

Sen. Libby
2-22-19

APPROVED	CHAPTER
SEPTEMBER 7, 2018	471
BY GOVERNOR	PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHTEEN

S.P. 758 - L.D. 1923

An Act To Improve the Child Welfare System

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, maintaining a sufficient number of qualified foster homes provides a critical safety net for vulnerable children; and

Whereas, recruitment and retention of highly qualified child welfare staff will allow for more timely and thorough investigations of allegations of abuse and neglect; and

Whereas, a new comprehensive child welfare information system will make more information available in a timely manner, which will allow for better outcomes for children; and

Whereas, this legislation provides funding necessary to enhance the child welfare system and services available to children in the care of the State; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. Rate increase for foster homes. The daily rates for foster homes must be increased as follows: Unlicensed Homes must be increased from \$10.00 to \$18.50, Level A Licensed Homes must be increased from \$16.50 to \$25.00, Level B Licensed Homes must be increased from \$26.25 to \$35.00, Level C Licensed Homes must be increased from \$39.38 to \$45.00, Level D Licensed Homes must be increased from \$52.50 to \$60.00, Level E Licensed Homes must be increased from \$65.62 to \$75.00 and Medical Licensed Homes must be increased from \$60.00 to \$70.00.

Sec. 2. New job classification. The Department of Administrative and Financial Services, Bureau of Human Resources and the Department of Health and Human Services shall work together to develop a new job classification for the Child Welfare Investigator position. This classification must consider relevant education and training in investigative practice in lieu of the possession of a license in social work. This education and training must be obtained from service and experience in law enforcement or other similar fields.

Sec. 3. Development of a new comprehensive child welfare information system. The Department of Health and Human Services shall conduct a needs analysis for its comprehensive child welfare information system and review possible solutions to meet those needs. The Department of Health and Human Services shall purchase or develop a new comprehensive child welfare information system.

Sec. 4. Report. The Department of Health and Human Services shall report in writing to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 31, 2019 on the progress of the department in implementing the provisions of this Act and the progress on and results from any external audit of the department's child protective services system.

Sec. 5. Department of Health and Human Services to conduct a rate study to develop a new rate for MaineCare reimbursement for trauma-focused cognitive behavioral therapy. The Department of Health and Human Services shall contract for a 3rd-party independent rate study to develop a separate reimbursement rate for trauma-focused cognitive behavioral therapy to be available to be billed under rule Chapter 101: MaineCare Benefits Manual, Section 65. In establishing the rate, the rate study must take into consideration the following:

1. The costs to the provider of delivering the service, including additional training for certification and continuing education;
2. Quality assurance and continuous quality improvement;
3. The need to attract enough providers to clear waiting lists for services;
4. The need to attract providers to all areas of the State, including underserved rural areas; and
5. The costs of ensuring fidelity to the trauma-focused cognitive behavioral therapy model.

The department shall ensure that the rate study is completed no later than April 1, 2019. The department shall submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the findings of the rate study no later than May 1, 2019. The department shall amend its rules to establish a separate reimbursement rate for trauma-focused cognitive behavioral therapy. Rules adopted pursuant to this resolve are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF
IV-E Foster Care/Adoption Assistance 0137**

Initiative: Provides funding for increased foster home reimbursement rates to increase recruitment and retention of foster families in this State.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$386,493
GENERAL FUND TOTAL	\$0	\$386,493
FEDERAL EXPENDITURES FUND	2017-18	2018-19
All Other	\$0	\$579,738
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$579,738

Office of Child and Family Services - District 0452

Initiative: Provides increased funding for the creation of 16 Human Services Casework Supervisor positions within the Office of Child and Family Services, child protective services to increase coaching and oversight of child protective staff.

GENERAL FUND	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNT	0.000	16.000
Personal Services	\$0	\$768,701
All Other	\$0	\$68,727
GENERAL FUND TOTAL	\$0	\$837,428
OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
Personal Services	\$0	\$168,740
All Other	\$0	\$21,182
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$189,922

Office of Child and Family Services - District 0452

Initiative: Provides funding for the creation of 2 Regional Associate Director for Child Welfare positions.

