

**MINUTES OF THE
SOCIAL SERVICES APPROPRIATIONS SUBCOMMITTEE**
Room 30 House Building, State Capitol Complex
Friday, February 3, 2012

MEMBERS PRESENT: Sen. Allen M. Christensen, Co-Chair
Rep. Bill Wright, Co-Chair
Rep. Bradley G. Last, House Vice Chair
Sen. Margaret Dayton
Sen. Patricia W. Jones
Sen. Luz Robles
Sen. Todd Weiler
Rep. Jim Bird
Rep. Rebecca Chavez-Houck
Rep. John Dougall
Rep. David Litvack
Rep. Daniel McCay
Rep. Ronda Rudd Menlove
Rep. Evan Vickers
Rep. Larry B. Wiley

MEMBERS ABSENT: Sen. Peter C. Knudson
Sen. Wayne L. Niederhauser
Rep. Kraig Powell

STAFF PRESENT: Mr. Russell Frandsen, Fiscal Analyst
Mr. Stephen Jardine, Fiscal Analyst
Mr. Gary Ricks, Fiscal Analyst
Mrs. Diane Pope, Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov
A list of visitors and a copy of handouts are filed with the committee minutes.

Co-Chair Wright called the meeting to order at 8:11 am.

1. Public Testimony on Human Services, Executive Director Operations and Utah State Office of Rehabilitation Budget Issues

Mr. Tyler Hunter, from Ephraim, said no one knows when an accident will happen to them. He is able to work his farm from a wheelchair because of AgrAbility Vocational Rehabilitation. They gave him the hope and education that he needed to continue to support himself. It's the Subcommittee's duty to preserve the programs that help individuals be self-sufficient.

Mr. Gerald Anderson, from Mayfield, contracted polio when he was 18 months old. He was the youngest child admitted to Primary Children's Medical Center at that time, where he stayed for six months. He was introduced to vocational rehabilitation by his high school counselor and was able to attend college. He taught school at Carbon high for 39 years. Now he's developed post-polio syndrome in his legs. He has returned to vocational rehabilitation to help him be able to

stay on his farm. Through vocational rehabilitation he's been able to send his kids to college. He feels he's paid back the State tenfold what they paid for him to go to school. He asked the Subcommittee to give lots of dollars to Vocational Rehabilitation.

Ms. Shauna Brock spoke for Ms. Erica Head, who has Spina Bifida and couldn't be in attendance. She wanted to speak on behalf of the Utah State Office of Rehabilitation (USOR) Independent Living (IL) building block for the Independent Living Center. The Independent Living Center helped her find housing, helped her find gainful employment and taught her about Salt Lake's public transit system. She said the frustrations of not being able to leave your own home at will due to a single step are indescribable. For the first time in her life, she is living independently and not on SSI (Supplemental Security Income). She is happy to have a paycheck with taxes withheld. She asked if there was any better way to spend these resources than to help someone be independent.

Mr. Andy Curry, Executive Director, Tri-County Independent Living Center in Ogden, brought a handout reviewing the six living centers' statistics. They support all of the USOR building blocks but he chose to speak about two today. His center served about 6,000 individuals last year. The caseload was one staff member to 167 clients, making it very difficult to give individual help. They worked to transition people out of nursing homes and into the community. Last year they transitioned 51 people out of nursing homes. The centers have saved the State much more money than their budget. The second building block is one-time funds to help the IL centers to purchase Assistive Technology. This is another cost savings area because they can provide technology to help individuals with their independence, avoiding the need for in-home services. He requested the Subcommittee please consider funding these two building blocks.

Co-Chair Christensen has seen two or three Independent Living Centers. He indicated that it's amazing how well these centers do with the small budget they are given. They do a wonderful job maximizing the funds the Subcommittee gives them.

Ms. Sunny Todhunter, works with the Support Work Independence program which helps children with disabilities as they complete high school. This support is desperately needed. One of the big concerns for parents with children having disabilities, is what will happen to their child when they die. Ms. Todhunter brought Ms. Melanie Peterson with her. She is one of those individuals served by the program. Her mother died last year. The program has helped Melanie learn to function on her own. Melanie is now working 20 hours a week. She uses her earnings to help pay for her room and board. The real benefit has been the happiness and self-esteem that having this independence has brought to her. She loves her job.

