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REP. ANNE-MARIE MASTRACCIO, HOUSE CHAIR

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REP. H. SAWIN MILLETT, JR.
REP. MARGARET O'NEIL
REP. TERESA PIERCE

MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

MEETING SUMMARY

May 10, 2019

Accepted August 14, 2019

Call to Order

The Chair, Sen. Chenette, called the Government Oversight Committee meeting to order at 9:05 a.m. in the Cross Office Building.

Attendance

Senators:	Sen. Chenette, Sen. Davis, and Sen. Keim Joining the meeting in progress: Sen. Sanborn Absent: Sen. Libby and Sen. Timberlake
Representatives:	Rep. Mastraccio, Rep. Arata, Rep. Millett, Rep. O'Neil and Rep. Pierce Joining the meeting in progress: Rep. Dillingham
Legislative Officers and Staff:	Danielle Fox, Director of OPEGA Amy Gagne, Analyst, OPEGA Etta Connors, Adm. Secretary, OPEGA
Executive Branch Officers and Staff Providing Information to the Committee:	Jeanne Lambrew, Commissioner, Department of Health and Human Services Dr. Todd Landry, Director, Office of Child and Family Services, Department of Health and Human Services Laura Fortman, Commissioner, Department of Labor Laura Boyett, Director, Unemployment Insurance Program, Department of Labor

Introduction of Committee Members

The members of the Government Oversight Committee introduced themselves.

Summaries of March 22 and April 12, 2019 GOC Meetings

The Meeting Summaries of March 22 and April 12, 2019 were accepted as written.

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Sen. Chenette recognized Rep. Babbidge and Rep. Reckitt, who were in the audience.

New Business

- **Pursuant to GOC request, report from Commissioner Lambrew and Dr. Landry, Director, Office of Child and Family Services on plans for improvements to Maine's child protective system**

Sen. Chenette said Commissioner Lambrew and Dr. Landry will present a follow-up regarding OPEGA's report on the Office of Child and Family Services.

Commissioner Lambrew and Dr. Landry presented their follow-up information to the Committee. (A copy of their testimony is attached to the meeting summary.)

Sen. Chenette noted that it has been reported in the newspapers that since 2017 at least 22 children died after Child Protective Services (CPS) received concerns regarding abuse. The work that the GOC has been doing with OPEGA in terms of investigations stem from 2 child deaths and the Committee had asked the Commissioner for concrete steps regarding the 50 to 80 specific recommendations, not only what steps the Department of Health and Human Services (DHHS) was taking, but anything specific that the Legislature can be part of to help facilitate ongoing changes that need to be made in order to make efficiencies to the system.

Sen. Chenette asked the date PCG released the 84 recommendations because it seems that the GOC has been talking about it for quite a while now and that it is taking a while to prioritize a list of recommendations. Commissioner Lambrew wanted to be clear that DHHS has not waited to act on all of the recommendations and will get back to the Committee on the 20 or so recommendations that are the priorities that were announced a couple of weeks ago of where DHHS is on those recommendations.

Sen. Chenette thought it would be helpful to have something in writing that articulates that DHHS has already begun working on 20 of the recommendations for the GOC to understand what DHHS/OCFS is working on, what is left to be done, and then will have an update on what their prioritizing is from that list.

Commissioner Lambrew said that DHHS's website has a new section called updates and OCFS has been posting public reports of what is going on because of the interest everyone has in their work. OCFS did post the list of the top 20 recommendation about 2 weeks ago to make sure people saw the results of the survey and they will try to add to their website the changes at OCFS.

Rep. Mastraccio asked who is participating in the Children's Cabinet because LD 1554, Establishing a Commission to Report Child Protective Services, came out of the aspect that the Judicial Branch is not being heard.

Commissioner Lambrew said Chief Justice Saufley is an ex officio member of the Children's Cabinet. Both Dr. Landry and she went to the Judicial branch's child welfare conference on May 3rd to listen, present and engage because they value that connection and all have the same goal which is keeping children safe, healthy and making sure they grow into their potential as adults. Additionally, they are committed to making systematic changes regarding transparency so that the Legislature will know what DHHS is doing, regarding policy changes as they are being done, updates on data, as well as, when incidents happen, what can be said while still respecting the laws. There are a few areas in federal and state laws that protect information around child welfare because of the absolute sensitive nature of taking care of the children, thus limiting some disclosure.

Dr. Landry believes one of the biggest challenges currently for OCFS is rebuilding trust between the Director, the Director's Office and staff and also with their colleagues in the field, stakeholders and legislators. One of the lowest OCFS staff ratings for the improvement recommendations was the creation of internal and external dashboards, which he believes is a critical piece. He has talked with staff to explain why he feels that

transparency (facilitated by dashboards) about what is going well in the system, as well as where there are improvements is critically needed. He noted that some OCFS staff feel they have been beat-up on and thinks what needs to be done as an office, and what Commissioner Lambrew is committed to doing, is being much more transparent about their data and using dashboards that are available. Dr. Landry said transparency in sharing their outcomes, data and information is critical, but wants to make sure when the data is released it is in a method and format that everyone can easily get to and be able to understand.

Sen. Chenette referred back to the list of 84 recommendations from the PCG study and although OCFS has not prioritized the list, they have determined that at least 20 are a priority. He asked if Dr. Landry could walk the GOC through the 20 recommendations. (A copy of the 20 recommendations is attached to the meeting summary.)

Rep. Mastraccio noted that the previous administration had provided a list of proposed initiatives in response to OPEGA's information brief on the Child Protection System: A Study of How the System Functioned in Two Cases of Child Death by Abuse in the Home and asked, if not at this meeting then at a future time, if DHHS could provide the GOC with the status of those initiatives. She said a response to that question would assist the Committee with making decisions on their work plan.

Commissioner Lambrew said both the previous and current Governors have ranked the initiatives very high and in reviewing the list provided by Director Fox, said a fair amount of them did get initiated under the previous administration. Since October 1, 2018 DHHS has hired 18 case workers, 19 case worker supervisors, 12 child welfare administrative and support staff and did increase the Intake Unit. DHHS is in the process of changing their phone system to ensure that when a judge or hospital calls there is a special key for them to go into so they are not waiting. DHHS will provide an update on the status of the initiatives.

