

Schedule 13

Department of Human Services

Funding Request for The FY 2019-20 Budget Cycle

Request Title

R-17 State Staff for 24-Hour Monitoring

Dept. Approval By: Melissa Warlet _____ Supplemental FY 2018-19
 OSPB Approval By: [Signature] _____ Budget Amendment FY 2019-20
 _____ X _____ Change Request FY 2019-20

Summary Information	Fund	FY 2018-19		FY 2019-20		FY 2020-21
		Initial Appropriation	Supplemental Request	Base Request	Change Request	Continuation
	Total	\$84,051,392	\$0	\$83,102,399	\$184,519	\$170,588
	FTE	61.9	0.0	62.4	1.8	2.0
Total of All Line Items Impacted by Change Request	GF	\$61,023,046	\$0	\$56,061,385	\$138,551	\$141,588
	CF	\$665,192	\$0	\$4,587,266	\$0	\$0
	RF	\$16,280,296	\$0	\$12,090,024	\$0	\$0
	FF	\$6,082,858	\$0	\$10,363,724	\$27,968	\$29,000

Line Item Information	Fund	FY 2018-19		FY 2019-20		FY 2020-21
		Initial Appropriation	Supplemental Request	Base Request	Change Request	Continuation
	Total	\$46,696,345	\$0	\$45,681,295	\$15,854	\$15,854
	FTE	0.0	0.0	0.0	0.0	0.0
01. Executive Director's Office, (A) General Administration, (1) General Administration - Health, Life, And Dental	GF	\$33,413,551	\$0	\$29,357,601	\$13,159	\$13,159
	CF	\$144,915	\$0	\$2,930,144	\$0	\$0
	RF	\$10,356,168	\$0	\$7,685,079	\$0	\$0
	FF	\$2,781,711	\$0	\$5,708,471	\$2,695	\$2,695

	Total	\$472,856	\$0	\$469,396	\$214	\$238
	FTE	0.0	0.0	0.0	0.0	0.0
01. Executive Director's Office, (A) General Administration, (1) Short-Term Disability	GF	\$330,992	\$0	\$312,663	\$178	\$198
	CF	\$8,592	\$0	\$27,320	\$0	\$0
	RF	\$93,723	\$0	\$69,252	\$0	\$0
	FF	\$39,549	\$0	\$60,161	\$36	\$40

Line Item Information	Fund	FY 2018-19		FY 2019-20		FY 2020-21
		Initial Appropriation	Supplemental Request	Base Request	Change Request	Continuation
	Total	\$14,268,257	\$0	\$14,199,753	\$5,635	\$6,262
01. Executive Director's Office, (A) General Administration, (1)	FTE	0.0	0.0	0.0	0.0	0.0
General Administration - Amortization	GF	\$9,956,150	\$0	\$9,429,823	\$4,677	\$5,197
Equalization	CF	\$255,862	\$0	\$814,901	\$0	\$0
Disbursement	RF	\$2,884,962	\$0	\$2,136,137	\$0	\$0
	FF	\$1,171,283	\$0	\$1,818,892	\$958	\$1,065
	Total	\$14,268,257	\$0	\$14,199,753	\$5,635	\$6,262
01. Executive Director's Office, (A) General Administration, (1)	FTE	0.0	0.0	0.0	0.0	0.0
General Administration - S.B. 06-235	GF	\$9,956,807	\$0	\$9,429,823	\$4,677	\$5,197
Supplemental Equalization	CF	\$255,823	\$0	\$814,901	\$0	\$0
Disbursement	RF	\$2,884,522	\$0	\$2,136,137	\$0	\$0
	FF	\$1,171,105	\$0	\$1,818,892	\$958	\$1,065
	Total	\$8,345,677	\$0	\$8,552,202	\$137,181	\$141,972
05. Division of Child Welfare, (A) Division of Child Welfare, (1)	FTE	61.9	0.0	62.4	1.8	2.0
Division of Child Welfare - Administration	GF	\$7,365,546	\$0	\$7,531,475	\$113,860	\$117,837
	CF	\$0	\$0	\$0	\$0	\$0
	RF	\$60,921	\$0	\$63,419	\$0	\$0
	FF	\$919,210	\$0	\$957,308	\$23,321	\$24,135

