

# ACTIONS TAKEN

## ASSEMBLY BUDGET SUBCOMMITTEE NO. 1 ON HEALTH AND HUMAN SERVICES

ASSEMBLYMEMBER HOLLY MITCHELL, CHAIR

**WEDNESDAY, MAY 9, 2012**  
**1:30 P.M. - STATE CAPITOL ROOM 444**

<b>ITEMS TO BE HEARD</b>																																				
<b>ITEM</b>	<b>DESCRIPTION</b>																																			
<b>4300</b>	<b>DEPARTMENT OF DEVELOPMENTAL SERVICES</b>																																			
ISSUE 1	<p>CURRENT AND BUDGET YEAR TRIGGER REDUCTIONS</p> <p>Asked that the administration be prepared to provide full trailer bill and analyses to the Legislature and public by May 14 to allow for the fullest vetting possible.</p>																																			
ISSUE 2	<p>REPORT FROM THE OFFICE OF STATE AUDITS AND EVALUATIONS</p> <p>No action was taken on this item.</p>																																			
ISSUE 3	<p>SB 962 HOMES</p> <p>Directed the Department to continue working with stakeholders to identify and build upon ways that the state can safely and appropriately reduce its reliance on and new admissions to DCs.</p> <p>Adopted placeholder trailer bill language to expand the geographic availability of SB 962 homes statewide, consistent with action taken in the Senate.</p> <table border="1" style="width: 100%; margin-top: 10px; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;">MEMBERS</th> <th style="width: 10%;">AYE</th> <th style="width: 10%;">NO</th> <th style="width: 10%;">ABSENT</th> <th style="width: 10%;">NOT VOTING</th> </tr> </thead> <tbody> <tr> <td>Mitchell (Chair)</td> <td style="text-align: center;">X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Chesbro</td> <td style="text-align: center;">X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Grove</td> <td></td> <td></td> <td style="text-align: center;">1</td> <td></td> </tr> <tr> <td>Mansoor</td> <td></td> <td></td> <td style="text-align: center;">1</td> <td></td> </tr> <tr> <td>Monning</td> <td style="text-align: center;">X</td> <td></td> <td></td> <td></td> </tr> <tr> <td><i>Total</i></td> <td style="text-align: center;">3</td> <td></td> <td style="text-align: center;">2</td> <td></td> </tr> </tbody> </table>	MEMBERS	AYE	NO	ABSENT	NOT VOTING	Mitchell (Chair)	X				Chesbro	X				Grove			1		Mansoor			1		Monning	X				<i>Total</i>	3		2	
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<b>8885</b>	<b>COMMISSION ON STATE MANDATES</b>
ISSUE 1	<p>PROPOSED REPEAL OF MANDATE RELATED TO COUNSEL IN CONSERVATORSHIP PROCEEDINGS</p> <p>The issue was held open.</p>
<b>5180</b>	<b>DEPARTMENT OF SOCIAL SERVICES</b>
ISSUE 1	<p>UPDATES ON AUTOMATION-RELATED ISSUES</p> <p>This item was included for oversight purposes. No action was taken.</p>
<b>VOTE-ONLY ITEMS – OPEN ISSUES</b>	
<b>5160</b>	<b>DEPARTMENT OF REHABILITATION</b>
ISSUE 1	<p>GOVERNOR’S PROPOSAL TO ELIMINATE THE REHABILITATIONS APPEALS BOARD</p> <p>Approved the administration’s proposal to change the appeals process so that impartial hearing officers' review appeals, rather than the Rehabilitation Appeals Board. Correspondingly, approved modifications to the proposed trailer bill language intended to safeguard the due process rights and needs of appellants (including unrepresented parties). The language, which would be refined as part of the trailer bill process and would rely in large part on examples from statutes that apply to developmental services and special education appeals processes, would:</p> <ul style="list-style-type: none"> <li>• Provide for appeals to be heard by impartial hearing officers who have no conflict of interest and who are knowledgeable about federal and state laws and regulations applicable to DOR services and the Vocational Rehabilitation program.</li> <li>• Require DOR to contract with another department, office, or entity for the provision of independent hearing officers.</li> <li>• Provide that the time and place of the hearing be agreed upon by the appellant and the hearing officer and be reasonably convenient to the appellant and their designated representative, if applicable. This may include conducting all or part of the fair hearing by alternatives other than in person, if agreed upon by the appellant and if the alternative means allows for full participation.</li> <li>• Provide, among other procedural allowances and requirements, that the hearings will not be conducted according to the technical rules of evidence and those related to witnesses and that all testimony shall be under oath.</li> <li>• Outline basic procedural and adjudication expectations for hearing officers, including the consideration of presentation of viewpoints about the issues of disagreement, examination of the evidence presented during the hearing, and issuance of a decision including findings and grounds to the parties within 30 days of the completion of the hearing.</li> <li>• Provide for training of hearing officers to include, but not be limited to,</li> </ul>