Rep. Millett said, having spent a lot of time in the Executive Branch, he always felt inter-branch communications start with openness, transparency and a desire to work together rather than to compete and is encouraged by Dr. Landry's goal of prioritizing actionable recommendations to definable and measurable outcomes. If Dr. Landry can pull that off he will be a very valuable asset to Maine government because in past years they have failed to define what they wanted out of strategic planning because of failure to prioritize or put the actionable steps into forms or budgets that led to an outcome. He asked if Commissioner Lambrew would be willing to commit to not only her excellent verbal communications, but sharing in writing, periodic updates with data points that connect to her perception of the gaps that led to the tragedies. Rep. Millett said without constant attention, follow-up and communications the Committee does not know whether they are accomplishing their outcome goals.

Commissioner Lambrew said DHHS is working on taking the list of 20 initiatives and putting them into the matrix of priorities and an action plan is something Dr. Landry wants to do. That has not been done yet, but she and Dr. Landry would be happy to communicate that work to the GOC in a way that is easily understood. Dr. Landry said OCFS can act with urgency, not haste, and still get them where they need to be. Everyone recognizes it is a system that needs improvement all the way down to the frontline staff. He thinks they have a unique opportunity to build upon the hope and optimism with the new administration and a significant reason he decided to accept the opportunity in Maine is because of that hope and optimism from those he spoke with during his interview process, including the Commissioner and her DHHS team. He is an outcome results driven individual and his commitment to the GOC and all the stakeholders, including taxpayers and citizens, is to be transparent about outcomes, recognizing that their goal is always 100% safety for all children all of the time. OCFS is doing well in a number of areas and they need to build upon that success and to applaud and honor staff for achieving those results in very difficult circumstances and to work on the areas that need improvement.

Sen. Chenette agreed with Rep. Millett regarding information updates and suggested that when OCFS releases reports to their website, particularly when it relates to this subject matter, he thinks it would be helpful to forward the information to Etta so she can send it to GOC members. Rep. Mastraccio suggesting adding OCFS's report updates to the GOC/OPEGA website.

Rep. Mastraccio said Sen. Chenette and she have been talking about inviting DHHS, the Chairs of the Health and Human Services (HHS) and Judiciary Committees to a GOC meeting to talk about what everybody has done on this matter. Rep. Millett suggested, not in a political way, that the Chairs and Leads of the above-mentioned Committees could be invited to a meeting. The Chairs agreed and thought it would help with committees not working in silos.

Sen. Chenette referenced Dr. Landry mentioning prioritizing the list of recommendations and asked him when that would be done. Dr. Landry expected to have the information no later than mid-summer. Staff are going to participate in the prioritization process and want to make sure there is built-in time for all to participate. Rep. Mastraccio asked if September or October would be a time for the GOC to have that meeting. Director Fox will work out the details of scheduling a fall meeting. Sen. Chenette requested that the GOC continue to receive OCFS updates.

Sen. Chenette referred to the Commissioner's statement of working with several joint standing committees on LDs and asked if the GOC could receive a list of those LDs that are related to the Child Protective Services subject that she is specifically endorsing, or working with, because he wants to get out of everyone working in the silo environment. Commissioner Lambrew said she would forward that information.

Committee members thanked Commissioner Lambrew and Dr. Landry for being at the meeting, providing information and answering their questions.

Unfinished Business

- **Further discussion on ReEmployME System review**

- **Commissioner Fortman and Laura Boyett, Director of Unemployment Insurance Program (UIP), Department of Labor (DOL)**

Commissioner Fortman believes, that at the last meeting the GOC shifted into technical questions about procurement, oversight of the consortium agreement and other technical issues. She referred to the question asked about the wait time for people to get through on the phones. The wait time was about 9 ½ minutes at that point and said that this week it has dropped to a 2 minute average wait time. Ms. Boyett said UIP no longer has the temporary workers, which demonstrates the drop in workload getting out of the winter crunch.

Commissioner Fortman said the new system has two parts, the benefit side, which is the side that legislators were receiving lots of calls and questions about, and the employer tax side. She said April would have been the real test on the employer side of the system and UIP has not heard any complaints from employers.

Ms. Boyett said UIP shares a system and it is a multi-tenant technology platform. They have a governance model of which Maine (ME), Mississippi (MS) and Rhode Island (RI) were original members, and Connecticut (CT) has been working diligently to be able to come on soon. They are making joint decisions about where to move forward, especially around the core system they all share. Since it is a multi-tenant system it is critical that they have one vendor that works for all of the States on the system and maintains it so they don't end up with pieces of the system that becomes no longer compatible with the other pieces.

Ms. Boyett said when DOL started the process, ME, MS and RI talked, as a governance model, about whether they should go out for bid. They were going to build the system on MS's model, who still had an existing contract with TCS, who built and maintained it. Maine was able, through MS's procurement system, to amend that contract to do the development and consortium work. DOL chose to go in that direction because it helped ME leverage the programmer resources and technology experts that designed and developed the system itself. They have stayed with TCS at this point because states are still coming on to the system. In the future that might not be the case and they have talked about going out for a new competitive bid process down

the road, but it has made sense, at this particular point, to have TCS stay with them. The initial plan was to have a group of TCS programmers and analysts on site in each of the states as they developed the system, rolled it out and through the 90 day warranty period, to repair any defects that might have popped up. There is always something that is not going to work exactly right when you roll a system out as complex and large so, as the system gets used, problems are identified and TCS repairs them. Maine does not pay for that work, it is part of the ongoing contract (federal dollars).

Sen. Chenette asked if the other states, throughout the roll out process, had similar issues. Ms. Boyett said MS was the first to roll out so they did not have the issues that ME did because it was an existing system for them. Maine's system was the first time it had been programmed with ME's laws and unique parts. There had been a year and a half of system testing and another period of time for user testing. Maine would have preferred to have additional time and to not roll it out in December when UIP's workloads were going into their high season. However, if not done at that time it would have delayed starting the tax systems and would have run out of money because there was an expiration date on the grant money ME received to develop the system. UIP was running into a time crunch and she thinks if they could have pushed it to a spring rollout, they would not have seen as many problems.

Sen. Chenette asked, within the testing period, how many staff who interact with the system actually had an opportunity to train during the testing process versus just a handful of management staff. Ms. Boyett said UIP actually dedicated full time subject matter experts for folks who had been working in the system, classifications, claims representatives and adjudicators. They worked with the vendors in identifying how the system is supposed to work in Maine over a period of a couple of years. TCS was also their testers and wrote several thousand scripts for testing.

