COLORADO GENERAL ASSEMBLY JOINT BUDGET COMMITTEE



SUPPLEMENTAL REQUESTS FOR FY 2014-15

DEPARTMENT OF HUMAN SERVICES

(County Administration, Division of Child Welfare, Office of Early Childhood)

JBC Working Document - Subject to Change Staff Recommendation Does Not Represent Committee Decision

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DEPARTMENT OF HUMAN SERVICES

(County Administration, Division of Child Welfare, Office of Early Childhood)

Department Overview

The Department of Human Services is responsible for the administration and supervision of all non-medical public assistance and welfare programs in the state. County Administration provides the 64 county departments of human services with resources to administer the Supplemental Nutrition Assistance Program and provides funding through County Tax Base Relief to assist counties with the highest costs and lowest property tax values in meeting the obligation of the local match required by the state for certain public assistance programs. The Division of Child Welfare provides funding for programs that protect children from harm and assist families in caring for and protecting their children. The Office of Early Childhood is responsible for licensing and monitoring child care facilities; administering programs that are designed to improve the quality and availability of child care in the state; supervises the Colorado Child Care Assistance Program; and works with multiple stakeholders in the areas of Early Intervention, childhood mental health, and healthcare, to mitigate challenges that affect school readiness and academic success.

Summary: FY 2014-15 Appropriation and Recommendation

Department of Human Services: Recommended Changes for FY 2014-15 (County Administration, Division of Child Welfare, Office of Early Childhood, only)								
(00000) 12000000	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	FTE		
FY 2014-15 Appropriation								
HB 14-1336 (Long Bill)	\$677,387,913	\$315,682,467	\$137,664,367	\$20,349,820	\$203,691,259	156.5		
Other legislation	13,172,440	7,042,854	4,929,586	1,200,000	<u>0</u>	<u>2.1</u>		
Current FY 2014-15 Appropriation	\$690,560,353	\$322,725,321	\$142,593,953	\$21,549,820	\$203,691,259	158.6		
Recommended Changes								
Current FY 2014-15 Appropriation	\$690,560,353	322,725,321	\$142,593,953	\$21,549,820	\$203,691,259	158.6		
S1 Early Intervention Funding Adjustment	2,339,035	2,057,079	0	281,956	0	0.0		
S18 Child welfare administration evaluation	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	0.0		
Recommended FY 2014-15 Appropriation	\$692,899,388	\$324,782,400	\$142,593,953	\$21,831,776	\$203,691,259	158.6		
Recommended Increase/(Decrease)	\$2,339,035	\$2,057,079	\$0	\$281,956	\$0	0.0		
Percentage Change	0.3%	0.6%	0.0%	1.3%	0.0%	0.0%		
FY 2014-15 Executive Request	\$2,439,035	\$1,686,837	\$453,242	\$281,956	\$17,000	156.5		
Request Above/(Below) Recommendation	\$100,000	(\$370,242)	\$453,242	\$0	\$17,000	(2.1)		

Request/Recommendation Descriptions

S1 Early intervention funding adjustment: The request is for \$2.3 million total funds, including \$1.6 million General Fund, for FY 2014-15 to address the anticipated funding shortfall for early intervention services and early intervention services case management. Staff recommends approval of \$2.3 million total funds, including \$2.1 million General Fund.

S18 Child welfare administration evaluation: The request is for \$100,000 total funds, including \$83,000 General Fund, for FY 2014-15 for contract services to conduct an evaluation of Division of Child Welfare staffing levels and administrative processes. Staff recommends denial of this request.

Prioritized Supplemental Requests

SUPPLEMENTAL REQUEST, DEPARTMENT PRIORITY #1 EARLY INTERVENTION FUNDING ADJUSTMENT

	Request	Recommendation
Total	\$2,339,035	\$2,339,035
FTE	0	0
General Fund	1,603,837	2,057,079
Cash Funds	453,242	0
Reappropriated Funds	281,956	281,956

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?	YES
[An emergency or act of God; a technical error in calculating the original appropriation; data that was	
not available when the original appropriation was made; or an unforeseen contingency.]	

JBC staff and the Department agree that this request is the result of data that was not available when the original appropriation was made.

Department Request: The Department requests \$2,339,035 total funds, including \$1,603,837 General Fund, in FY 2014-15 to address the anticipated funding shortfall for early intervention services and early intervention services case management.