Auxiliary Data			
Requires Legislation?	NO		
Type of Request?	Department of Human Services Prioritized Request	Interagency Approval or Related Schedule 13s:	No Other Agency Impact



Cost and FTE

- The Department requests \$164,519 total funds, including \$136,551 General Fund and \$27,968 Title IV-E federal funds and 1.8 FTE in FY 2019-20 and \$170,588 total funds, including \$141,588 General Fund and \$29,000 federal funds and 2.0 FTE in FY 2020-21 and on-going in order to hire additional State child welfare staff needed for monitoring, technical assistance, and oversight of 24-hour child care facilities.
- This is an increase of 1.9% over the FY 2018-19 appropriation.

Current Program

- The Division of Child Welfare (Division) provides licensing, monitoring, technical assistance, and oversight of 24-hour child care facilities throughout the state in order to ensure children and youth are protected from harm and to assist placement providers in ensuring the safety, permanency, and well-being of children and youth placed within these facilities.

Problem or Opportunity

- There have been an increased number of complaints from constituents throughout the state with regards to 24-hour licensed facilities.
- There are no national standards for the monitoring aspect of 24-hour state licensed facilities related to licensing and monitoring caseload.
- The Family First Prevention Services Act will require regulatory changes to the 24-hour child care facilities providing congregate care placement services.
- A June 2016 workload assessment performed by Public Financial Management, Inc. (PFM) identified a need for additional State FTE in the Department's Division of Child Welfare.

Consequences of Problem

- Current State staff are overstretched and cannot meet the increased needs of rising complaints.
- The Department's ability to provide proactive inspections in an effort to avoid future complaints and exposure to liability of 24-hour child care facilities is limited.

Proposed Solution

- The Department requests \$164,519 total funds, including \$136,551 General Fund and \$27,968 federal funds and 1.8 FTE in FY 2019-20 for monitoring, technical assistance, and oversight of 24-hour child care facilities.
- The proposed solution will decrease caseloads, leading to increased monitoring capacity and coordination in caring for and protecting children and youth residing in 24-hour child care facilities.

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COLORADO
Department of Human Services

John W. Hickenlooper
Governor

Reggie Bicha
Executive Director

FY 2019-20 Funding Request | November 1, 2018

Department Priority: R-17
Request Detail: State Staff for 24-Hour Monitoring

Summary of Incremental Funding Change for FY 2019-20	Total Funds	FTE	General Fund	Federal Funds
24-Hour Monitoring State Staff	\$164,519	1.8	\$136,551	\$27,968
Summary of Incremental Funding Change for FY 2020-21	Total Funds	FTE	General Fund	Federal Fund
24-Hour Monitoring State Staff	\$170,588	2.0	\$141,588	\$29,000

Problem or Opportunity:

The Department requests \$164,519 total funds, including \$136,551 General Fund and \$27,968 federal funds and 1.8 FTE in FY 2019-20 and \$170,588 total funds, including \$141,588 General Fund and \$29,000 federal funds and 2.0 FTE in FY 2020-21 and on-going in order to hire additional State child welfare staff needed for monitoring, technical assistance, and oversight of 24-hour child care facilities. The federal funds are Title IV-E.

26-6-107.5 (1) C.R.S. (2018) requires the Department’s Division of Child Welfare (DCW), Placement Services Unit (PSU), Monitoring Team to conduct on-site investigations of complaints alleging the immediate risk to health and safety to children placed in child placement agencies, residential child care facilities, as well as other 24-hour facilities statewide within 48 hours of its receipt.

In addition to responding to complaints, the monitoring team is responsible for conducting Stage II investigations (Stage IIs), which are on-site investigations to determine the administrative culpability of a facility where an alleged incident of abuse/neglect has occurred. The team conducts ongoing routine monitoring of child placement agencies, residential child care facilities, as well as other 24-hour facilities statewide.