Sen. Chenette asked if Ms. Boyett felt confident that through that testing period the staff that would be engaged at that level with that system on a day-to-day basis knew what they were doing when it was rolled out so all the staff that would be interacting with the system were properly trained. Ms. Boyett said she was not at UIP during that period of time, but the design process was to have all of UIP's frontline staff trained to be able to use the system. There was a lot of training, but she does not know to what extent folks felt they got adequate training. She knows there is always a familiarity issue when dealing with a new system.

After the development of those systems UIP still maintains a small group of TCS staff on site and that was always the plan. They do the programming changes that UIP identifies they want to make to the system, upgrades to the data base and any kind of patches needed as UIP is adding something new to the system to make sure it is interacting appropriately with other things. TCS staff also coordinate, almost daily, with their counterparts in the other states along with ME's project manager and IT consortium manager to ensure that any changes that are being made to the system, by any state, do not cause something to not function correctly in another state. This group is very active and she gets daily reports on everything they are working on for both the benefits and tax systems.

Ms. Boyett said UIP has a relationship with the IRS and have in their system IRS federal tax information. They also use the tax offset program through IRS for debt, either on the employer side or for fraudulent overpayment from the benefit side, UIP can recover those dollars through tax refunds from the IRS. By IRS statute, a vendor or contractor cannot have access to that data so anytime there is a request for an extract of information TCS may develop the quarry, but OIT would be the one that would handle the input and support.

UIP also has a cloud vendor that all the states share and is in the process of developing a joint RFP for a new cloud vendor that they think would give more savings. UIP is also looking at potentially drafting a new RFP for managed support services for the system. It is their intention, at some point, to not stay with one vendor because of the competitive value that can give a state. They will probably wait until CT comes on board because there is a lot of interaction right now that could cause a major delay if they were to switch vendors mid-stream. CT is anticipating coming on board by either late 2020 or early 2021. The concept of the consortium is that the more states that come on the more opportunities there are for reducing overall costs.

One of the most important advantages with the consortium is the ability to maintain systems and keep them current. Ms. Boyett preferred that the Department never gets back to a point where their systems are so beyond their life cycle they have to look at a complete rewrite of a system. If ME can share that cost with multiple states that is one of the things they are looking for.

Sen. Chenette asked how a new vendor would impact the consortium because the vendor DOL is working with now rolled out the system. Ms. Boyett said for the RFP process you would have to fully describe what the system is and they would have to be able to demonstrate that they could maintain and keep it going forward. She thinks there will be more vendors available because more and more states are beginning to use the TCS model. Another group they are exploring a possible, either partial or full, consortium connection, is Missouri who took the code from MS and developed a system using the same platform. Wyoming has joined them and is almost ready to go live.

Sen. Chenette asked the rationale for moving to a new vendor. Ms. Boyett said they may not necessarily end up with a new vendor, but would like to put it out to bid because there is leverage to try to execute a better product so there is not complete complacency that you are just going to stay where you are. It would be good management to do that.

Sen. Chenette said, in terms of going forward, he feels that a lot of time has been spent looking back to see what the challenges were, what happened, which is relevant to the conversation, but thinks the Committee is also interested in going forward to make sure UIP doesn't run into the same issues as in the past, and what is being done to continue to streamline the processes to make it more efficient. He asked if there was any other information that would be relevant in terms of departmental initiatives.

Ms. Boyett thinks in the day-to-day management UIP is consistently refining the process so all staff can put in requests for what they think is a problem. They are now internally triaging problems with the Department's own business analysts. UIP has a group that looks at all the different things they might want to do to enhance the system going forward and prioritizing. They also have a training team to assist someone not familiar with the system yet and is running into problems. She thinks the system is now stable, however, these are evolutionary types of systems and there are always changes coming out that will cause changes going forward.

Commissioner Fortman believes one of the biggest challenges is that UIP is funded through federal funds and as the unemployment rate continues to go down, the amount of resources they have to maintain the program decreases as well. A certain level of funding is required to just maintain a system, which is another reason why a consortium model, or streamlining, is important. One of the issues that states are grappling with is the current funding mechanism to support unemployment insurance programs may need to change and there are conversations at the federal level about what would a new funding mechanism be. She does not know if there is a concrete proposal out there yet, but said DOL may need some help in the near future about a funding model that makes sense for smaller states like Maine.

Sen. Chenette asked if they have seen any other states, including smaller states, move to a new funding mechanism already or is it relatively new. Commissioner Fortman said it is federal funding and would be a federal system. Ms. Boyett said they all get funding through a resource justification model and are paid on a workload basis. It is primarily predicated on claim workloads, which are low right now, and then look at what is your proportion of the claims are versus all the other states. That is where the small state – large state inequities can be problematic. The particular model currently used for allocation of funds has tremendous limitations and does not take into consideration any kind of capital expenditures that you might need to invest in your program it is strictly based on workloads.

Rep. Mastraccio noted that the LCRED Committee had similar discussions over the last 6 years of the importance of maintaining a robust system and it was never anticipated the kinds of expenses that exists around maintaining a computer system that will be secure and work. Ms. Boyett said DOL has had

discussions with the National Unemployment Insurance Directors Committee that the National Association of State Workforce Agency convenes and they are looking at putting together a subgroup with their Finance and Administration Committee to look at whether there is an alternative to the resource justification model that can be put forward to the federal government that would make a fairer allocation of funds. The President's proposal and request goes in based on their economic projections. Congress has their own projections and terminations of what they are going to fund the system at. Those figures get merged, but if the pot is not big enough to adequately fund all of the states then Maine is going to get a smaller piece. There have been discussions with congressional committees to look at unemployment on the discretionary side of the budget, but they can only go so far with it.

Rep. Millett believes that when the unemployment rate moves upward UIP has the authorized head counts and can bring on staff. He asked if it would make more sense to use their counterparts across the country to allow, or urge, the federal model to allow more gearing up time for cross-training the core staff. Both claimants and employers need access to clearer information, whether it is a good or bad time, and if they could urge the federal model and the folks that design it, to allow UIP to use the good times to prepare for the bad times in a more thoughtful way and not just rely on bringing in temporary staff who have to learn on the job. Ms. Boyett said what Rep. Millett said mirrors some of the issues UIP has talked about in their discussions about what is needed going forward. Even with the resource justification model that is currently being used it was difficult to get agreement because there are winners and losers when you talk about money.

The GOC thanked the Commissioner and Ms. Boyett for the updated information they provided and for answering their questions.