Staff Recommendation: Staff's recommendation is specific to the supplemental request for FY 2014-15. Funding requests for FY 2015-16 will be addressed at figure setting on March 2, 2015. Staff recommends approval of the request total in the amount of \$2,339,035 total funds, with the following fund split: \$2,057,079 General Fund and \$281,956 reappropriated funds.

Staff Analysis:

Background Information

The Early Intervention Program is administered by the Division of Community and Family Support in the Office of Early Childhood. It provides early intervention (EI) services to infants and toddlers ages zero through two years of age who have been determined to have a developmental delay or disability, who have been diagnosed with a physical or mental condition that has a high probability of resulting in a significant delay in development, or who are living with a parent who has a developmental disability. The Department of Human Services is designated as Colorado's lead agency under Part C of the Federal Individuals with Disabilities Education Act (IDEA) and reports that intervention services are provided to eligible children and their families to enhance child development in 15 allowable areas of service and service coordination that include cognition, speech, communication, physical development, motor development, vision, hearing, social and emotional development, and self-help skills. These community-based services are delivered statewide by 20 Community Centered Boards (CCBs), with whom the Department contracts.

Community Centered Boards are private corporations that can be either for-profit or not-for-profit entities. Pursuant to Section 25.5-10-202 (4), when acting as a service agency, the CCBs provide case management services to persons with intellectual and developmental disabilities; and are authorized to determine eligibility of those persons within a specified geographical area, serve as a single point of entry for persons to receive services and supports, and provide authorized services and supports either directly or by purchasing services and supports from service agencies. In cases of children, birth through two years of age, multi-disciplinary evaluations are performed by Child Find teams under the supervision of the Department of Education, and those meeting the evaluation threshold are referred to the appropriate CCB. Each CCB serves a specific geographic region covering from one to ten counties and is responsible for: intake; eligibility determination; providing service coordination; service plan development; and arrangement, delivery, and monitoring of services.

Pursuant to Section, 27-10.5-706 (c), C.R.S., in cooperation with the Departments of Education, Health Care Policy and Financing, and Regulatory Agencies; private health insurance carriers; and certified early intervention service brokers (CCBs), the Department is required to develop a coordinated system of payment of early intervention services using public and private moneys. The Department has developed a funding hierarchy that is to be used by the CCBs during the individualized family service plan (IFSP) development process to identify possible funding sources that may be available to each child. According to the Department, the funding hierarchy is arranged in the order in which funding sources are accessed for service payment and is designed to ensure that available funding sources for EI services are accessed and utilized in an efficient manner. If a funding source is not available, the next source on the list is considered until an appropriate funding source is located. The fund hierarchy includes:

- Private pay (voluntary, at the discretion of the parent)
- Private health insurance plan (with written consent of the parent)
- TRICARE (a military health system)

- Medicaid (Title XIX), Home and Community Based Services (HCBS) Medicaid Waivers, and Child Health Plan Plus (CHP+)
- Child welfare and Temporary Assistance to Need Families (TANF)
- Other local, state, or federal funds, including mill levy funds (as may be available)
- State General Fund
- Part C of the Federal Individuals with Disabilities Education Act

The Early Intervention Services Trust (EIST) Fund is established pursuant to Section 27-10.5-709 (2) (a), and consists of moneys paid by an eligible child's private health insurance carrier to cover direct service costs associated with coordinated early intervention services. Within 90 days of determining that the child is no longer eligible for services, any moneys deposited in the trust fund on behalf of that child and not expended shall be returned to the carrier.

Part C funding is provided to the state through the Federal Individuals with Disabilities Education Act (IDEA) and is only available if the state is able to provide services in a manner that does not result in a waitlist. The Department reports that the FY 2014-15 Part C award is anticipated to be \$6,922,597. As reported in the Early Intervention Colorado annual report, EI expenditures for the past two fiscal years include:

Early Intervention Expenditures					
Fund Source	FY 2012-13	FY 2013-14			
State General Fund	\$17.0 million	\$19.8 million			
Federal Part C	7.4 million	7.4 million			
Medicaid	9.5 million	8.3 million			
Early Intervention Trust Fund	3.3 million	3.7 million			
Other Funding	2.1 million	7.2 million			

Analysis

The Department is requesting a supplemental increase of \$2.3 million total funds, including \$1.2 million General Fund for FY 2014-15 for early intervention direct services and service coordination. Though population growth for the birth through 2 year old age group had been projected to rise consistently through 2020, the Department did not request a funding increase for the current fiscal year during the FY 2014-15 budget cycle because it was anticipated that: 1) the caseload growth would stay relatively stable, 2) there would be sufficient Part C funds carried forward from prior fiscal years, and 3) CCBs would significantly increase the use of Medicaid and private insurance so that other funds would be available to fully fund the estimated caseload growth.

