

AGENDA

ASSEMBLY BUDGET SUBCOMMITTEE NO. 1 ON HEALTH AND HUMAN SERVICES

ASSEMBLYMEMBER SHIRLEY N. WEBER, PH.D., CHAIR

WEDNESDAY, APRIL 30, 2014
3:00 P.M. - STATE CAPITOL ROOM 444

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ITEMS TO BE HEARD

5180 DEPARTMENT OF SOCIAL SERVICES

ISSUE 1: REVISITING ISSUES IN THE CALWORKS PROGRAM

BACKGROUND

The Subcommittee discussed issues in the CalWORKs Program as part of its February 26, 2014 hearing. At that time, the Subcommittee requested that the administration be prepared to present again at the April 30th hearing on select issues for additional follow-up and oversight review. These are outlined below and representatives from the Department of Social Services (DSS) are prepared to address each of these in the course of the hearing. (Please see the February 26th Subcommittee agenda for additional program and current issue detail.)

REQUESTED FOLLOW-UP

1. Early Engagement Implementation Update.

Early Engagement is the term used to encompass program changes meant to enhance up-front engagement and provide additional family support for participants in the CalWORKs Welfare to Work Program. These changes were intended to coincide with the implementation of the reduced, therefore more restrictive, 24-Month Welfare to Work Services Clock, which started to tick in the early months of 2013 (statutorily taking effect January 1, 2013, but practically began ticking for some cases as late as April 2013).

The Early Engagement pieces today are still in the process of being implemented in many counties. DSS is being asked to provide an update on implementation progress, issues it is seeing that should be raised to the Legislature's attention, and the expected completion date for each of the following Early Engagement components:

- A. Online CalWORKs Appraisal Tool (also called the Standardized or Up-Front Appraisal Tool)
- B. Family Stabilization Program
- C. Expanded Subsidized Employment

2. Caseload Projections and Impacts of Policy Changes.

With the advent of the Welfare to Work 24-Month Clock and concern that families would precipitously drop off from services support either into the child-only caseload or off of aid prematurely altogether, the Legislature requested information on caseload projections that would provide a better sense of what is to come in the program. The administration has worked on this and is ready to present this information at the hearing.

3. Historical and Current Use of CalWORKs Research Funds.

Subcommittee staff has requested information on a \$4 million annual research allocation in the CalWORKs program, its historical uses and outcomes, and its projected purpose in future years. DSS has provided information and is prepared to present this at the hearing.

Given the dynamic changes currently at play in this large program, the Subcommittee may choose to consider action at a later hearing to require that an annual comprehensive report on CalWORKs caseload, characteristics, issues, and challenges be prepared by the administration to provide a year over year profile of the program and how families reliant on its services are faring. This research account and foreseeable available dollars may provide a source for state operations to support this kind of work.

SUBSEQUENT PROPOSALS

1. Family Stabilization Services.

The County Welfare Directors Association of California (CWDA) has written requesting consideration of a budget augmentation of \$35 million in 2014-15 to provide Family Stabilization services for eligible families in CalWORKs. The current proposed funding level for 2014-15 only provides for enhanced case management time. CWDA states that additional resources are necessary to allow counties to fulfill the statutory requirement that Family Stabilization “shall include intensive case management *and services.*”

Family Stabilization is envisioned to provide intensive services and support to CalWORKs families who are in crisis, ensuring a basic level of stability in the family unit and thereby increasing the likelihood of parental engagement in employment or activities that lead to self-sufficiency. These services go beyond the traditional employment services that all welfare to work participants are eligible to receive and focus on all affected members of the household, rather than simply the parent or parents, recognizing that family dynamics and the issues of other household members may have a direct impact on the required participants’ ability to successfully engage in welfare-to-work. Some examples of the types of services

that could be provided include, but are not limited to, non-medical day treatment programs, rehabilitation services, children's services, and rapid rehousing and other housing supports. DSS has issued instructions to counties that Family Stabilization services are not limited to the aided or work-eligible adult on the case, and children and unaided members of the assistance unit should be included in the provision of services. Yet, no additional funding is provided for these services beyond that which is already provided for the traditional employment services.

CWDA's preliminary estimate of the full-year costs of Family Stabilization services is \$35 million. This estimate is based on CDSS' projection in the 2014-15 budget that 7.5 percent of the employment services caseload will need Family Stabilization services. CWDA currently estimates that an additional 50 percent in the base employment services cost per case is an appropriate budget level for those services.

