvements; with the goal to strengthen the foster care system. The first phase was initiated by using resources DCFS already has including;

- Restructuring the central office and requiring greater accountability and oversight
- Direct reporting by all personnel involved in the placement of foster care children to Beki Dunagan, Assistant Director, Placement Support and Community Outreach
- Focus on increasing the number of foster parents
- Focus on increasing the placement of the foster care special-needs population by partnering with therapeutic foster care providers
- Provide additional services for families

Continuing objectives to strengthening families- DCFS has begun working with Medicaid on a proposal to create a home visiting program for the over 6,000 children in the child welfare system residing in homes where a True Finding of abuse or neglect was found, but there was no immediate danger to the child that would require removal. A DCFS Prevention Unit has been created, with additional caseworkers who will be hired. An Assistant Director will also be hired to supervise investigations and protective services cases. The Assistant Director will be responsible for tracking and monitoring the progress of the in-home cases. Continue to strengthen workforce numbers and increase capacity- In its review of how best to support and enhance the DCFS workforce, DCFS reviewed the need for additional family service workers and finding the best way to support the workers. The agency plans to hire program assistants who will perform clerical duties, provide transportation, and prepare

case files to assist the family service workers. DCFS is also reviewing better methods of hiring and retaining staff, plus strengthening supervisor level personnel.

Dennis Zeller, President, Hornby Zeller Associations, Inc. (HZA), was sworn in under oath by Senator Clark. Mr. Zeller presented a special report, "Moving Beyond Crisis" Phase One: Plan to Stabilize the Arkansas Child Welfare System (Exhibit D) dated June, 2016. Mr. Zeller summarized his report and said when reviewing increases to the foster care population, there are only two things that have to occur. One is an increase in the population where the child welfare system decision making process has stayed the same. The second is when decision making processes have changed and the population has not changed. Mr. Zeller said he did not find a substantial increase in the number of child abuse reports with substantiated findings to support the increase in the percentage of foster care children entering the child welfare system. He then said the focus of the HZA report then looked at the specific to decision making processes to see if the decisions were made by the child welfare system or the Arkansas court system. His research did not find a change in the population of families in Arkansas, with a very little increase in reports of child abuse or neglect. Mr. Zeller said the background used in the HZA report is based on the differences found in the decision making processes.

Legislators asked questions regarding the findings and recommendations in the HZA report:

- Question- Does your report conclude that DCFS is responsible for the problems identified, which caused an increase in the foster child care population?
- Answer- Mr. Zeller said no, because the child welfare system is not one single agency's responsibility.
- Question- Is it your conclusion the responsibility lies with multiple entities, DCFS, the court system, and any agency or entity connected to the entire system?
- Answer- Mr. Zeller said yes, that is the belief drawn from the review performed by HZA.
- Based on the findings in your report and contingent upon the implementation of changes recommended in the report, can Arkansas expect measurable improvements given the proposed additional resources dedicated to the child welfare system.
- Answer- Mr. Zeller said that he believes the state will see improvements based on the changes proposed by DCFS and the increased in resources proposed by the Governor.

Mr. Zeller said the improvements are absolutely necessary to address the crisis in the state's foster care population, but he does not believe it will be enough. He said the reason it will not be enough is based on the decisions made in the court system, specifically related to a state statute requiring DCFS to appear in court and prove that a child could be kept continually safe in their home through a protection plan. Mr. Zeller said the statute he referenced allows judges to order children be removed against recommendations made by DCFS in certain cases.

- Question- Can a report be developed using a two-year timeframe with projections for measurable results?
- Answer- Ms. Martin said the goal set by DCFS in creating a project plan includes monitoring and implementing mechanisms to track progress and incorporating

recommendations in the HZA report. She believes changes and improvements will be seen within one year, once all the structured plans are put in place.

- Question- Mr. Zeller was asked what differences he has seen in other states pertaining to persons being placed on a registry when found to have a True Finding of abuse or neglect.
- Answer- Mr. Zeller said he has seen variances throughout the 35 states where he has worked. He said DCFS has already implemented differential responses in certain cases, which means some individual's names will not be placed on a registry. Mr. Zeller said this has been one of the biggest changes across the country.