Director Fox said the GOC approved the ReEmployME System review in March, 2018 when issues regarding the rollout of the UIP system were brought to light raising concerns that there may have been systemic problems in how they were handled. There were also concerns regarding how people calling for assistance with unemployment benefits were being handled, how those requests were processed and how records were being kept with regard to some of those calls. OPEGA began their preliminary research phase in the fall of 2018 and what was discovered did not necessarily point to a systemic problem causing the issues, but rather a confluence of unrelated one-time issues that coincided with the system rollout. The Director referred to the memo from her to the GOC dated March 20, 2019. (A copy is attached to the meeting summary.)

Director Fox said a lot of the issues were identified when OPEGA began the ReEmployME System review and were mostly past, one-time concerns and not ongoing problems. There was a potential issue with regard to accountability in terms of how UIP managed record keeping of calls or recording of voice mail messages for claims. OPEGA indicated that they got conflicting stories about how those things were handled. However, generally speaking, as a systemic issue, it may have been a one-time event and the Commissioner and personnel from DOL were invited to a GOC meeting so the Committee could get an understanding of how things are currently working. The ultimate goal was to make sure the system that they implemented as part of the consortium would serve its constituents well.

Director Fox said OPEGA is looking to the GOC for guidance about whether to continue on with a full review of the ReEmployME System.

Rep. Mastraccio said Rep. Fecteau requested the review of ReEmployME System and after she spoke with him, it made sense to not proceed further because Commissioner Fortman and Ms. Boyett are aware of what happened and are doing everything they can to make sure that the system works going forward.

Motion: That the Government Oversight Committee remove the ReEmployME System review from the Work Plan and mark it as completed. (Motion by Rep. Mastraccio, second by Sen. Sanborn)

Discussion: Rep. Mastraccio noted that the GOC did a review of OIT that could be related and thought a follow-up of OIT regarding where the State's systems stand would be of interest to this GOC.

Rep. Millett referred to what Director Fox said about looking forward rather than backward and asked if the motion was open enough to allow DOL to periodically provide the GOC with a forward looking update of the System. Director Fox said the GOC always has the option to invite Commissioner Fortman and Ms. Boyett to meetings for updates and would be happy to facilitate that. Rep. Millett said he would like the GOC to be kept up-to-date if DOL comes up with better ways to anticipate the problems in the systems and how they are dealing with claimants and employers.

Sen. Chenette said, at any point, if the GOC wants updates from any department on any program, they have the jurisdiction to do so.

Vote: The above motion passed by unanimous vote of 11-0. (Sen. Keim voted on the motion when she returned to the meeting and Sen. Timberlake voted on the motion in the allowed time frame in accordance with the GOC's rules.)

- **Approved Projects**

- **GOC discussion on status of CPS Special Project (2) - Review and assessment of initiatives proposed by previous administration in response to OPEGA information brief on child deaths**

Director Fox said after the release of OPEGA's information brief on Maine's Child Protective System there were several work sessions held by the GOC. The Committee directed OPEGA to do 2 reviews – OCFS Frontline Worker Perspectives and a follow-up on the initiatives that were presented by Governor LePage with regard to what his administration's response would be to some of the issues that had come about in OPEGA's information brief. OPEGA was tasked with seeing where the administration was in terms of implementation of those initiatives. Some of the initiatives have been implemented and the current administration is going forward with others. Director Fox said the topic is on the work plan, but if OPEGA continues with the follow-up work of having Commissioner Lambrew and Dr. Landry list the initiatives and action steps they are taking, that might suffice and the review of the initiatives not needed, but that is a decision for the GOC.

Sen. Chenette pointed out that there are currently 2 directives adopted by the previous administration for OPEGA leading to Child Protective Services. (1) Out of Home Placements for Children removed from Care by DHHS/OCFS that the GOC voted to direct OPEGA to move forward with. (2) Follow-up Survey: OCFS Frontline Workers to determine from the workers themselves if the initiatives currently underway are achieving the measureable outcomes talked about with the Commissioner. The GOC has two directives regarding Child and Family Services. The second part of the review of the Office of Child and Family Services is looking backwards.

Rep. Mastraccio asked if the Committee could put the Special Project: Office of Child and Family Services on hold until they receive a response from Commissioner Lambrew regarding information the Committee asked for today. They may see that the initiatives were either absorbed into the new recommendations or were literally removed because they have not determined that they are priorities that they wanted to address. The GOC could decide at that time if they wanted to keep the topic on the work plan.

Director Fox said the GOC does not yet have the list of initiatives from Commissioner Lambrew that they thought they would have today. She could put something together based on what OPEGA has distributed and what Commissioner Lambrew has posted as an update on OCFS's website. Director Fox will draft a document that will help the GOC track the current status, what actions OCFS is going to take either from the handout OPEGA distributed or some of the other things mentioned today. Things may change after the prioritization happens in the fall, but at least there will be something the Committee can document and

perhaps she can show where there may be overlap or initiatives that were presented from the previous administration that do not seem to be addressed in anything looking forward.

Sen. Chenette did not see the need to keep the topic on the work plan if the Committee had to move forward with an entirely new directive based on new information and initiatives. He did not want a topic on the work plan if it is not going to be relevant to fixing the issues within OCFS.

Rep. Mastraccio would rather wait to receive the information from Commissioner Lambrew before removing the topic from the work plan, but was open to any motion by any Committee member.

Director Fox will provide information to the Committee prior to, or by, their next meeting on things heard at this meeting. There was discussion about linking the DHHS updates to the GOC/OPEGA websites and OPEGA will see how they can facilitate that. At the time of OCFS's last update she received a blast email that went out to say there would be an update so at least that triggered you to look. As she pointed out to the Department, even that would be helpful to receive. Sen. Chenette said he felt blind at today's meeting because the members did not have something before them as they had specifically requested. He was not blaming anybody, but wants to make sure everyone is clear what the expectation is from GOC of wanting the information in writing on a frequent basis. Whenever OCFS updates are published on the website, the Committee should have a copy in their emails.

Director Fox will also prepare a list of LDs that are identified by Commissioner Lambrew and Dr. Landry in terms of the LDs they are supporting with regard to improvements to the Child Protective Systems and will put them in a format that can be updated for the GOC. She will get that information for the Committee prior to their next meeting.

Rep. Mastraccio asked if it would be a problem to put DHHS's links on the GOC/OPEGA's website because it could be a clearinghouse for information that relates to what has been done. The information does not have to be there forever, but for now it would make it easier for the members of the Committee.

Director Fox will work with staff to add Child Protective Services' information to the GOC/OPEGA website. She will also provide the Committee with some information on the Office of Information Technology Follow-up Review OPEGA did in 2015.