2. Homelessness Assistance.

The County Welfare Directors Association of California has written requesting clarification regarding an apparent conflict between existing guidance and current law that it contends would undermine the intent of the Family Stabilization program. DSS guidance that existed prior to Family Stabilization places a limitation of four months on housing subsidies in the CalWORKs Welfare to Work program. However, Family Stabilization, already limited to a six-month period, is intended to provide any service a family is assessed as needing in order to address their crisis situation, and such services are not meant to be limited to those in existing rules.

AB 74, the legislation that effectuated the Family Stabilization component, included "homelessness or imminent risk of homelessness" as one of the criteria for receipt of services. Given that the intent of the Family Stabilization component is to ensure a basic level of family stability and that a lack of stable housing is a chief deterrent to self-sufficiency, CWDA requests that the Legislature provide clarification that the four-month limitation does not apply to families participating in CalWORKs Family Stabilization.

3. Basic Material Needs Assistance for Homeless Children.

K to College Supply Bank, a charitable organization, is requesting \$10 million in General Fund support to meet the basic material needs of 300,000 homeless students in the state. K to College states that there are 270,000 homeless K-12 children and youth identified in California public schools and a projected 30,000 additional children in preschool. This includes those living in motels, shelters, cars, garages, and those without permanent fixed addresses, as defined by the U.S. McKinney-Vento Homeless Assistance Act.

Replicating the successful model of regional food banks, K to College states that it is building a "supply bank" that can effectively and efficiently address the material needs of California's homeless children and youth. These basic materials can

include dental supplies, backpacks, school supplies, toiletries, shoes, and clothes. K to College distributes through partnership agreements with school districts and domestic violence shelters, whose social workers can directly alleviate their respective children's material need. To date, K to College has partnered with more than 200 Local Education Agencies representing more than 90% of the homeless population.

PANEL

- California Department of Social Services
 - DSS will present on the three areas requested for additional information, as outlined in the agenda.
- Invited Legal Services Advocates
- County Welfare Directors Association of California
- K to College Representative
- Legislative Analyst's Office
- Department of Finance
- Public Comment

Staff Recommendation:

Staff recommends holding these issues open to allow for continuing discussions with the administration on how needs in CalWORKs can be addressed, with action expected at May Revision.

In addition to further consideration of the requests made in the course of the hearing and in this agenda, the Subcommittee may want to consider requesting that language be developed by the administration, in collaboration with advocates, to statutorily clarify that Family Stabilization services are not intended to result in sanction for a family, and to add to the philosophical understanding of what this service provision is intended to support for families in crisis.

ISSUE 2: REVISITING ISSUES IN COMMUNITY CARE LICENSING

The Subcommittee discussed issues in the Community Care Licensing (CCL) as part of its April 2, 2014 hearing. At that time, the Subcommittee requested that the administration be prepared to present again at the April 30th hearing on select issues for additional follow-up and oversight review. These are outlined below and CCL is prepared to address each of these in the course of the hearing. (Please see the April 2nd Subcommittee agenda for additional program and current issue detail.)

REQUESTED FOLLOW-UP**1. CCL Estimates.**

CCL was asked to provide estimates to the Legislature associated with various approaches toward increasing frequency of mandatory inspections. CCL has provided this information to legislative staff and is prepared to present this in the course of the hearing.

2. CCL Historical Reconciliation.

CCL was asked to reconcile between the original cut that led to the change to the current once-in-five-years inspections and the amount projected to bring CCL back to an annual inspection protocol. CCL has provided this information to legislative staff and is prepared to present this in the course of the hearing.

PANEL

- California Department of Social Services
 - DSS will present on the requested follow-up items for CCL
- Legislative Analyst's Office
- Department of Finance
- Public Comment

Staff Recommendation:

Staff recommendeds holding this issue open to allow for continuing discussions with the administration on how needs in Community Care Licensing can be addressed, with action expected at May Revision.

**0530 HEALTH AND HUMAN SERVICES AGENCY, OFFICE OF SYSTEMS INTEGRATION
5180 DEPARTMENT OF SOCIAL SERVICES****ISSUE 1: SPRING FINANCE LETTERS ON CWS NEW SYSTEM RESOURCES**

Two Spring Finance Letters have been submitted – one from DSS and one from the Office of Systems Integration (OSI) – that together make various changes to the Child Welfare Services - New System (CWS-NS). These are largely shifts in funds due to lengthening of the project schedule and requested new positions for specific functions. These requests are summarized below.