Mr. Brian Thornsberry is deaf and his wife spoke about working with people at the deaf center in Taylorsville. They see a lot of people that are living on assistance. At the deaf center, several services are provided to help get people out to work. One of the challenges for deaf people is accessibility. Another is being able to communicate using an interpreter.

Ms. Emily Tolman, Consumer, Support Work Independence program, told her story about employment. She felt she was a helpless person and couldn't get anywhere in life. She was born with Williams Syndrome and ADD. She came to say that people with disabilities can do anything. She works for Rise, Inc. and has a boss that is kind and understanding. She is contributing to the cost of her medical care and pays a monthly Medicaid "spend-down". Ms. Tolman has achieved her success by participating in the Support Work Independence program; a partnership between the DSPD (Division of Services for People with Disabilities), USOR and a network of Community Service Brokers and Supported Employment providers. With the support of the Subcommittee many people with disabilities can be helped.

Mr. David Olson, consumer, DSBVI (Division of Services for the Blind and Visually Impaired), is from Roy. He was hurt 27 years ago in a hunting accident. He lost most of his vision and had major brain trauma. He contacted the DSBVI and attended a training program which taught him to function on his own and travel with a cane. He can read braille, cook and clean, and take care of himself. He received vocational rehabilitation services and got his job back at Hill Air Force base. Using a closed circuit TV he can solder small parts in electronic systems. Mr. Olson was advocating for DSBVI.

Ms. Donna McCormick, consumer, is from Woods Cross. She is currently a legislative member of the Coalition for People with Disabilities, and a board member for tri-county Independent Living Centers. She has seen the Living Centers develop from the ground up. She is asking for funding on the priority list for USOR, Independent Living Centers and Assistive Technology. Additional funding will help others to continue in the program this year. This funding is needed for people to stay independent in their homes.

Sen. Weiler thanked Ms. McCormick for coming to speak to the Subcommittee.

Sen. Dayton wanted to acknowledge that the committee received a letter from Carola Zitzmann.

3. Approval of Minutes

MOTION: Rep. Menlove moved to approve the minutes of January 25, 2012. The motion passed unanimously with Sen. Robles and Rep. Litvack absent.

Rep. Menlove wanted to thank the individuals for coming this morning to talk to the Subcommittee about their experiences and to the agencies for their dedicated work. She commended the effort of the agencies in working together with the people.

4. Budget Brief - DHS - Executive Director Operations

Mr. Jardine presented the budget brief and explained what the Executive Director Operations includes. This division includes the department director's office, as well as administrative support bureaus such as Fiscal Operations, Legal Affairs with the Office of Licensing, and it includes the Utah Developmental Disabilities Council (UDDC). The Fiscal Analyst recommends a FY 2013 base budget of \$15,259,500 as explained in the brief. This is a large department that administers services around the state so there are several buildings that are involved with the department.

6. Issue Brief - Executive Director Operations - Output and Outcome Measures

Mr. Jardine presented the issue brief on output and outcome measures. A six year history of measures is included in the appendix. The department has given guidelines for measures that speak to the impact and effectiveness of programs. The issue brief highlights changes from information presented a year ago and identifies measures that have improved or declined by more than five percent. EDO measures showing greater than five percent improvement include the percent of reported fiscal issues now corrected and the number of Children's Ombudsman reviews completed. There were five measures showing greater than a five percent decline. They include Child Visitation Grant, Contract Monitoring, and Licensing issues. The Fiscal Analyst recommends EDO further develop outcome measures for its Administrative Hearings and the

Public Guardian programs that comply with the general principles of performance measurement where you measure things that matter, measure outcomes first, and measure internally and against other states.

Sen. Dayton asked about the Utah Development Disabilities Council (UDDC); what the program provides and whether State funds are involved.

Mr. Jardine indicated this entity is established in federal law. As part of their budget submission the UDDC describes itself as receiving funding through the *Developmental Disabilities Assistance and Bill of Rights Act*, almost exclusively from the federal government. Approximately \$75,000 comes from State money to pay for a phone line and website that provides information for individuals with disabilities. They are a federally directed entity with some language in statute that affects states with its purposes on federal books.

Sen. Dayton asked for clarification concerning UDDC status as a program. She wanted to know if it's a federal program that requires the State to add funds and are all states required to have this program.

Mr. Jardine explained that the State funding is minimal in-kind support with payroll, travel, the phone line and website. He suggested the department might provide better answers.