GENERAL FUND	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNT	0.000	2.000
Personal Services	\$0	\$161,112
All Other	\$0	\$8,580
GENERAL FUND TOTAL	\$0	\$169,692

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
Personal Services	\$0	\$35,366
All Other	\$0	\$1,883
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$37,249

Office of Child and Family Services - District 0452

Initiative: Notwithstanding the Maine Revised Statutes, Title 5, section 7065, provides funding for the recruitment and retention of employees in Child Protective Services Caseworker positions, Child Protective Services Caseworker Supervisor positions, Child Protective Services Assistant Program Administrator positions and Child Protective Services Program Administrator positions via a \$5 per wage-hour stipend payment.

GENERAL FUND	2017-18	2018-19
Personal Services	\$0	\$3,040,731
GENERAL FUND TOTAL	\$0	\$3,040,731

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
Personal Services	\$0	\$651,269
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$651,269

Office of Child and Family Services - District 0452

Initiative: Notwithstanding the Maine Revised Statutes, Title 5, section 7065, provides funding for the recruitment and retention of employees in Child Protective Services Caseworker positions, Child Protective Services Caseworker Supervisor positions, Child Protective Services Assistant Program Administrator positions and Child Protective Services Program Administrator positions via a \$1 per wage-hour stipend payment for employees holding or obtaining a relevant master's degree.

GENERAL FUND	2017-18	2018-19
Personal Services	\$0	\$93,808

GENERAL FUND TOTAL	\$0	\$93,808
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OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
Personal Services	\$0	\$20,592
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$20,592</u>

Office of Child and Family Services - District 0452

Initiative: Provides funding for 8 Customer Rep Assoc II - HS positions to act as clerical case aides within the Office of Child and Family Services, child protective services.

GENERAL FUND	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNT	0.000	8.000
Personal Services	\$0	\$347,634
All Other	\$0	\$34,992
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$382,626</u>

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
Personal Services	\$0	\$68,694
All Other	\$0	\$6,915
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$75,609</u>

Office of Child and Family Services - District 0452

Initiative: Provides funding for 16 Human Services Caseworker positions.

GENERAL FUND	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNT	0.000	16.000
Personal Services	\$0	\$817,222
All Other	\$0	\$69,984
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$887,206</u>

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
Personal Services	\$0	\$161,487
All Other	\$0	\$13,829
	<u> </u>	<u> </u>

OTHER SPECIAL REVENUE FUNDS TOTAL \$0 \$175,316

State-funded Foster Care/Adoption Assistance 0139

Initiative: Provides funding for increased foster home reimbursement rates to increase recruitment and retention of foster families in this State.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$2,586,929
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$2,586,929</u>

State-funded Foster Care/Adoption Assistance 0139

Initiative: Provides increased funding for procurement of a pilot program for child welfare services to support children in the State’s custody through supportive visitation, which will allow for the supervision of court-ordered visitation with relatives of the children and will provide assessment and evaluation of parental capacity as it relates to the parent’s ability to safely care for the child.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$2,250,000
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$2,250,000</u>

State-funded Foster Care/Adoption Assistance 0139

Initiative: Provides increased funding for procurement of child welfare services to support children in the State’s custody through clinical support and guidance of child welfare casework practice. This funding will allow each district office to procure a clinician to aid the district in clinical consultation within child welfare cases, in training to increase staff knowledge of mental health and behavioral needs of children in the State’s custody and in consultation within child welfare cases on parental capacity. In addition, this increase in funding will allow for procurement of clinical services to support each district office to evaluate staff functioning and provide debriefing for critical incidents.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$880,000
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$880,000</u>

State-funded Foster Care/Adoption Assistance 0139

Initiative: Provides one-time funding for the development of a new comprehensive child welfare information system.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$8,000,000
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$8,000,000</u>

HEALTH AND HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS	2017-18	2018-19
GENERAL FUND	\$0	\$19,514,913
FEDERAL EXPENDITURES FUND	\$0	\$579,738
OTHER SPECIAL REVENUE FUNDS	\$0	\$1,149,957
DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$21,244,608</u>

Sec. 7. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF
Office of MaineCare Services 0129**

Initiative: Provides funding to contract with a 3rd party to conduct a rate study to develop certain rates under rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 65 to be completed no later than May 1, 2019.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$50,000
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$50,000</u>

FEDERAL EXPENDITURES FUND	2017-18	2018-19
All Other	\$0	\$50,000
FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$50,000</u>

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