The current statewide workload of the monitoring team consists of 227 facilities with approximately 6,440 beds for the placement of children and youth. PSU has seen a sizeable and sustained increase in the number of complaints received on licensed facilities. Table 1 shows the number of complaints for the last three calendar years:

Year	Number of Complaints
2016	29
2017	59
2018	90 (January -September)

From January 1, 2018 to September 30, 2018, there have been 90 complaints. This increase in the number of complaints over the last few years is correlated to a number of processes and factors.

The first is related to county departments of human and social services screen outs of referrals alleging child abuse and/or neglect. The PSU instituted a new process in 2017 in which Monitoring Specialists began assessing and opening up investigations for potential licensing violations of screened out referrals of alleged child abuse and/or neglect. This process was created because PSU does not have the ability to open a Stage II after a Stage I (referral of alleged child abuse and/or neglect) has been screened out by county department of human and social services. The new process ensures a review of an agency/facility’s practices regardless of whether or not an allegation of abuse and/or neglect is assessed by a county department of human and social services.

Secondly, over the last few years the Monitoring Specialists have made a concerted effort to develop relationships with county child welfare personnel, to include supervisors, ongoing caseworkers, and institutional abuse assessment caseworkers. As a result, the county departments of human and social services have discovered that they have a resource to address their concerns with specific agencies and facilities, which has led to the submission of more complaints.

Lastly, there has been a significant increase in the types of behaviors that children and youth have been demonstrating that many facilities and agencies are not properly trained or equipped to manage. This results in an increase of complaints being made against the agencies and facilities. For example, suicide attempts, human/sex trafficking, aggression, mental illness, and sexually acting out in the presence of adults.

The majority of the facility complaints are from: county administrators, county child welfare caseworkers, county institutional abuse assessment caseworkers, employees of the agencies and facilities, parents/guardians, community (primarily neighbors to facilities), law enforcement, the Office of Colorado’s Child Protection Ombudsman, the Office of Behavioral Health, the Division of Youth Services, and the Attorney General's Office (primarily the Medicaid Fraud Unit completing investigations).

The increase in complaints has created an unsustainable workload for existing staff.

Additionally, in June 2016, Public Financial Management, Inc. (PFM) performed a workload assessment for the Department's Division of Child Welfare. PFM concluded that, in some key operational areas, the Department lacks the staff capacity to properly oversee and assist counties and providers in addressing current and upcoming challenges.

Specifically, PFM noted that the Department's Division of Child Welfare PSU Monitoring Team was an area of risk. PFM further stated that the number of Monitoring Specialists is insufficient to adequately monitor out of home placement providers, with the largest current risks being the high volume of critical incidents that need to be reviewed as well as the inability to monitor screen outs.

As a result of their workload assessment, one of PFM's recommendation was the addition of a 24-Hour Monitoring Specialist to provide additional support for Stage II investigations (including sufficiently detailed reports and follow up to ensure providers are implementing necessary improvements), and increase capacity to review critical incidents and screen outs.

The current monitoring team consists of 5.5 Monitoring Specialists FTE, and 1.0 supervisor FTE. At this current staffing level, monitoring specialists are having difficulty in visiting each facility even once per year. As a result, staff lacks capacity to adequately oversee facilities to ensure children are safe or to respond proactively to address reports of institutional abuse before reacting to situations that then become a crisis.

When a crisis in a facility erupts, as with the 2017 closure of El Pueblo Boys & Girls Ranch, Inc., there are insufficient staff to respond and also maintain routine monitoring of other facilities. For example, a large agency in Colorado is doing business through five separate 24-hour facilities licensed by PSU. At this time, due to licensing violations, four of the five facilities are at imminent risk of being placed on probationary licensing status all at the same time. When a facility's license is placed on probationary licensing status, at least two or more PSU staff conducts at least weekly unannounced monitoring visits resulting in a workload increase.

Currently the Licensing Team Supervisor, the Monitoring Team Supervisor and the Placement Services Unit Manager are acting as Monitoring Specialists in order to help ensure that all complaints received on licensed providers are investigated. If this budget request for additional Monitoring Specialists is not granted, complaint investigations may not be conducted in a timely manner, leaving children in out of home placements in potentially unsafe environments.