Report from Director

• Legislation of interest to the GOC

Sen. Chenette referred the Committee to the "Current legislation which may be of interest to the Government Oversight Committee" document explaining the list is of bills that in some fashion involve the GOC or OPEGA. (A copy is attached to the meeting summary.)

Director Fox said for some of the bills she is looking to the Committee for guidance on how to approach them because they raise concerns.

LD 1511 would implement the recommendations of the Right to Know Advisory Committee. There was a subcommittee of the Right to Know Advisory Committee that was looking at different provisions that would make what would otherwise be public records confidential. OPEGA's working papers are confidential and there are no proposals to change anything in terms of the confidentiality status, but there is a lack of clarity in the law, repetition, a definition of working papers, but later in OPEGA's statute it would describe working papers and not necessarily reference the definition and items that were included and working papers were not mirroring the definition. There were some non-substantive clarifying changes to remove that duplication. LD 1511 has been heard by the Judiciary Committee. There were ongoing discussions that she was involved in and

the Attorney from the AG's Office who worked with OPEGA at the time also served on the Right to Know Advisory Committee so she helped navigate some of those changes. She is also the person OPEGA would consult when wanting to ensure what their obligations were under those confidentiality laws. The LD is in the process and should provide some clarity and needed clean-up of the statute.

LD 1554 is similar to work that the GOC is doing and is also before the Judiciary Committee. The bill would establish a commission to reform Child Protective Services. This is a study commission consisting of 13 legislative members and the duties "are to study and hold public hearings on reforms to the laws governing the protection of vulnerable children in state care. The commission is required to submit a report by February 2020, including suggested legislation, for presentation to the Second Regular Session of the 129th Legislature." There were some specific requirements in terms of the presiding officers making appointments to that commission and are required to consider members from the HHS and CJPS Committees. It is not an emergency so within the bill they usually give the presiding officers 30 days to make the appointments once the Resolve becomes effective.

Rep. Mastraccio said she has had conversations with the HHS and Judiciary Committees' chairs because she thinks the commission would duplicate efforts by all the standing committees and does not know what their plans are. The GOC, at today's meeting, was trying to figure out how to let the joint standing committees do their work and still become informed. She thinks this work is already being done.

Sen. Chenette noted that from the GOC's earlier conversation they would like to be the clearinghouse for a comprehensive analysis of what actions are being taken, both at the departmental and committee level. He and Rep. Mastraccio will follow-up with the HHS and Judiciary Committees to invite them to have that public discussion after session to make a determination of what actually transpired this session based on the list of LDs, what DHHS has done and what the chairs and leads of both committees feel are the direction that their committees are taking in conjunction with the GOC's work with OPEGA. He thinks that sort of discussion is more organic and related to the mission of each of the committees and gets at the objective of the commission of not wanting to work in solos.

Director Fox said the next few LDs is where she is looking for direction about how the GOC wants her, or the Committee, to handle. The LDs would amend the tax expenditure review process.

LD 1069 changes the date by which we provide the expedited tax expenditure information to the TAX Committee and moves back the date by which TAX reports to the Legislature and aligns more with when their committee is meeting rather having them meet out of session.

LD 1629 is the GOC's bill regarding moving the specific due date by which OPEGA would do a second review of the Pine Tree Development Zone Program.

LDs 1200, 1520, 1586 and 1645 all relate to a tax expenditure incentive program and require through legislation for OPEGA to complete a report by a certain date. A work session was held on **1520** and the analyst for the committee presented information about how the GOC/OPEGA has a process for establishing the schedule for review of tax expenditures. Although they didn't vote, the Committee came to agreement to remove the specific date for a review. Sen. Libby, the sponsor, said it was not his intent to do something different from the process.

Director Fox said when there are pieces of legislation that direct OPEGA to do a report by a date certain it does conflict statutorily with the process that is established for determining in what order we will continue to conduct and present to the GOC full reviews of tax expenditure programs. There is criteria set in statute now for how to group the programs based on what they are trying to achieve and there is input from the TAX Committee so they can weigh in on what programs they know are subject to a sunset and want information on prior to that happening. The process of when programs are reviewed, are set by the GOC, a bicameral and bipartisan

committee, and is an important element of the tax program review process. There is concern about separate legislation that directs OPEGA to do something that does not go through the filter of the GOC process.

Sen. Chenette referred to Sen. Libby's bill, LD 1520 and that Director Fox was in contact with the committee analyst to remove that language, or align it with the existing process. He asked if that has taken place with the other LDs. Director Fox said she has been in touch with Senate President Jackson's Office about LD 1586. That bill is not an actual full tax expenditure review, it is a design assessment which is something OPEGA had been tasked to do with the Major Business Headquarters exemption. The LD tells OPEGA to do that work and it also seems to do the design assessment after the program is implemented which is not normally how they are intended to go. She has pointed that information out to staff in the President's Office. There has been a hearing and the issue, but with regard to the conflict of the GOC's process, it has not been raised publicly in the committee process. They have not had a work session yet.

Director Fox said the original bill of LD 1200 did not include an OPEGA report, but the amended version has and the amendment was offered by the chair of the TAX Committee. She has been in touch with him, but does not know whether or not the language has been removed.

Director Fox said her work on the LDs has consisted of one-on-one conversation with sponsors and she has not presented any memos or testimonies as the Director of OPEGA or on behalf of the GOC. So far the process has been working successfully, but wanted to know whether the Committee wants her to continue in this manner, or if they are okay with her presenting a memo when the issues come to light - and to do it on the GOC's behalf rather than from her. The memo would be informing committees of what the GOC process is and that the proposal creates a conflict with that process. The memo would not include anything about the substance of the bills, but just the process.

Rep. Mastraccio said the good news is that in the tax incentive proposals, committees are including goals and outcomes, but went a step too far regarding dates. She blames herself and Director Ashcroft because they did this with the PTDZ program in trying to get legislation passed. She thinks what the GOC needs to do is make sure that the joint standing committee analysts know the process and that means that Director Fox, through memo or whatever it may take, so committees and the Revisor's Office understands the GOC's process and, on behalf of the GOC, to make sure that information gets out there. She did not want committees to stop doing the goals and assessments or even the design review, but they need to understand that it needs to be done before the onset of the program.

Director Fox said the OPEGA tax team has been talking about developing a template that would serve as a guidance document to be used when proposing new tax expenditure program suggesting what should be included in terms of future evaluations, necessary information to determine eligibility, and a way to measure if the incentive they are proposing will achieve the objectives they intend.