<u>Caseload Growth.</u> Early intervention caseload is calculated based on average monthly enrollment (AME). According to the Department, finalization of prior year AME occurs in late October, after all CCBs have reported final numbers to the Early Intervention Program. Final calculations for FY 2013-14 indicate an increase in caseload growth over that reported in the Department's FY 2015-16 R1 Early Intervention Caseload Growth budget request – from 6,845 to 7,250. This reflects a 5.6 percent caseload growth between FY 2012-13 and FY 2013-14.

Given that caseload growth has been slightly slower than that in previous years, the Department has used a 5.0 percent caseload growth to project AME for the current and subsequent fiscal years.

Average Monthly Enrollment							
FY 2012-13 FY 2013-14 FY 2014-15 FY 2015-16 FY 2016-17							
November 1 request	6500	6845	7207	7589	7991		
Final AME figures	6500	6885	7250	7634	8039		
Caseload adjustment	0	40	43	45	48		
Percent increase	NA	5.6%	5.0%	5.0%	5.0%		

Part C Funds. Though the Department originally anticipated a carryover in Part C funds to help mitigate the caseload growth, it reported to the CCBs that carry-over funds were not available as of the start of FY 2014-15. The Department has not provided information as to why this is the case; however its request did indicate that, upon further review of the grant award allocation language it was determined that the federal grant allocation is based on Colorado's share of the population and not on actual numbers of children served. The Long Bill reflects the amount of funds anticipated to be received pursuant to Part C IDEA as \$8.0 million; however this is provided for information only and serves only as an estimate. The Department's request reports that the federal grant is slightly over \$6.9 million for the current fiscal year. In order to be eligible to receive these funds, there cannot be a waitlist for EI services.

Medicaid. The Department's FY 2014-15 supplemental request once again states that it is implementing procedures to require a denial from Medicaid or private insurance before General Fund or federal Part C funds are used to pay for services that are billable under those funding sources. The Department does not believe that requiring a Medicaid denial will impact the capacity of the CCBs as a CCB can change the payment source in the database and follow the billing process for the next available funding source. Federal Part C regulation 34 C.F.R. 303.510 (b) allows the use of federal funds as an interim payment source to prevent delay of providing services to a child, pending reimbursement from the agency or entity that has the fiscal responsibility for payment. The Department's position appears to be based on the assumption that all CCB staff providers and contracted providers accept Medicaid.

Staff has expressed concern over the implementation of this policy in the December briefing and continues to believe that implementation of such a policy does not address the underlying issue of access to care and availability of adequate numbers of Medicaid providers, especially in rural communities of the state. Staff believes that implementation of this policy without ensuring an increase in Medicaid providers to handle the Medicaid caseload will result in a waitlist and the loss of federal Part C funds. Staff does support the Department's desire to increase Medicaid utilization, but believes there are underlying issues that must be addressed before such a policy can be successful.

<u>Early Intervention Trust Fund and Other Funds</u>. The Long Bill reflects funds from the EITF and other funding sources in the cash fund column. This value is provided for informational purposes only and is calculated based on information obtained from CCBs about: numbers of

children eligible for the EITF and the estimated cost of services and coordination; and funds available as a result of a local mill levy, if one exists and if the EI program is an approved recipient of those funds. According to the CCBs, much like Part C funds, this amount is finite and cannot be adjusted due to unanticipated caseload growth. In order to fully fund this request, the \$453,242 cash funds identified by the Department will need to be funded through General Fund. Therefore, staff recommends approval of the request total in the amount of \$2,339,035 total funds, with the following fund split: \$2,057,079 General Fund and \$281,956 reappropriated funds.

SUPPLEMENTAL REQUEST, DEPARTMENT PRIORITY #18 CHILD WELFARE ADMINISTRATION EVALUATION

	Request	Recommendation
Total	<u>\$100,000</u>	<u>\$0</u>
FTE	0.0	0.0
General Fund	83,000	0
Federal Funds	17,000	0

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]	NO
JBC staff disagrees that the Department's request is the result of data that was not available when th appropriation was made, an unforeseen contingency, or a calculation error.	e original

Department Request: The Department requests \$100,000 total funds, including \$83,000 General Fund, for contract services to conduct an evaluation of Division of Child Welfare staffing levels and administrative processes. The Department is requesting to repurpose \$83,000 in General Fund from its original FY 2015-16 R5 budget request to fund this FY 2014-15 supplemental request. According to the Department, this funding is eligible to earn Title IV-E federal funds. In addition, the Department is requesting roll forward authority for any unspent funds in FY 2014-15.