The recent passage of the federal Family First Prevention Services Act (FFPSA) of 2018 compounds all of the aforementioned issues even more. The FFPSA requires the Department to make significant and positive changes to Colorado's child welfare system, including regulatory and practice changes around the use of congregate care. Specifically, there will be a significant workload impact to the PSU due to the new Qualified Residential Treatment Program (QRTP) outlined in FFPSA.

The FFPSA identifies several defining characteristics of QRTPs:

- Must be licensed and nationally accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), the Council on Accreditation, or others approved by HHS.
- Requires trauma-informed treatment model to facilitate family participation in a child’s treatment program (if in the child’s best interest),
- Requires family outreach, and the documentation of how the child’s family is integrated into the child’s treatment,
- Requires discharge planning and family-based aftercare supports for at least six months after the child/youth is discharged, and
- Requires registered or licensed nursing and other licensed clinical staff onsite, consistent with the QRTP’s treatment model.

QRTPs not meeting the requirements and standards set out by the FFPSA, will not be eligible for federal Title IV-E funding. Therefore, it will be imperative that the PSU has the necessary staffing resources to track and monitor each of the QRTPs in Colorado qualify under FFPSA.

In response to the aforementioned PFM workload assessment report and recommendations, the Department reviewed existing and vacant positions to determine if any positions were related to non-statutorily mandated services, and if so, if those positions could be reallocated to fulfill some of the recommendations identified by PFM. As a result, the DCW has shifted and/or repurposed three vacant FTE. Table 2 shows the breakdown of the repurposed positions.

Table 2: Repurposed FTE Positions within DCW

ORIGINAL POSITION	REPURPOSED POSITION
Researcher	Referral and Assessment Specialist
Technician	Ongoing Specialist
Program Assistant	Youth Specialist

The Department also submitted a Fiscal Year 2017-18 decision item in an effort to address the recommendations of the PFM Group: R-07 Child Welfare Oversight and Technical Assistance. This decision item for funding was denied.

Proposed Solution:

The Department requests \$164,519 total funds, including \$136,551 General Fund and \$27,968 federal funds and 1.8 FTE in FY 2019-20 and \$170,588 total funds, including \$141,588 General Fund and \$29,000 federal funds and 2.0 FTE in FY 2020-21 and on-going in order to hire additional State child welfare staff needed for monitoring, technical assistance, and oversight of 24-hour child care facilities. The federal funds are Title IV-E.

Monitoring Specialists

Current Department Division of Child Welfare Monitoring Team staff are overstretched and unable to meet both the increased needs of rising complaints against 24-hour facilities and maintaining routine monitoring requirements.

In order to determine a recommended Monitoring Specialist to facility ratio for this budget request, the Department conducted research of the following agencies standards, as well as contacting other states through the State Liaison Officer listserv:

- Commission on Accreditation of Rehabilitation Facilities (CARF), Child & Youth Services Standards Manual:
 - The CARF Child & Youth Services Standards Manual does not provide a recommended ratio of regulatory/monitoring staff to agency/facility.
- Joint Commission: Accreditation, Health Care, Certification (JCAHO), Comprehensive Accreditation Manual for Behavioral Health Care
 - The JCAHO Comprehensive Accreditation Manual for Behavioral Health Care does not provide a recommended ratio of regulatory/monitoring staff to agency/facility.
- Council on Accreditation (COA)
 - COA does not provide a recommended ratio of regulatory/monitoring staff to agency/facility.
- National Association of Regulatory Administration (NARA):
 - While NARA does provide a recommended ratio of *licensing* staff to agency/facility for *less than* 24-hour child care providers, it does not provide a recommended ratio of licensing staff to 24-hour agency/facility, nor does it provide a recommended ratio of regulatory/monitoring staff to 24-hour agency/facility.
- Colorado Department of Public Health & Environment (CDHPE), Health Facilities & Emergency Medical Services Division:
 - CDHPE does not have a set ratio of survey staff to facilities. The variables are the complexity of regulations, federal requirements, size of facility, etc.
- Tennessee:
 - Tennessee reports that their monitoring ratios are 1 staff for 31 facilities. Tennessee reports that this includes detention centers and temporary holding facilities.