Rep. Mastraccio suggested sharing that information with the GOC because it helps them when working on their other committees. She has always been impressed by the committee analysts and Revisor's Office being able to adapt. She is pleased that objectives are being put in the legislation.

Rep. Mastraccio asked if the Director needed a motion from the Committee regarding what action will be taken on LDs that involve OPEGA. Director Fox said what is being done seems to be working. She was hesitant to do a memo as the Director of the Office to other policy committees without getting the GOC's agreement. She asked if they thought the memo should be from the Committee. Sen. Chenette asked if the Director was suggesting a memo at the beginning of each session regarding the GOC/OPEGA process or each bill. Director Fox said on each bill as OPEGA becomes aware of them.

Sen. Chenette thinks from an educational standpoint, they also wanted to prevent having to send a memo and part of that is educating analysts, Revisor's Office and legislators at orientation, of the process that is in place and is how they can be part of that process. The ultimate objective would be to not having to send the memo, is

to prevent it from getting to that point. He thinks a memo from OPEGA would carry weight to make sure they are navigating legislation in the appropriate way. They want to encourage reviews, but within the existing GOC/OPEGA process that respects the GOC's oversight. Committee members agreed that the memo should come from OPEGA.

LD 50 is Rep. Mastraccio's bill regarding the long-range strategic plan for economic development in the State and is a duplicative of a bill that was presented by the GOC in the 128th which ultimately passed, but was on the Special Appropriation Table upon adjournment. The bill is currently in the IDEA Committee.

LD 1628 is in regard to the bottle redemption program and DEP put forward a bill based on some of their own recommendations, but also cited those specifically from the OPEGA Bottle Redemption Program report. The ENR Committee voted the bill and the recommendation from the OPEGA report were carried into the legislation that is moving forward. Sen. Chenette, a member of the ENR Committee, said the legislation is very comprehensive.

LD 25 has been passed into law and is a result of an OPEGA report on the Maine State Lottery. It provided for better reporting and also made some changes to reporting on the liquor side for consistency from the Bureau with regard to operations and the flow of revenues through the enterprise accounts that are operated by BABLO.

Next GOC meeting date

Sen. Chenette noted that the next GOC meeting is scheduled for Friday, May 31, 2019 at 9:00 a.m. and as mentioned by Rep. Mastraccio the final days for committees to report out bills. He would ask the members of the Committee to hold the 31st open, but know that the meeting may have to be cancelled depending on other committee schedules and work. June is also a busy month, but if the GOC cannot meet May 31st a meeting could be scheduled for a Friday that legislators are already going to be at the State House. He did remind people that the GOC meets year round and will be able to continue the dialogues regarding initiatives.

Adjourn

The Chair, Sen. Chenette, adjourned the GOC meeting at 11:19 a.m. on the motion of Sen. Davis, second by Rep. Dillingham, unanimous.

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



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**Testimony of
Commissioner Jeanne M. Lambrew, Ph.D.
Department of Health and Human Services**

**Director Todd A. Landry, Ed.D.
Office of Child and Family Services**

Before the Joint Standing Government Oversight Committee

Hearing Date: May 10, 2019

Commissioner Lambrew:

Good Morning Senator Chenette, Representative Mastraccio, and esteemed members of the Government Oversight Committee.

I want to thank you all for inviting me to return to meet with you today. Since we last met, the Mills' Administration has continued its work to promote child health, safety, and wellbeing within our state. Chief among those developments is the reconvening of the Children's Cabinet. The Children's Cabinet brings together the Commissioners of Education, Public Safety, Corrections, Labor, and Health and Human Services to make statewide improvements in the lives of Maine's children and their families. The Governor has appointed me chair of this group because the Department I oversee includes multiple programs that touch children and families. The Cabinet is focused on two primary goals. The first is creating a comprehensive early care and education system in Maine that targets children before they reach school age. The second goal of the Cabinet is to support vulnerable youth and their families.

I am particularly excited that the Governor has directed us to focus on those first, critical years of a child's development. We know that engaging, supporting, and nurturing infants and toddlers sets them up to learn, grow, and succeed in life. We also know that our state experienced a 25% increase in the rate of substantiated reports of abuse and neglect between 2017 and 2018. As such, we need to work to strengthen not just child welfare, but also the services available to prevent child abuse and neglect and adverse childhood experiences in the first place. To that end, my Department has been hard at work to comprehensively address the needs of families and children. This includes expanding MaineCare, improving training of child care workers, and tripling the work supplemental benefit for families transitioning to work. We have created the position of Chief Pediatrician of Maine within the Department to assist us in weaving together the child health-related work being done across our Department, the administration, and our State as a whole.

The Department is also intensely focused on preventing child deaths. We announced last month that, from January 1, 2014 to March 31, 2019, 45% of child deaths in Maine were related to unsafe sleep environments. Additionally, 33% of child abuse victims in Maine have parents with

active drug abuse disorder as a risk factor and 18% have a parent with alcohol use disorders. We are targeting home visits by the newly reinvigorated Public Health Nursing Program to parents with young children as well as a history of substance use disorders to, among other things, educate them about safe sleep. My Department is also launching a public health and information campaign to bring attention to safe sleep guidelines in order to prevent these types of deaths in the future. We have additionally submitted an application for a federal funding opportunity that would improve the coordination of care for pregnant and postpartum women with opioid use disorder through MaineCare.”

Child wellbeing and health is our collective concern, and the programs that address health and wellbeing span multiple systems. I know that it will take time to thoughtfully and methodically build a sustainable system of care that seeks to prevent abuse, neglect, and other Adverse Childhood Experiences. In the meantime, we are aggressively assessing the changes and workforce needed in the child welfare system to support its climbing caseload.

One workforce challenge has been resolved since the last time I testified before this Committee. For more than two years, the Office of Child and Family Services has been without a permanent director. As such I am incredibly excited to introduce to you, Dr. Todd Landry, our new Director of OCFS. Todd has had a distinguished career serving children and families and he brings a wealth of knowledge and experience in the areas of child welfare, early intervention and prevention, and children’s behavioral health. Todd served three years as the director of Nebraska’s Division of Child and Family Services. Most recently, he was the chief executive officer of Lena Pope in Fort Worth, Texas, a nonprofit that serves children and families with an array of prevention and early intervention services. Todd also serves on several national boards, including the Child Welfare League of America. Todd has knowledge and experience that I know will benefit OCFS, the Department, and children and families throughout the State. Today marks the last day of Todd’s second week in this role. He’s already been to visit over half of OCFS’ District offices throughout the state and he’s on track to visit all offices before the end of his first month. But this visit to the Legislature has been high on his list of priorities as well as mine.