Mr. Zeller was asked to comment on specific recommendations in the HZA report:

- The recommendation to change statutes to allow parents to designate an appropriate caregiver with approval by DCFS of the caregiver's home.

Mr. Zeller said that a repeal of current statutes would help reduce the population of foster care children and increase the number of relative placements. He said this is what is typically being done in other states.

- The recommendation is to repeal or modify protection plans presented to judges for approval. The report indicated this to be the most important change.

Mr. Zeller said it his belief this is the most important measure in what was found in the review performed by HZA regarding the impact to the foster child population.

- The recommendation for a dual approval process for all removals based on investigations by DCFS caseworkers.

Mr. Zeller believes DCFS plans to incorporate the recommendations by hiring additional personnel to provide oversight when there are recommendations for the removal of children by caseworkers.

### **Department of Human Services Contract with Deloitte Consulting, LLP (Contract #46000038911) (Exhibit E)**

Mary Franklin, Director, Division of County Operations, Misty Bowen-Eubanks, Chief Procurement Officer, Office of Procurement, DHS, and Ed Armstrong, Administrator, Office of State Procurement (OSP), Department of Finance and Administration (DFA), were each sworn in under oath by Representative Hammer. Ms. Eubanks gave a history of the contract with Deloitte Consulting, LLP to provide Medicaid 1095b forms to anyone who received minimal essential coverage under state Medicaid. Individuals used the form in their tax filings. Legislators discussed the number of forms that were undeliverable due to incorrect addresses or persons living out of state. Ms. Franklin responded to questions regarding Medicaid funds and whether or not funding is a 50/50 or a 75/25 match with state funds. Ms. Franklin said she would confirm the amounts and report back to the committee. Mr. Armstrong responded to a question of whether or not the contract with Deloitte Consulting, LLP was a sole source contract. He said the contract was entered into before he assumed his position with DF&A. Contracts are now being done using a competitive procurement process when circumstances allow. But, this particular contract was a special procurement as an extension of an existing contract and was not a sole source.

## **Review of the Developmental Disability Services Providers Contracted with the Department of Human Services**

Keith Vire, Chief Executive Officer, Arkansas Support Network (ASN), Springdale, Arkansas, Leah Henderson, Executive Director, Civitan Services, Bryant, Arkansas, and Melissa Stone, Director, Division of Developmental Disability Services, DHS were each sworn in under oath by Representative Hammer.

Mr. Vire gave a brief history of his organization, which originated in 1988. Its offices are located in Springdale, Camden, Fort Smith, and Jonesboro, Arkansas. Mr. Vire said he has 850 employees. The entire population of individuals supported by ASN is between 1,500 and 1,700 throughout the state. Not all the individuals are identified as waiver eligible. Mr. Vire responded to questions concerning the individuals ASN serves in foster homes in Arkansas. He said ASN has a contract with DCFS to support children who have significant disabilities and have been removed from their homes.

Ms. Henderson described Civitan as a non-profit organization in Saline County and provides services to pre-school age children, adult services, and waiver services for young children, plus adults with developmental disabilities. Ms. Henderson said Civitan provides services to 300 individuals on a daily basis, using 188 employees.

Ms. Stone was asked how many community providers are licensed in Arkansas. She said there are 90 licensed Adult Protective Services providers. However, there are currently only 70 community providers who provide service because individual clients or their guardians select the provider and not all have been selected. She told the legislators that community providers choose the counties they wish to serve when they receive their certification. The majority of community provider choose the entire state as their service area. But, due to the fact that clients/guardians can choose their provider, not all providers are selected.

Legislators discussed aspects of the services performed by community providers, including underserved areas of the state, transportation issues, therapeutic foster homes, training for foster care parents for children with special needs, including behavioral health issues.

Representative Hammer announced the JPR meeting scheduled for Tuesday, December 20, 2016 at 9:00 a.m. in Room A, MAC Building, Little Rock, Arkansas.

There being no further business, the meeting adjourned at 12:50 p.m.