Currently, in terms of the number of complaints against state licensed facilities, each Monitoring Specialist currently carries a case load of 40-45 licensed facilities. Two additional Monitoring Specialists will reduce the case load of these staff to approximately 30 licensed facilities per Monitoring Specialist.

PLACEMENT SERVICES UNIT

Monitoring Specialist (2.0)

- Investigate complaints received by the Department on licensed facilities
- Conduct Stage II investigations in licensed facilities after Stage I investigations for abuse or neglect are conducted by county departments of human and personal services

- Process Critical Incident Reports received from licensed facilities and determine which ones require follow up action by the Department
- Review abuse and neglect referrals on licensed facilities screened out by county departments of human services and determine which should be followed up on for licensing investigations

TIME ESTIMATE PER FTE-MONITORING SPECIALIST

TASKS	# of HOURS
Complaint Investigations	864
Stage II Investigations	600
Critical Incident Reports	200
Review of Screened-Out Referrals	200
Meeting and Other Duties as Assigned	216
TOTAL HOURS	2,080 per year

This funding for the 2.0 FTE is ongoing and does not affect other state agencies. It also does not require a statutory change. The FTE costs are calculated using the template provided by the Office of State Planning and Budgeting.

Anticipated Outcomes:

Additional State Child Welfare Monitoring Specialists will expand the Department’s capacity to provide licensing, monitoring, technical assistance, and oversight of 24-hour child care facilities.

Maltreatment in out of home care is both a C-Stat performance measure and a federal, statewide data indicator. From Calendar Year 2013 through Calendar Year 2017, approximately 45% of incidents of maltreatment in out of home care occurred in one of the 24-hour agencies/facilities overseen by the Department's Division of Child Welfare Placement Services Unit. As a result of decreased caseloads and increased monitoring capacity through this budget request, the Department anticipates a decrease in incidents of maltreatment in these facilities.

The additional positions are necessary to continue coordinated efforts of counties to protect children from harm and assist agencies and facilities in caring for and protecting children and youth residing with these providers.

Assumptions and Calculations:

Costs for the FTE including salary, benefits, and operating costs are calculated in Table 2.

Table 2: FTE Costs

FTE Calculation Assumptions:					
Operating Expenses - Base operating expenses are included per FTE for \$500 per year. In addition, for regular FTE, annual telephone costs assume base charges of \$450 per year.					
Standard Capital Purchases - Each additional employee necessitates the purchase of a Personal Computer (\$900), Office Suite Software (\$330), and office furniture (\$3,473).					
General Fund FTE - New full-time General Fund positions are reflected in Year 1 as 0.9166 FTE to account for the pay-date shift. This applies to personal services costs only; operating costs are not subject to the pay-date shift.					
Expenditure Detail		FY 2019-20		FY 2020-21	
Personal Services:					
Classification Title	Monthly	FTE		FTE	
SOC SERVICES SPEC IV	\$5,218	1.8	\$112,709	2.0	\$125,232
PERA			\$11,722		\$13,024
AED			\$5,635		\$6,262
SAED			\$5,635		\$6,262
Medicare			\$1,634		\$1,816
STD			\$214		\$238
Health-Life-Dental			\$15,854		\$15,854
Subtotal Position 1, ## FTE		1.8	\$153,403	2.0	\$168,688
Subtotal Personal Services		1.8	\$153,403	2.0	\$168,688
Operating Expenses:					
		FTE		FTE	
Regular FTE Operating	\$500	1.8	\$900	2.0	\$1,000
Telephone Expenses	\$450	1.8	\$810	2.0	\$900
PC, One-Time	\$1,230	2.0	\$2,460	-	
Office Furniture, One-Time	\$3,473	2.0	\$6,946	-	
Other					
Other					
Other					
Other					
Subtotal Operating Expenses			\$11,116		\$1,900
TOTAL REQUEST		1.8	\$164,519	2.0	\$170,588
<i>General Fund:</i>			<i>\$136,551</i>		<i>\$141,588</i>
<i>Cash funds:</i>					
<i>Reappropriated Funds:</i>					
<i>Federal Funds:</i>			<i>\$27,968</i>		<i>\$29,000</i>