Director Landry:

Good Morning Senator Chenette, Representative Mastraccio, and esteemed members of the Government Oversight Committee.

Thank you for inviting me here today and for this opportunity to speak to you regarding OCFS’ efforts to date to address concerns raised during the system evaluations completed by OPEGA, the Child Welfare Ombudsman, and PCG; as well as about some of our longer-term plans to improve our system. I’ve spent time in my first two weeks meeting with OCFS staff (in Augusta, Lewiston, Houlton, and Rockland), reviewing reports, assessing with OCFS leadership and some of our stakeholders and partners where we are and how we got here. I can say with certainty that the staff of OCFS are completely dedicated to child and family safety and wellbeing. They are also committed to a methodical and thoughtful approach as we seek to improve our system. There are certainly areas we can address swiftly, but much of the change that is needed cannot be made overnight. The only way we will be successful in improving the system is by carefully considering things like the specific needs of our population, the culture of our workforce, and the way in which we can ensure changes are sustainable. As I have repeated over the past two weeks, we must act with urgency but not haste.

I know that the last time the Commissioner appeared before, you, we were awaiting the outcome of a survey where OCFS staff provided feedback on their views regarding the numerous recommendations that had been developed as the result of systemic evaluations. I wanted to take this opportunity to provide you all with the results of that survey, which had staff look at each individual recommendation and rate it on a scale from high to low priority. The recommendations which received the most support included reviewing and standardizing caseload/workload ratios for our frontline staff as well as development of a tool that can be used over time to determine the need for reallocation or additional staff, reducing the need to duplicate documentation, determination of areas where support staff could complete work to free up caseworkers to do casework, clarity regarding parents' rights and children's rights, and training for other systems which interact with the child welfare system. To this end, we worked closely with the Health and Human Services committee to establish a requirement that we develop caseload standard recommendations in collaboration with frontline workers and with input from the work of PCG. Following the development of those recommendations, we will report annually to the Legislature on the staffing ratios within Child Welfare. LD 821 passed unanimously out of the Health and Human Services committee a few weeks ago and is on its way to the Governor's desk.

As we sought to address staff's clear concern about the need for efficiencies in their work, one of the Office's primary focuses in the last few months has been the development of the Request for Proposals for the new system to replace our dated MACWIS system. That RFP has been published and released and we are working together with our partners in contract management and procurement to expedite the process for reviewing proposals, awarding a contract, and negotiating and implementing that contract. We believe it is likely we will have a contract in place by mid-summer of this year. Part of that process is that the contractor selection must be reviewed and approved by the Federal Administration of Children Youth and Families. Based on my discussions with other child welfare directors in the New England region and the country, this is a fairly quick timeline for something of this magnitude and my staff and I are deeply appreciative of the efforts of staff throughout state government who have been or will be assisting us. Once a contract is in place, we can begin the work of developing a system and planning for a smooth transition. We recognize there is an immediate need to replace MACWIS, but also know that we cannot rush the development of the new system without sacrificing the quality and effectiveness of it. As we move forward with this project, I will be seeking to balance those competing demands to ensure we are good stewards of the state and federal funds granted for this project and create a system that will effectively and efficiently meet the needs of our organization for several years to come. MACWIS is a complex system that houses a large amount of information from throughout child welfare, and its replacement must meet all of these needs and more, which will require careful planning, designing, building, and testing. I can assure you that as we proceed with this process, we will seek to ensure that all stakeholders are informed of our progress and have the opportunity to weigh in, including the Legislature.

We also learned from the staff survey that our staff felt there were areas in which they lacked critical information in order to make well-informed decisions regarding child and family safety and wellbeing. As you know, the Office has implemented a Background Check Unit within OCFS' central office that completes Interstate Identification Index and Confidential State Bureau of Identification checks on individuals involved in our cases. That unit currently serves York and Cumberland counties, completing background checks on all adult case participants when a new assessment is initiated. Piloting the program in these two counties has been beneficial as we

learned these new systems and developed processes and procedures to ensure we meet the strict security and confidentiality requirements related to our access to this information. We have seen the benefits of having increased access to information in a number of cases and believe we are now ready to expand this program statewide.

One of the last pieces I wanted to touch on before you have the opportunity to ask questions is the importance of foster and kinship parents within our system. May is National Foster Care month. Foster parents and kinship families are, in many ways, the glue that holds our system together. They partner with our staff and provide care for the day-to-day physical, mental, and emotional needs of children in custody. They are a critical link in reducing the trauma associated with the removal of a child from his or her parents' custody. Over the past few months, the staff of OCFS have been carefully examining the licensing process, as well as the way in which we support our current foster parents and kinship families. We have renewed our commitment to increasing the percentage of homes licensed within 120 days. We want to thank the Health and Human Services committee that recently unanimously passed out of committee LD 1526 to remove the requirement of a Fire Marshal's inspection in order to license a foster home. I urge you to support this bill when it comes before the full Legislature, as we believe this will reduce barriers to fostering that currently exist while also ensuring the safety of children in our care by utilizing a health and safety review by our staff.

In addition, OCFS has added additional staff within licensing to accelerate the licensing process and increase the support provided to families. We are piloting the use of an online informational meeting format to make those initial foster parent meetings more accessible for individuals considering fostering. Our Resource Parent Care Team contractor is currently working with over 100 foster families statewide to provide in-home clinical support to foster parents. It is essential that whenever possible we provide the support necessary to ensure that foster parents feel they can safely and effectively care for the children we have placed with them. Continuity in placement improves outcomes for children in care and helps provide stability that children who enter care may have lacked previously. We are working to ensure this type of continuity by increasing the number of available foster homes so that children and foster parents can be matched appropriately and also by supporting foster parents as they struggle with the difficult, complex, and sometimes emotionally taxing task of parenting a foster child. I know in the last Government Oversight Committee hearing there was a question about foster parent reimbursement rates over time. I have attached a document showing the two changes in the rates that occurred since 2004.

I know that I am new to this state, but I am not new to the challenges that many child welfare organizations face across the country. As I mentioned earlier, I have invested time in these first few weeks in meeting with our frontline staff so they can get to know me, but more importantly so I can get to know them. I've received excellent and thought-provoking feedback. The one thing that has struck me most is that sometimes the solutions that seem logical, the ones that seem like "easy wins" are not always so straightforward. Hearing this has reinforced for me the need to be thoughtful and methodical in our approach to system improvement, while balancing the need for swift and effective action – again, acting with urgency but not haste. We must be planful and selective in our approach to change for our staff and provide sufficient support to ensure we have full buy-in so these improvements have long-term sustainability. To do this, we are working to involve staff from all levels of the organization in our system-improvement work,

we are also focused on gathering stakeholder input, particularly through the use of our citizen review panels and the Ombudsman's Office.

