

MINUTES

JOINT COMMITTEE ON CHILDREN'S ISSUES

October 30, 2007
Room 313-S—Statehouse

Members Present

Representative Mike Kiegerl, Chairperson
Senator Julia Lynn, Vice-Chairperson
Senator David Haley
Senator Roger Reitz
Representative Marti Crow
Representative Bill Otto
Representative Sue Storm

Members Not Present

Senator Laura Kelly
Senator Susan Wagle
Representative Brenda Landwehr

Staff Present

Terri Weber, Kansas Legislative Research Department
Emalene Correll, Kansas Legislative Research Department
Amy Deckard, Kansas Legislative Research Department
Cindy Lash, Kansas Legislative Research Department
Nobuko Folmsbee, Office of Revisor of Statutes
Florence Deeter, Committee Secretary

Conferees

Dr. Marcia Nielsen, Executive Director, Kansas Health Policy Authority
Dr. Andrew Allison, Medicaid Director, Kansas Health Policy Authority
Linda Steinke, Director of Field Operations, UniCare Health Plan of Kansas
Bob Finuf, CEO, Children's Mercy Family Health Partners
Sam Donaldson, CEO, Cenpatco Behavioral Health Systems
Carla Deckert, Project Director, MAXIMUS
Honorable Daniel L. Mitchell, District Court Judge, Shawnee County
Candy Shively, Deputy Secretary, Kansas Department of Social and Rehabilitation Services

Dr. Howard Rodenberg, Director of Health, Kansas Department of Health and Environment
Melissa Ness, Advocacy Coordinator, St. Francis Academy
Trish Bryant, Vice President of Strategic Planning, St. Francis Academy
Robin Clements, Child Welfare Companies, and Representatives of Foster Care Contractors
Bruce Linhos, Executive Director, Children's Alliance
John Hodder, Topeka, Specialized Foster Home Provider
Dennis Finch, Kansas Foster and Adoptive Parents Association
Sandra Hiller, Kansas Foster and Adoptive Parents Association

Others Attending

See Attached List.

Tuesday, October 30 Morning Session

The meeting was called to order at 10:15 a.m. The Chairman welcomed Committee members and guests. He requested conferees giving testimony to respect the time limits he outlined.

Dr. Marcia Nielsen, Executive Director, Kansas Health Policy Authority, opened with comments on issues in HealthWave, a program which now includes both Title XIX (Medicaid) and Title XXI (State Children's Health Insurance Program) ([Attachment 1](#)). She highlighted the Authority's priorities pertaining to children's health by stating the goal of health reform is based on improving the health of Kansans. By helping school children make wise choices in nutrition, by increasing their levels of activity and fitness, and by encouraging them to take responsibility for healthy choices, the goal becomes attainable. Dr. Nielsen stated children in Kansas who are eligible for HealthWave should be targeted for enrollment in health insurance.

Dr. Andrew Allison, Medicaid Director, Kansas Health Policy Authority, provided an update on the State Children's Health Insurance Program, (SCHIP), which was implemented under the name, HealthWave, in 1999, with Medicaid added in 2002 ([Attachment 2](#)). Dr. Allison explained that approximately \$8 million in unspent funds as of September 29, 2007, is available as carry-over dollars until November 15, 2007. He said the Congress had adopted a continuing resolution appropriating \$5 billion to cover SCHIP program expenditures. The funds currently are available only after any carry-over dollars have been expended and are available only through November 15, 2007.

Dr. Allison provided information on the managed care organizations under contract with the State of Kansas. Cenpatico Behavioral Health has a contract with the Kansas Health Policy Authority to provide mental health care coverage to HealthWave XXI members. UniCare Health Plan of Kansas and Children's Mercy Family Health Partners collaborate in building provider networks and in offering a variety of care management programs for covered individuals. The Authority uses administrative health records and beneficiary survey results as well as contracting with the Kansas Foundation for Medical Care to assess the quality of services provided in the Medicaid and SCHIP programs.