Ms. Claire Mantonya, Executive Director, UDDC, said the council was created through federal law. The council is in place because individuals with intellectual and developmental disabilities are probably the most vulnerable population. The mandate comes through an executive order of the Governor. The program looks for ways to expand capacity of services for individuals with disabilities. They provide an advocacy voice and fund a lot of new programs.

Sen. Dayton asked if advocacy was required in the State. She also wanted to know if the State generated the program and asked for federal funds.

Ms. Mantonya further explained that the agency is now acting under a Federal Act of 2000. There is a council in every state.

Sen. Dayton clarified that the program is required by the federal government and state agencies contribute finances to it.

Ms. Mantonya said the council is created with citizen members appointed by the Governor for three-year terms, in a unique partnership with the intellectually disabled and the families of those with disabilities, working with agencies that provide services for individuals with disabilities. The UDDC operates under a five year plan.

Sen. Dayton further questioned the federal role in UDDC.

Ms. Mantonya stated she is a state employee being paid for with federal money. Access Utah, an information line for those with disabilities, has one employee and is housed under the UDDC umbrella.

Sen. Dayton thanked Ms. Mantonya for her answers.

Mr. Mark Ward, Deputy Director, DHS, addressing the federal funds issue, indicated there is not only a risk of a reduction in funding but also the potential of a delay in funding compounded by a reduction of funds. This problem is being faced by all states. In the last five years, there have been eight continuing resolutions that have created a delay in federal funding. Also, with the overlap of fiscal years, a delay in federal funding could push the impact on the State into March or April, late in Utah's fiscal year.

7. Budget Brief - Utah State Office of Rehabilitation (USOR)

Mr. Jardine presented the budget brief for USOR. This agency has a lot of federal funding. USOR operates programs designed to assist individuals with disabilities to prepare for, obtain, and maintain employment and increase their level of independence. USOR includes the following divisions: Executive Director's Office, Rehabilitation Services, Disability Determination Services (SSI & SSDI), Deaf and Hard-of-Hearing, and Blind and Visually Impaired divisions. The agency partners with other agencies, community service and resource providers to offer services statewide. USOR also provides contracts to the Independent Living Centers (ILC) throughout the state.

Mr. Jardine indicated the Legislative action recommended by the Fiscal Analyst is to approve a FY 2013 budget of \$77,854,300.

The Department requests the following actions from the Subcommittee:

1. Request for \$180,000 in Education Fund for two teachers for the blind and visually impaired.
2. Request for \$64,000 in Education Fund for a vision screening technician.
3. Request for \$50,000 in Education Fund to pay for support services for the deaf and blind.

9. Issue Brief - Utah State Office of Rehabilitation - Output and Outcome Measures

Mr. Jardine presented USOR output and outcome measures issue brief. USOR reported a seven year history of output and outcome measures. This brief highlights changes from the previous year and identifies measures that have improved or declined by more than five percent. USOR made a five percent improvement in several programs including: Blind and Visually Impaired, Rehabilitation Counseling and Placement, Special Support Services, Utah Center for Assistive Technology and Disability Determinations. USOR measures showing greater than five percent decline were in Vocational Evaluations and Services to the Hearing Impaired.

Mr. Jardine indicated the Legislative Action recommended by the Fiscal Analyst included USOR review its measures and where warranted, develop more robust outcome measures that comply with the general principles of performance measurement where you measure things that matter, measure outcomes first, and measure internally and against other states.

8. State Office of Rehabilitation - Plan to Address Potential Loss of Federal Funds

Mr. Don Uchida, Executive Director, USOR, said their basic mission is employment and independence for individuals with disabilities, with the highest level being economic self-

sufficiency. In USOR FY 2013 prioritized building block requests, part of the funding comes from the State Board of Education. These requests were not subject to the Governor's budget but were vetted by the State Board and have been voted on, approved, and factored into the overall public education budget request. USOR is also asking for ongoing funds of \$300,000 pass-through funding for the six ILC's across the state, \$47,000 in State match for three master's level Vocational Rehabilitation (VR) counselors to meet increased demand, and \$78,000 for one job placement specialist, fluent in American Sign Language (ASL), for the deaf. USOR is also requesting one-time funds of \$200,000 to purchase Independent Living Assistive Technology devices and services. The Independent Living Assistive Technology waiting list is currently at \$227,900.