By way of background, the embarking of the CWS-NS project was the result of an acknowledged set of deficiencies in the current Child Welfare Services/Case Management System (CWS/CMS). CWS/CMS does not include all functional requirements mandated by federal Statewide Automated Child Welfare Information System (SACWIS) regulations and does not meet the business needs of county and state CWS staff. Continued non-compliance with SACWIS requirements will result in a loss of matching Federal Financial Participation (FFP) for current operational costs and planning, design, development, and implementation costs for the CWS-NS.

DSS REQUEST

DSS requests seven (7.0) new five-year limited-term positions to augment those approved in the 2013 Feasibility Study Report (FSR) and a five-year extension for nine (9.0) existing two-year limited-term positions to align with the project's revised schedule. Five of the seven new positions are a team of subject matter experts for the Community Care Licensing-Children's Residential function (discussed further below) and the remaining two are requested to take the lead as IT technical subject matter experts on integrating licensing business needs within system requirements of the CWS-NS. The total cost of the positions is \$1.0 million (\$464,000 General Fund).

Consistent with the January 2014 Special Project Report (SPR), this request is necessary for the successful implementation of the CWS-NS inclusive of the Community Care Licensing – Children's Residential (CCL-CR) federal SACWIS functionality. This approach has been validated by support from the federal Administration on Children and Families (ACF).

JUSTIFICATION

To ensure successful and timely implementation of the CWS-NS, the Project Team performed an objective, internal assessment of the CWS-NS approach, resources, and schedule and identified significant risks that would prevent project success. In addition, the ACF requested an independent “CWS/CMS Acquisition Study” to evaluate the state’s acquisition process associated with the child welfare system. The study was completed in September 2013 and yielded additional findings and recommendations specific to resource, knowledge and skill gaps. The administration contends that additional resources of seven (7.0) five-year limited-term positions are required to properly execute the project and mitigate project delays and increased costs.

As part of the resource gap, CWS-NS recognized that it was lacking Children’s Residential program subject expertise necessary to successfully implement the SACWIS licensing functionality. This request for additional subject matter experts is consistent with the 2014 SPR, the OSI’s 2014 Spring Finance Letter, and ACF’s guidance.

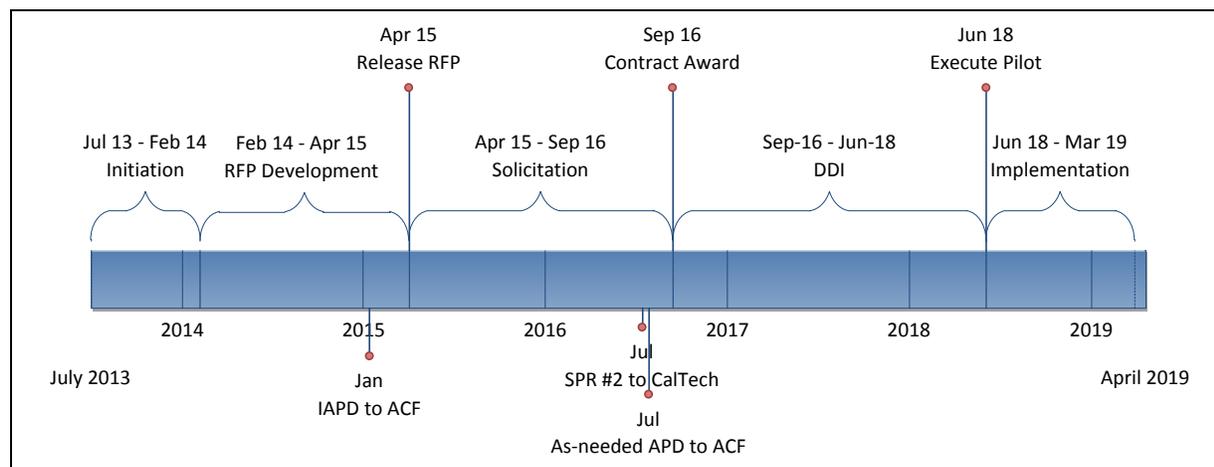
In their January 23, 2014 letter, ACF acknowledges the importance of the CCL-CR functionality for the CWS-NS, stating: *“We support the State’s plan to include Community Care Licensing for Children’s Resident Care function in the BPP requirements analysis phase. We ask the State to consult with ACF before moving forward on the decision to not include this functionality in the future SACWIS system.”*