Dr. Allison noted the challenges that have arisen in dealing with federal citizenship requirements and said, due to the federal mandate that became effective July 1, 2006, the number

of documents that have to be submitted to verify citizenship and identification have increased significantly. Many beneficiaries scheduled for their annual eligibility review lost coverage and experienced hardship until the necessary documentation was procured. Funds were reallocated within the existing contract with MAXIMUS, the entity that contracts with the Authority to administer the application process. The reallocation was not sufficient to remedy the situation, and the Authority requested a supplemental appropriation to add additional MAXIMUS staff and state staff to the Clearinghouse. With additional funds for more staff, approved by the 2007 Legislature, the continued reallocation of resources, and continued use of overtime, progress has been made in reducing the number of unprocessed applications and reviews.

In response to questions, Dr. Allison stated:

- The federal citizenship verification requirement probably was initiated at the federal level to prohibit non-citizens from receiving benefits;
- The cost of providing staff for the program was over \$1.0 million; however, staff ratios can be lowered in coming months;
- Medicaid has provided “back coverage” to the date of an application to cover Medicaid beneficiaries who experienced a significant gap in coverage due to the new requirements;
- The Authority’s goal is to qualify persons for coverage rather than looking for persons who do not qualify;
- Discussion is ongoing in regard to reviewing school enrollments for the purpose of finding children not enrolled;
- A federal program entitled SOBRO is in place through Medicaid to pay for hospital and physician emergency care for undocumented children;
- A fund of \$42 million is available to assist hospitals across the state who serve the indigent, disabled, and elderly populations;
- Medicaid payments are made to providers in two ways—a set fee schedule for claims and services for those providers who are not a part of a managed care network and through managed care plans; and
- Auditing of the system is done automatically with staff involved to monitor the authenticity of claims.

Dr. Allison will provide information to the committee regarding:

- Development of a waiver to provide services for families of children with autism;
- An estimate of the number of undocumented children in Kansas; and
- How the system verifies the social security and driver’s license numbers of those seeking enrollment in Medicaid.

Linda Steinke, Director of Field Operations, UniCare Health Plan of Kansas, provided an overview of seven community outreach programs located in Topeka and Wichita ([Attachment 3](#)). She commented on the value of the premium assistance program and the partnership UniCare has

with the Authority. Ms. Steinke expressed concerns about the uncertainty of future funds available through SCHIP. UniCare is committed to maintaining coverage for the current number of children served and to create opportunities for services to low-income families needing health care.

Responding to questions, Ms. Steinke said the premium assistance program is up for bid, and seven groups are interested in providing a benefit structure. More than one company will be selected for the program.

Bob Finuf, CEO, Children's Mercy Family Health Partners, reported on the services provided to HealthWave recipients in Eastern Kansas ([Attachment 4](#)). The managed care organization has made significant strides in working with various agencies around the state since its inception on January 1, 2007. He further noted the implementation of provider and community advisory councils that have assisted in the development of new programs and operational enhancements; explained documentation in the application process is monitored electronically; and noted having an electronic system for direct submission of claims would help shorten the turn-around time for payments. Included in his testimony are three brochures explaining in more detail the scope of services provided through Children's Mercy Family Health Partners.

In answer to questions, Mr. Finuf said Children's Mercy Family Health Partners spends approximately 6.5 percent of its funds on administrative services, compared with other agencies that spend about 10 percent. The lower percentage provides a cost structure that allows for expansion of some programs. At this time the organization is comfortable with the amount of funding provided.

Sam Donaldson, CEO, Cenpatico Behavioral Health Systems, reviewed three specific areas of focus during the past year ([Attachment 5](#)). Program goals include improving members' choices by improving access to providers, improving quality of care, and having a system of accountability. Conducting surveys and receiving both written and automated phone calls from members has proven important in making improvements for members.

Carla Deckert, Project Director, MAXIMUS, outlined the scope of work conducted by the organization ([Attachment 6](#)). She said two major changes have occurred this year: the conversion of 3.5 million pieces of paper and 150,000 case files into image files, and the new federal requirement to establish and verify the identity of Medicaid recipients. Ms. Deckert provided data giving an overview of the workload conducted for HealthWave, giving accolades to staff who are committed to serving Kansas citizens needing health care coverage. She responded to a question by stating that Medicaid requires verification of identity from the state in which a child is born in order for that child to have health coverage. Ms. Deckert concluded by issuing an open invitation for tours of MAXIMUS.