Mr. Uchida pointed out statistics for the Division of Services for the Blind and Visually Impaired (DSBVI). Individuals that attended training and adjustment classes increased by 362 for a total of 1,720. The reported number of children vision screened was 56,597 children. This number was shown as a decrease in outcome measures. There were a couple of problems leading to this drop; Davis School District did not report and Granite preschools and other preschools didn't report. The wording in the statute says they *should* report not that they *shall* report these statistics. It appears the focus was on meeting the new law passed and there was no additional funding. The number of deaf and blind individuals provided by the Support Service Provider Program was 123 individuals in FY 2011 with an increase to 222 individuals with reduced service hours in FY 2012. Also, 73 blind or visually impaired individuals were successfully placed into employment.

Rep. Vickers asked about the ILC pass-through funds building block. He wanted to know if that was federal money. On the VR counselors building block, Rep. Vickers asked if the State match was \$47,000 then did that imply there was other funding.

Mr. Uchida answered that the ILC funding would be State ongoing funds. He also indicated that there would be matching federal funds, at a rate of 78.7 percent federal to 21.3 percent state funds, for the VR counselors.

Rep. Vickers asked if the federal funds would be ongoing in light of the proposed reductions.

Mr. Uchida indicated it would be ongoing federal funds.

Mr. Uchida continued with the Independent Living Centers. The number of individuals transitioned from nursing homes into the community was 51, for an estimated cost savings of \$1.9 million in Medicaid funding, based on a Medicaid formula and a 365 day year. Of 93 individuals that received Independent Living Assistive Technology services from FY 2009 to FY 2011, 11 have been successfully employed and the rest are in the VR system looking for employment.

Utah's Vocational Rehabilitation program is the largest program in USOR. In a ten state comparison, Utah is the most productive and cost effective. The average caseload size in FY 2007 was 176 and FY 2008 was 187 individuals. In FY 2009, VR is still extremely cost effective but the caseload has increased again. In FY 2010 and FY 2011, Utah's VR program is still very productive but the caseload size has grown again. Mr. Uchida indicated there is a point of

diminishing returns. The caseload is extremely high, and although he has dedicated, well-trained and professional staff, there is a need for more staff. Mr. Uchida shared how Utah ranks in comparison to other states and other programs in cost, numbers of those employed, case service budget, mean hourly wage, and caseload. Mr. Uchida explained that they run USOR like a business. They invest in people with disabilities. For every Utah State dollar invested in the Vocational Rehabilitation program, there is a return of \$5.64.

The Division of Services for the Deaf and the Hard of Hearing (DSDHH) placed 175 individuals into employment. The building block request for an ASL translator is to help with placement because it is so expensive to hire interpreters. This request is based on pure economics with interpreters costing \$45 per hour with a two hour minimum. The needs are great enough to have an in-house interpreter.

Two bills were passed by the Legislature, put together by Rep. Menlove, that created a partnership between USOR and DSPD. They began with a pilot program in 2006. The Support Work Independence Program was implemented in 2008. Their target group included high functioning individuals that are being serviced by both USOR and DSPD. New legislation was passed in FY 2011 to strengthen funding. This partnership was recognized by the Vocational Rehabilitation Research & Training Center. USOR has a number of other partnerships with other agencies.

Rep. Last said the USOR base budget of nearly \$80 million looks pretty good. He asked Mr. Uchida to explain what the \$36 million in Other Services is being used for.

Mr. Jardine offered to help Mr. Uchida answer that question. He referred to Budget Brief: Utah State Office of Rehabilitation, page 4. Under Categories of Expenditures, it lists Personnel Services at about \$34 million. Mr. Jardine pointed out Other Charges/Pass Thru as the item Rep. Last was questioning. Mr. Jardine said that money was going somewhere else.

Mr. Uchida indicated it was the Case Service budget. That money is used to pay for Assistive Technology, for tuition, books, fees, training and tools.

Rep. Last asked if that money provided any contract services or other personnel.

Mr. Uchida said there was a small part. One previously mentioned was \$27,000 for the UDDC position. There is a small contract with DOH.

Rep. Last asked if that money would cover college tuition.

Mr. Uchida answered that it would cover tuition under Vocational Rehabilitation.

MOTION: Co-Chair Christensen motioned to adjourn. All were in favor.

Co-Chair Wright adjourned the meeting at 9:31 am.

Minutes were reported by Mrs. Pope, Senate Secretary