Staff Recommendation: Staff's recommendation is specific to the supplemental request for FY 2014-15. Funding requests for FY 2015-16 will be addressed at figure setting on March 2, 2015. Staff does not believe the request meets the Committee's supplemental criteria and recommends denial of this request.

Staff Analysis:

Background Information

This FY 2014-15 supplemental request is for \$100,000 total funds, including \$83,000 General Fund, to be used by the Department to hire a contractor who will evaluate staffing levels and

administrative processes in the Division of Child Welfare. According to the Department this evaluation will provide an objective, comprehensive look at the Division's administrative functions, and will allow its staff to understand gaps in current staffing levels, achieve efficiencies in administrative processes, and identify opportunities for improvement in order to ensure an effective and efficient workforce.

The Department indicates that the improvement of current programs and the addition of new programs have created an administrative burden on the Division. In some cases, new programs were added without the addition of staff/FTE for the program's administration. This required the Department to utilize existing staff and processes for program implementation. In its request, the Department specifically referred to the following programs as having impacted its capacity: the Collaborative Management Program, SafeCare, Nurse Family Partnership Augmentation, Differential Response Pilot, new funding from marijuana tax revenues for the Child Welfare Training Academy, Tony Grampsas Youth Services Program, and the oversight of the statewide youth plan.

Staff Concerns

The Department's supplemental request is intended to fund an evaluation that will review the administrative capacity of the Division of Child Welfare, identify potential staffing and other gaps, and evaluate current administrative processes to ensure the effective administration of child welfare services and provide accountability. While staff does not dispute the value of an internal staffing level and process evaluation in order to appropriately allocate resources, staff would argue that the "significant workload changes over the last few years" does not constitute data that was not available when the original appropriation was made, an unforeseen contingency, or a calculation error. Each of the aforementioned programs has been the responsibility of the Division for at least 18 months; therefore the Department has been well aware of the impact of these programs for several months or years. The following table provides information on the program creation or transfer to the Department:

Division of Child Welfare Programs						
Program	Date	Initial Status	FTE			
Collaborative Management Program	May 28, 2004 (H.B. 04-1451)	Created	0.0			
Child Welfare Training Academy	May 19, 2009 (S.B. 09-164)	Created	3.0			
Differential Response	April 15, 2010 (H.B. 10-1226)	Created (pilot)	0.0			
SafeCare	July 1, 2013 (S.B. 13-230)	Created	1.0			
Nurse Family Partnership Augmented	July 1, 2013 (S.B. 13-230)	Created	1.0			
Tony Grampsas Youth Services Program	July 1, 2013 (H.B. 13-1117)	Transferred from CDPHE	3.0			
Statewide Youth Plan	July 1, 2013 (H.B. 13-1117)	Transferred from CDPHE	0.0			

In all but three of the programs identified above, FTE was provided or transferred to the Department. The Collaborative Management Program has been in existence since 2004 and no FTE has been requested prior to the submission of the FY 2015-16 budget request in which the Department is requesting 2.0 FTE. Currently the Department utilizes 0.5 FTE from existing resources for the program's administration. The Differential Response pilot program sunsets on June 30, 2014 unless legislation is sought to extend it and expand it statewide. The Department indicated at its December 2014 hearing that it will not be seeking such legislation, but that it may be requested by another organization. The Statewide Youth Development Plan is required

pursuant to Section 26-1-111.3, C.R.S., and became the Department's responsibility, in collaboration with the Tony Grampsas Youth Services (TGYS) board, upon the transfer of the TGYS program from the Department of Public Health and Environment (CDPHE) on July 1, 2013. Though this transfer did not provide FTE specifically assigned to planning activities, it did transfer 3.0 FTE from CDPHE for the TGYS Program.

Given these resources, staff does not agree with the Department's argument that it has been given the responsibility of administering programs without adequate FTE; but does question if existing resources are appropriately allocated for such administration. As such, staff does agree with the Department that an evaluation of staffing levels and processes may be valuable; however staff disagrees that this request is appropriate for the FY 2014-15 supplemental budget request process. Staff recommends denial of the funding and roll forward spending authority request.