Afternoon Session

The Honorable Daniel L. Mitchell, District Court Judge, Shawnee County District Court, provided an overview of the district court role and authority in Child in Need of Care cases. ([Attachment 7](#)) Included in his testimony is a flow chart indicating the order of various proceedings and placement decisions. Judge Mitchell offered to discuss any pertinent issues the Committee might request. His responses to questions are as follows:

- A seventy-two hour window is established by law under a protective order until a case is filed;

- The court has no authority to place a child;
- Most county and district attorneys strive to file a petition and seek court action as soon as possible;
- Caseload is a definitive factor in the time necessary for disposition of a case;
- Parents who avoid appearing for a hearing can be issued a bench warrant and can be incarcerated;
- The Court Appointed Service Advocate (CASA) has allegiance only to the child and the court;
- When a child is in custody, the two most stable entities as far as the child is concerned are the CASA and the judge conducting the hearing;
- Emergency placement for a child requiring a change in placement can be made during the first six months of placement, but a review must be conducted if change is needed beyond that;
- Judicial discretion is necessary for appropriate emergency placement; and
- Whenever appropriate, a child is better served by being placed in the family constellation.

Legislative Research Department staff reviewed the revised Kansas Code for the Care of Children, outlining the procedures that govern the reporting and investigation of suspected abuse or neglect; procedures that may be followed prior to a district court hearing if a child is in danger and needs to be removed from the home for his or her protection; the hearings and judicial procedures that take place once a petition has been filed to find a child to be a child in need of care; and the options available to the court once a child has been found to be a child in need of care (Attachment 8). Charts were presented to show the three steps that occur under the Code (Attachment 9). Staff noted the revision of the Code improved the structure of the statutes, making them easier to use. In addition, several other acts that pertained to juveniles were incorporated into the Code, including two that were drafted and introduced by the Joint Committee on Children's Issues. Two other recommendations made by the Committee were incorporated into the revised Code. While there are not a great many substantive changes, there are substantial clarifications and several changes relating to who may be present at a hearing and confidentiality under the Code.

Candy Shively, Deputy Secretary, Department of Social and Rehabilitation Services, provided information on child protection and the Kansas foster care program (Attachment 10). She commented on the complexities of acquiring all pertinent information necessary to provide the best environment for a child in need of care. Ms. Shively said, of the 50,000 reported cases in each of the past two years, two-thirds were related to abuse and neglect of a child. She outlined the process required to place a child in the care of Social and Rehabilitation Services and explained the oversight role of the court. She emphasized the importance of communication to foster greater understanding on the part of all persons involved in the process.

Ms. Shively responded to questions by stating:

- A healthy relationship with school district personnel often provides information pertaining to reports of abuse or neglect;

- In looking for a suitable temporary home for placement, it is the goal of the agency to keep a child in the school district he or she is attending if possible;
- Foster parents' involvement in reporting to the courts on the progress of a child in their care is an important contribution to the case review, especially when reintegration with the biological family is being considered; and
- Through contract with child welfare community-based service contractors, foster homes are obtained and training is given for those maintaining the home.

Dr. Howard Rodenberg, Director of Health, Department of Health and Environment, provided a follow-up report covering questions submitted during the September 17, 2007, meeting of the Committee ([Attachment 11](#)).

Dr. Rodenberg gave a broad overview of the Department's role as overseer of the quality of foster care in Kansas ([Attachment 12](#)). He reviewed the organizational structure of the Child Care Licensing and Registration Program and explained the need for regulation and enforcement of standards within foster care settings. Dr. Rodenberg explained the responsibility of Social and Rehabilitation Services centers on distributing federal funds for child day care services, conducting child abuse and neglect investigations and sharing that information with the Department of Health and Environment, and doing background checks for the Child Abuse Registry. The agencies have a memorandum of agreement that delineates the role of each agency.