	<p>information on protecting the rights of consumers at administrative hearings, emphasizing how to fully develop the appeal record with consumers who are representing themselves or who are represented by another who may also require additional support.</p> <ul style="list-style-type: none"> <li>Permit implementation by emergency regulations until January 1, 2014, after which time implementation should be completed using the regular rule-making process and review by the Office of Administrative Law.</li> </ul> <table border="1" data-bbox="373 466 1377 835"> <thead> <tr> <th>MEMBERS</th> <th>AYE</th> <th>NO</th> <th>ABSENT</th> <th>NOT VOTING</th> </tr> </thead> <tbody> <tr> <td>Mitchell (Chair)</td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Chesbro</td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Grove</td> <td></td> <td></td> <td>1</td> <td></td> </tr> <tr> <td>Mansoor</td> <td></td> <td></td> <td>1</td> <td></td> </tr> <tr> <td>Monning</td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td><i>Total</i></td> <td>3</td> <td></td> <td>2</td> <td></td> </tr> </tbody> </table>	MEMBERS	AYE	NO	ABSENT	NOT VOTING	Mitchell (Chair)	X				Chesbro	X				Grove			1		Mansoor			1		Monning	X				<i>Total</i>	3		2	
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<b>5175</b>	<b>DEPARTMENT OF CHILD SUPPORT SERVICES</b>																																			
ISSUE 1	<p>GOVERNOR'S PROPOSAL TO PROVIDE EXPLICIT INVESTMENT AUTHORITY FOR NON-NEGOTIATED CHILD SUPPORT PAYMENTS</p> <p>Adopted the proposed trailer bill language for 2012-13 only, with review after the one year regarding its extension or permanent nature. In addition, directed the administration to begin a discussion with Banking and Finance policy staff regarding this issue to obtain counsel and advice on the propriety of the proposal in budget, and whether such a change should and can be permanently sought as part of a policy bill.</p> <table border="1" data-bbox="373 1260 1377 1629"> <thead> <tr> <th>MEMBERS</th> <th>AYE</th> <th>NO</th> <th>ABSENT</th> <th>NOT VOTING</th> </tr> </thead> <tbody> <tr> <td>Mitchell (Chair)</td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Chesbro</td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Grove</td> <td></td> <td></td> <td>1</td> <td></td> </tr> <tr> <td>Mansoor</td> <td></td> <td></td> <td>1</td> <td></td> </tr> <tr> <td>Monning</td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td><i>Total</i></td> <td>3</td> <td></td> <td>2</td> <td></td> </tr> </tbody> </table>	MEMBERS	AYE	NO	ABSENT	NOT VOTING	Mitchell (Chair)	X				Chesbro	X				Grove			1		Mansoor			1		Monning	X				<i>Total</i>	3		2	
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ISSUE 1	<p>GOVERNOR'S PROPOSAL ON DISTRIBUTION OF CHILD HEALTH AND SAFETY FUND</p> <p>Approved the Governor's proposal to redirect \$501,000 in Child Health &amp; Safety Fund resources to support day care licensing activities. Correspondingly, made technical changes to the proposed trailer bill language to specify this dollar amount and to embed the change into the section of the statute that currently addresses other licensing activities. As a result, specified licensing activities would receive 50 percent plus \$501,000 in funding before remaining funding would be distributed to the other specified programs. The intent of the action is to provide for the savings sought by the administration while maintaining the basic framework in fund allocation.</p> <table border="1"> <thead> <tr> <th>MEMBERS</th> <th>AYE</th> <th>NO</th> <th>ABSENT</th> <th>NOT VOTING</th> </tr> </thead> <tbody> <tr> <td>Mitchell (Chair)</td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Chesbro</td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Grove</td> <td></td> <td></td> <td>1</td> <td></td> </tr> <tr> <td>Mansoor</td> <td></td> <td></td> <td>1</td> <td></td> </tr> <tr> <td>Monning</td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td><i>Total</i></td> <td>3</td> <td></td> <td>2</td> <td></td> </tr> </tbody> </table>	MEMBERS	AYE	NO	ABSENT	NOT VOTING	Mitchell (Chair)	X				Chesbro	X				Grove			1		Mansoor			1		Monning	X				<i>Total</i>	3		2	
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ISSUE 2	<p>GOVERNOR'S PROPOSAL TO ELIMINATE FINGERPRINT LICENSING FEE EXEMPTIONS</p> <p>Approved the administration's proposal to the extent that it continues to lift the statutory prohibition on charging this fee in 2012-13, but reject the proposal to make that change permanent. This conforms to action taken in the Senate.</p> <table border="1"> <thead> <tr> <th>MEMBERS</th> <th>AYE</th> <th>NO</th> <th>ABSENT</th> <th>NOT VOTING</th> </tr> </thead> <tbody> <tr> <td>Mitchell (Chair)</td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Chesbro</td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Grove</td> <td></td> <td></td> <td>1</td> <td></td> </tr> <tr> <td>Mansoor</td> <td></td> <td></td> <td>1</td> <td></td> </tr> <tr> <td>Monning</td> <td>X</td> <td></td> <td></td> <td></td> </tr> <tr> <td><i>Total</i></td> <td>3</td> <td></td> <td>2</td> <td></td> </tr> </tbody> </table>	MEMBERS	AYE	NO	ABSENT	NOT VOTING	Mitchell (Chair)	X				Chesbro	X				Grove			1		Mansoor			1		Monning	X				<i>Total</i>	3		2	
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