Non-prioritized Supplemental Requests

NON-PRIORITIZED SUPPLEMENTAL REQUEST, DEPARTMENT OF HEALTH CARE POLICY AND FINANCING (HCPF) PRIORITY #NP3

	Request Recommendation	
Total	<u>\$281,956</u>	<u>\$281,956</u>
FTE	0.0	0.0
General Fund	138,835	138,835
Federal Funds	143,121	143,121

Summary: This non-prioritized request in the Department of Health Care Policy and Financing (HCPF) includes the Medicaid General Fund and Medicaid federal funds appropriated to the Division of Community and Family Support, Early Intervention Services line item in the Office of Early Childhood – Medicaid Funding section of the Long Bill. These funds are reflected in the Department of Human Services budget as reappropriated funds in the Office of Early Childhood, Division of Community and Family Support, Early Intervention Services Case Management line item.

JBC Staff Supplemental Recommendations - FY 2014-15 Staff Working Document - Does Not Represent Committee Decision

Appendix A: Number Pages					
	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2014-15 Requested Change	FY 2014-15 Rec'd Change	FY 2014-15 Total W/ Rec'd Change
DEPARTMENT OF HUMAN SERVICES Reggie Bicha, Executive Director					
S1 Early Intervention Funding Adjustment					
(6) OFFICE OF EARLY CHILDHOOD(B) Division of Community and Family Support					
Early Intervention Services	36,231,129	36,495,892	<u>1,515,859</u>	1,515,859	38,011,751
FTE	8.7	6.5	0.0	0.0	6.5
General Fund	17,177,704	17,558,592	1,062,617	1,515,859	19,074,451
Cash Funds	9,108,617	10,895,900	453,242	0	10,895,900
Federal Funds	9,944,808	8,041,400	0	0	8,041,400
Early Intervention Services Case Management	<u>2,731,511</u>	8,113,972	823,176	823,176	8,937,148
General Fund	2,731,511	2,845,073	541,220	541,220	3,386,293
Reappropriated Funds	0	5,268,899	281,956	281,956	5,550,855
Total for S1 Early Intervention Funding					
Adjustment	38,962,640	44,609,864	2,339,035	2,339,035	46,948,899
FTE	<u>8.7</u>	<u>6.5</u>	<u>0.0</u>	<u>0.0</u>	<u>6.5</u>
General Fund	19,909,215	20,403,665	1,603,837	2,057,079	22,460,744
Cash Funds	9,108,617	10,895,900	453,242	0	10,895,900
Reappropriated Funds	0	5,268,899	281,956	281,956	5,550,855
Federal Funds	9,944,808	8,041,400	0	0	8,041,400

JBC Staff Supplemental Recommendations - FY 2014-15 Staff Working Document - Does Not Represent Committee Decision

	FY 2013-14 Actual	FY 2014-15 Appropriation	FY 2014-15 Requested Change	FY 2014-15 Rec'd Change	FY 2014-15 Total W/ Rec'd Change
S18 Child Welfare administration evaluation					
(5) DIVISION OF CHILD WELFARE					
Administration	5,993,212	5,727,130	100,000	<u>0</u>	5,727,130
FTE	53.0	61.8	0.0	0.0	61.8
General Fund	5,010,578	4,693,356	83,000	0	4,693,356
Reappropriated Funds	119,426	137,306	0	0	137,306
Federal Funds	863,208	896,468	17,000	0	896,468
Total for S18 Child Welfare administration					
evaluation	5,993,212	5,727,130	100,000	0	5,727,130
FTE	<u>53 .0</u>	<u>61.8</u>	<u>0.0</u>	<u>0.0</u>	<u>61.8</u>
General Fund	5,010,578	4,693,356	83,000	0	4,693,356
Reappropriated Funds	119,426	137,306	0	0	137,306
Federal Funds	863,208	896,468	17,000	0	896,468
Totals Excluding Pending Items HUMAN SERVICES					
TOTALS for ALL Departmental line items	1,677,413,129	1,901,273,647	2,439,035	2,339,035	1,903,612,682
FTE	<u>4,591.2</u>	4,906.1	<u>0.0</u>	<u>0.0</u>	<u>4,906.1</u>
General Fund	694,043,025	782,001,699	1,686,837	2,057,079	784,058,778
Cash Funds	303,325,583	347,236,592	453,242	0	347,236,592
Reappropriated Funds	122,842,847	144,373,402	281,956	281,956	144,655,358
Federal Funds	557,201,674	627,661,954	17,000	0	627,661,954