In addition, as stated in the current 2014 SPR, the CWS-NS has experienced difficulty in filling staff positions and echoes concerns raised by ACF in the previously mentioned January letter: *“We believe with term limit of two years, it will be difficult to recruit and retain project staff for a project which is already under resourced and this could become an increasing critical issue as time goes. We found that there is a direct correlation between staff longevity and positive impact on a state’s SACWIS, both in effective and timely system enhancements.”*

When the CWS/Web Project was suspended in 2011, the administration and Legislature made a commitment to counties to bring a new case management system up as quickly as possible, in an appropriate and functional manner. The administration states that the resources requested in this proposal are essential and in keeping with fulfilling that commitment.

19-Month Project Delay. Included in the Spring Finance Letter was the alteration in the project schedule from a completion date of August 2017 to March 2019. The administration states that this delay is a result of internal reviews and right-sizing of the project schedule to provide additional months for the procurement phase, ensure adequate testing and readiness before the new system goes live, and promote best practices learned from other recent automation changes. The inability to fully hire staff who had been previously authorized was also cited as a reason for the delay.

The revised schedule as provided by the administration is displayed below.



CWDA Proposal. The County Welfare Directors Association of California (CWDA) writes with a request that DSS provide monthly updates on the status of the CWS-NS project and that the seven positions being sought be requested as permanent positions, versus the five-year limited-term in the Spring Finance Letter. CWDA has strong concerns about the limited-term positions and the inability to recruit and retain qualified staff under that restriction. CWDA states that monthly updates on project milestones, challenges, and the hiring status of positions will help to ensure that there are no further unforeseen delays in the project.

OSI REQUEST

To ensure project success, this Spring Finance Letter requests a net increase of \$2,414,742 in OSI spending authority in 2014-15 to continue with the Planning and Procurement Phase of the CWS-NS Project. Consistent with SPR #1, this Letter is requesting additional funding for personnel services, consulting services and associated Operating Equipment and Expense (OE&E). The proposed changes will provide the Project with the necessary resources to execute all activities while also mitigating project risks.

The net increase of \$2,414,742 in OSI spending authority plus the \$250,592 redirected from the Child Welfare Services/Case Management System (CWS/CMS) Office equals the \$2,665,334 adjustment in total OSI Project Costs in 2014-15, as indicated in Table 2 below. The \$250,592 redirection between projects does not increase OSI's total spending authority.

This request also includes a net decrease of \$93,043 in OSI spending authority in 2013-14 for savings associated with the Project relocating to the CDSS headquarters as indicated in Table 1 below.

The following tables reflect the aforementioned budget changes.

Table 1 – OSI and CDSS Local Assistance Costs 2013-14 (in whole dollars)

Category	2013-14 Baseline Budget	2013-14 Adjustment	2013-14 Revised Baseline Budget
OSI Project Costs	\$4,910,807	(\$93,043)	\$4,817,764
CDSS Costs	\$3,610,601	(\$1,832,480)	\$1,778,121
Total Local Assistance Costs	\$8,521,408	(\$1,925,523)	\$6,595,885
State Share	\$4,260,704	(\$962,762)	\$3,297,943
Federal Share	\$4,260,704	(\$962,761)	\$3,297,943

Table 2 – OSI and CDSS Local Assistance Costs 2014-15 (in whole dollars)

Category	2014-15 Baseline Budget	2014-15 Adjustment	2014-15 Revised Baseline Budget
OSI Project Costs	\$4,910,807	\$2,665,334	\$7,576,141
CDSS Costs	\$3,610,601	(\$1,230,926)	\$2,379,675
Total Local Assistance Costs	\$8,521,408	\$1,434,408	\$9,955,816
State Share	\$4,260,704	\$717,204	\$4,977,908
Federal Share	\$4,260,704	\$717,204	\$4,977,908

JUSTIFICATION

As mentioned for the DSS request, the administration states that, to avoid the same pitfalls of other failed IT projects, the CWS-NS Project recently performed an objective, internal assessment of the project approach, resources, and schedule. The results of this assessment identified six significant risks that require additional staff to mitigate, including (1) Data Conversion, (2) Maintainable System, (3) Reliable System Operations, (4) Project Management, (5) Cost Estimation, and (6) RFP/IAPD Development. For many of these functions, consultant services and subject matter experts are being relied upon to assist with planning and execution.