Dr. Rodenberg commented on several areas in which the rules and regulations are currently the subject of significant revision. The Department has established a "Best Team" process to engage in discussion for the purpose of clarifying problems encountered by foster parents and child placement agencies. Two significant issues are being addressed as a result of the review and input. Pre-adoptive homes are not to be subject to licensure, and since K.S.A. 65-516 gives the Agency authority to require fingerprints, more extensive background checks can be done.

Melissa Ness, Advocacy Coordinator for St. Francis Academy, testified regarding the role of the Agency in placing children in foster care ([Attachment 13](#)). St. Francis Academy serves a largely rural population of Kansas and maintains a goal of providing timely mental and behavioral health services to those areas. Trish Bryant, Vice President of Strategic Planning, continued the presentation from St. Francis Academy, stating the Agency believes securing acceptable homes for foster placement remains a great responsibility. It is imperative for the child placing agency to ensure sponsored homes adhere to the statutes and regulations set by the state. She voiced concern about maintaining clear expectations in the licensing process. In answer to a question, Ms. Bryant said there are four to five levels of compensation to foster families, varying from \$20 to \$40 per day.

Robin Clements, representing Child Welfare Companies of Kansas, addressed the committee with concerns for increased communication levels among contractors, Social and Rehabilitation Services, and the Department of Health and Environment ([Attachment 14](#)). Child Welfare Companies of Kansas is a consortium of companies providing child care services. Ms. Clements expressed concern that undue restrictions deter families who could offer their homes for child care. She offered three recommendations for improvement:

- Joint training with surveyors for the purpose of knowing expectations;
- Setting in motion the on-line technology to assist all agencies in procuring information in a timely manner; and

- Communication to improve all areas of concern with affiliates in the organization.

Bruce Linhos, Director, Children's Alliance of Kansas, said the Alliance is an association of private child welfare agencies providing a range of services to Kansans (Attachment 15). He outlined recommendations for consideration, including:

- Make joint training a priority for the Department of Health and Environment and private agencies;
- Provide access to Kansas Bureau of Investigation background checks;
- Bring the Child Licensing and Registration Information System on-line quickly; and
- Address the problem of adequate qualified staff.

John Hodder, owner of Starfish Ranch, a specialized foster care home, expressed his frustration with the reporting of what he considers an inordinate number of infractions surrounding the facility and care given to children in the home (Attachment 16). Mr. Hodder and his wife, Sheila, are licensed foster parents for attachment disorder children, specifically, and provide respite and emergency care for other foster parents. Mr. Hodder outlined a number of recommendations in his testimony, advocating the need for some exemptions in rules and regulations relating to ponds and lakes on the property of the foster parents, establishment of a Foster Parent's Bill of Rights, inclusion of all psychological, medical, and educational records for a child being placed, more highly trained investigation personnel, and the formation of an allegation review board outside the scope of the state licensing agency.

Dennis Finch, a member of Foster and Adoptive Parents of Kansas, asked the Committee to allow foster parents, especially those who care for severely emotionally disturbed children, to be seen as professional care givers (Attachment 17). He said the teaching and nurture of these children sometimes necessitates exceptions to the regulations. He gave examples of children in his home having special needs and advocated for surveyors to be more inclined to give an affirmative answer to innovative procedures in relation to the child's needs, rather than denying the foster parents the opportunity to try something which might benefit the child. In answer to a question about disclosure of behavioral information on a child, Mr. Finch said it is not given readily for fear of labeling a child. However, having that information before placement would serve to protect other children residing in the home.

Sandra Hiller, Secretary of the Kansas Foster and Adoptive Parents Association, spoke as an advocate for foster parents. One of the goals of the Association is to help empower foster parents to feel comfortable enough to experience greater involvement in procedures within the system. No written testimony was provided.

Committee discussion and recommendations will be developed through submission of information by members through email to the Legislative Research Department staff who will compile the results.

Representative Otto moved to approve the minutes as written. Senator Haley seconded the motion. The motion carried.

The meeting was adjourned at 4:45 p.m.

Prepared by Florence Deeter
Edited by Emalene Correll

Approved by Committee on:

January 1, 2008
(Date)