The following are the specific changes that this Spring Finance Letter is proposing for consulting services, personnel services, and OE&E:

- Consultant Services. In line with SPR #1, this SFL requests an increase in OSI spending authority of \$2,540,766 in 2014-15 for consultant services. These additional consultant services will fill existing resource, knowledge, and skill gaps needed to properly execute the project and mitigate significant project risks, while

also providing knowledge transfer and coaching to state staff. These additional consultant services are supported by ACF in their conditional approval letter for Planning Advance Planning Document (PAPD) #8.

- Personnel Services. In line with SPR #1 this SFL requests an increase in 2014-15 of \$308,206 in Personnel Services Project Costs to reclassify an existing project position, redirect two positions from the CWS/CMS to the CWS-NS Project, and to establish a budget for overtime. Of the total Personnel Services request, \$221,304 is being redirected as planned from the CWS/CMS and will not result in an increase to OSI's spending authority. In addition, OSI is requesting to extend eight positions previously approved as two-year limited term through June 30, 2019.
- Operating Expense & Equipment (OE&E). The net decrease consists of \$212,926 in support cost savings associated with the relocation of CWS-NS project staff to the CDSS headquarters, which is partially offset by \$29,288 in OE&E funding being redirected from CWS/CMS for the two redirected staff. These redirected funds will not impact OSI's spending authority. Additional OE&E funding is required for all associated general expenses, communication, and printing costs for the new consultants identified in this request in the amount of \$83,965.
- DSS Local Assistance – These adjustments are within the DSS Local Assistance budget and will be reflected in the premise. DSS costs will decrease by \$1.8 million in 2013-14 and \$1.2 million in 2014-15. These decreases are attributed to the deferment of OCM and county engagement costs to subsequent years consistent with the revised project schedule included in SPR #1. In addition, there are two consultant services contracts included in the premise, a Tribal Consultant and a Licensing County Consultant.

PANEL

- California Department of Social Services
- Office of Systems Integration
 - Please briefly summarize the position needs and timeline changes requested in the Spring Finance Letters.
- County Welfare Directors Association of California
- Legislative Analyst's Office
- Department of Finance
- Public Comment

Staff Recommendation:

Hold open these requests pending further consideration and actions to be taken at May Revision.

0530 HEALTH AND HUMAN SERVICES AGENCY, OFFICE OF HEALTH INFORMATION INTEGRITY**ISSUE 1: SPRING FINANCE LETTER ON EXPANSION NEEDS SPECIFIC TO INTRASTATE DATA INTEROPERABILITY AND HIPAA****REQUEST**

In order to meet data interoperability and expanded HIPAA objectives, CalOHII requests \$750,000 (\$375,000 General Fund and \$375,000 Reimbursements) for consulting services on a two-year limited-term basis. HIPAA is an unfunded federal mandate and there is no federal funding available to support HIPAA implementation and maintenance.

The administration states that with HIPAA consulting services as requested in this Spring Finance Letter, CalOHII will provide technical assistance and subject matter expertise to state departments as well as correlate work with required activities to realize data interoperability within and among state departments and their business partners (e.g. business process assessments, business associate agreements, participant agreements, data use agreements, standards interpretation and development, policy development). In doing so, CalOHII will fulfill its statutory responsibility to provide statewide leadership, coordination, policy formulation, direction, and oversight responsibilities for HIPAA implementation by impacted state departments, monitor progress, and report on HIPAA implementation efforts.

JUSTIFICATION

Expansion efforts specific to data interoperability and the increasing reliance on electronically available health data for critical health care decision support, specifically outcomes, care, and payment coordination, have led to ongoing expansion in federal HIPAA rulemaking. State departments are increasingly challenged with the need for health information integrity, oversight and technical assistance specific to operationalizing HIPAA updates and changes to ensure compliance and minimize risk.

A new HIPAA Omnibus Rule, breach reporting regulations, and changes in data transactions and code sets have expanded definitions of covered entities; many state departments previously not included in HIPAA are now subject to HIPAA. Ongoing expansion of HIPAA regulations includes HIPAA Certification Part 2 effective December 2015, Operating rules effective in January 2016, and the Health Plan Identifier rule under development with a compliance date in 2016.

CalOHII staff have been challenged in assisting all previously identified HIPAA covered departments in monitoring compliance; the current – and anticipated future – expansion of regulation will severely affect the ability of CalOHII to perform its statutory responsibilities without additional resources. CalOHII must provide more technical

assistance and conduct a substantially expanded volume of compliance reviews to ensure compliance by state departments. The Affordable Care Act utilizes HIPAA to implement new operating rules, new transaction standards, new health plan certification requirements, and increasingly higher penalties for non-compliance. Hence, there are increased federal requirements and no federal fiscal support to implement the new and changing HIPAA rules.

Non-compliance could lead to substantial federal fines which can range from \$100-\$50,000 per violation; \$1 per covered life per day (approximately \$200 million for Medi-Cal assuming projected enrollment growth due to Health Care Reform).

PANEL

- Office of Health Information Integrity
 - Please briefly summarize the position and function needs requested in the Spring Finance Letter.
- Legislative Analyst's Office
- Department of Finance
- Public Comment

Staff Recommendation:

Hold open pending further consideration and actions to be taken at May Revision.

4170 CALIFORNIA DEPARTMENT OF AGING**ISSUE 1: SPRING FINANCE LETTER ON HEALTH INSURANCE COUNSELING AND ADVOCACY PROGRAM FEDERAL FUNDS AUGMENTATION****REQUEST**

The California Department of Aging (CDA) is requesting a \$1,377,000 increase in federal expenditure authority (\$161,000 in State Operations and \$1,216,000 in Local Assistance) for State Fiscal Year 2014/15 to augment the Health Insurance Counseling and Advocacy Program (HICAP). The Centers for Medicare and Medicaid Services (CMS) have increased California's annual basic federal grant. This additional federal funding will be used to support existing program and grant administration activities for the HICAP.

JUSTIFICATION

The California Department of Aging (CDA) is requesting a \$1,377,000 increase in federal expenditure authority (\$161,000 in State Operations and \$1,216,000 in Local Assistance) for State Fiscal Year 2014/15 to augment the Health Insurance Counseling and Advocacy Program (HICAP). The Centers for Medicare and Medicaid Services (CMS) have increased California's annual basic federal grant. This additional federal funding will be used to support existing program and grant administration activities for the HICAP.

The CDA's HICAP is the State's equivalent of the federal State Health Insurance Assistance Program (SHIP). HICAP is a consumer-oriented Medicare counseling and education program. The State program offers the following services: (1) community education regarding Medicare Parts A and B, Medicare Part D Prescription Drug Plans, Medicare Advantage Plans, Medicare Supplement insurance and long-term care insurance; (2) individual health insurance counseling that provides objective and accurate comparisons of choices; (3) informal advocacy services regarding enrollment, disenrollment, claims, appeals, prescription drug exceptions and other urgent Part D Plan coverage issues; and (4) legal referral and in some geographic areas, legal assistance for filing grievances and appeals. Eligibility for HICAP services is limited to Medicare beneficiaries and persons imminent of Medicare eligibility. Currently, in California there are over 5.3 million Medicare beneficiaries who are potential consumers of HICAP services.

CDA contracts with 26 Area Agencies on Aging (AAAs) for local provision of HICAP's operational and administrative services. CDA retains the overall responsibility for setting and maintaining statewide policy, program standards, and for monitoring AAAs on an ongoing basis to ensure maintenance of those standards. The CDA HICAP Office functions as an information clearinghouse, a developer of publications, a

facilitator of training programs, a Counselor Registration registrar, a liaison with other State departments and a conduit for CMS Region IX communications.

The local programs are responsible for counselor management, recruitment, training and development, registration, motivation and retention, data collection and reporting, outreach and community education, and are community liaisons/partners at the local level. To ensure assistance and access to services for beneficiaries, local AAAs or their HICAP subcontractors recruit and maintain a strong, well-trained cadre of volunteer counselors, long-term care counselors, long-term care community educators and general community educators. The local AAAs or their HICAP subcontractors provide counseling, informal advocacy, education and legal representation or legal referral to Medicare beneficiaries within the contracted service area.

HICAP Resource History (Dollars in thousands)

Local Assistance Program Budget	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14
Authorized Expenditures	10,569	10,901	11,053	11,185	10,656
Actual Expenditures	10,563	10,606	11,027	10,951	-

Workload History

Workload Measure	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
California's Total Clients Reached	221,596	274,947	266,094	421,472

PANEL

- California Department of Aging
 - Please briefly summarize the request included in the Spring Finance Letter, CDA's sense of how much need for HICAP is ameliorated by this increase, and how much outstanding demand for services might remain.
- Legislative Analyst's Office
- Department of Finance
- Public Comment

Staff Recommendation:

Hold open pending further consideration and actions to be taken at May Revision.