The work of child welfare is among the most complex in state government, assessing child safety and family dynamics is difficult and taxing. Our staff experience secondary trauma on a daily basis and their personal safety is sometimes threatened. But what I can assure you is that despite all of this, the staff I have had the pleasure of meeting thus far are passionate about improving the safety, permanency, and wellbeing of children and families in Maine. Real and sustainable system changes are possible because of the dedication of these staff. I also recognize the need to ensure our constituents are aware of the work being done and the changes being made. OCFS has been providing regular public updates on current initiatives and will continue to do so. I believe that through collaboration, transparency, dedication, and hard work we will effect real and meaningful change within this organization and our state as a whole. I am excited about the opportunity to be a part of this work and appreciative of the work already completed or underway which will improve child and family safety and wellbeing, which includes the work of this body to support improvements to the system.

Thank you for the opportunity to testify before you today. I welcome your questions.

Rate of Foster Care Reimbursement 2004-Current

Level of Care	2004 - 2008	2008-2018	2018 to Current
Unlicensed	N/A	\$ 10.00	\$ 18.50
A	\$ 16.50	\$ 16.50	\$ 25.00
B	\$ 30.00	\$ 26.25	\$ 35.00
C	\$ 45.00	\$ 39.38	\$ 45.00
D	\$ 60.00	\$ 52.50	\$ 60.00
E	\$ 75.00	\$ 65.62	\$ 75.00
Medical	\$ 60.00	\$ 60.00	\$ 70.00

C.A.R.E Project – Recommendations Summary

Recommendations Prioritization

Using recommendations from phase one of the business process redesign project — **focused on Intake and Assessment** — with Public Consulting Group (PCG), as well as suggestions from reports by OPEGA, Ombudsman, Child Death and Serious Injury, and DHHS Internal Review, OCFS developed a comprehensive list of eighty-four (84) recommendations.

To narrow down the list to a manageable number of the highest priority and impact items, OCFS staff were asked to rate each recommendation on a scale of (1) “Not a Priority” to (4) “Must Do”. **Approximately 350 OCFS staff completed the survey, a nearly 54% response rate.** Below are more details about who completed the survey.

Survey Response Demographics

Response Rate	
Number of Respondents who started the survey	421
Number of Respondents who completed the survey	~350

Category	Response Rate
Intake	57%
Assessment	56%
Permanency	57%
Licensing	64%
Adoption	69%
Support Staff	46%
PA/ APA	72%
Other	88%

District	% of District Who Responded
1 – York	48%
2 – Cumberland, Lincoln, Sagadahoc	52%
3 – Western Maine	32%
4 – Midcoast	51%
5 – Central Maine	69%
6 – Penquis	69%
7 – Downeast	75%
8 – Aroostook	50%
9 – Centralized Intake	63%
Maine Office – Administration	48%

In addition to staff prioritization, OCFS management was asked to rank all 84 in terms of effort required and impact for the organization. The final list from OCFS management included 30 recommendations.

When cross-walking the recommendations staff rated 3 or above with the OCFS priorities, both have similarly aligned ideas about prioritization, as shown on the following page in the 20 shared recommendations with which OCFS will move forward over the coming years. Shown alongside each recommendation is the aggregate staff rating on the scale of 1-4.

These recommendations were chosen by both staff and management, as well as priorities shared by stakeholders, as ones that can most effectively improve outcomes, ensure child safety, and increase permanence for children and families, by:

- Meeting statutory timeframes
- Improving the quality of assessments
- Better engaging families
- Increasing accountability and responsiveness to the community
- Increasing compliance with federal outcome measures
- Improving internal efficiencies
- Reducing costs associated with turnover and training of new staff
- Updating policies
- Improving practices and consistency of application
- Strengthening caseworker supports
- Improving transparency
- Updating technology

The next step for OCFS leadership is to develop a detailed timeline to ensure that as many of these can be undertaken as simultaneously and quickly as possible while not stretching agency resources too thin. *It is worth noting that some of these recommendations are required by law or statute, so they were not ranked by staff.*

Final List of Recommendations

Recommendation	OCFS Staff Rating (1-4)
Update caseload size, standards, and ratios. Maine should continue to aim to be at or below the caseload best practice of 1:10.	3.73
Improve efficiencies in practice by reducing duplication of preparing documents on paper and in MACWIS, and more fully utilizing support staff to assist caseworkers with administrative tasks, to allow more time to engage with clients.	3.37
Clarify positioning around child rights vs. parent rights. The agency, through its caseworkers and leadership, must make the decision that its primary responsibility and obligation is to the best interest of the child/children and align policy and practice to reflect this.	3.21
Update the workload analytic tool so workload can be measured on an ongoing basis and used to determine how many supervisors, specialists and support staff are needed. OCFS should also update the time caseworkers time have available for casework.	3.17
Improve processes and ensure adequate staffing to handle intake calls and volume. Moving forward, OCFS should fill vacant positions with experienced, well-trained staff, develop a back-up plan to ensure calls are answered live, consider additional changes to staffing to stagger schedules, and improve training for intake staff.	3.13
Tighten assessment practices to further assure child well-being. OCFS should implement practice and culture changes that encourage caseworkers/supervisors to prioritize the child's best interest and make recommendations to the supervisor and the AAG when circumstances require a different course of action.	3.09
Provide training opportunities to judges, attorneys, guardian ad litem and other court staff to ensure thorough understanding of child welfare. This includes offering domestic violence training and other child welfare related training, and hiring retired judges with extensive child welfare knowledge and experience to mentor Maine judges.	3.09
Improve supervisory support for assessment staff. OCFS should expedite supervisor reviews of new reports, form an on-call team to act on off-hour reports, and ensure there is a robust alert system that prioritizes and tracks the clock from initial report to keep supervisors informed and alerted to initiate the assessment timely.	3.04
Re-assess the ARP program to align to best practice and define the referral process. It is of the utmost importance that policy is clear and concise, the referral criteria is explicit, and the practice is consistent and implemented with fidelity across provider agencies.	3.03

Recommendation	OCFS Staff Rating (1-4)
Develop a consistent, structured and transparent way to share updates and changes with staff in a variety of formats, such as emails, unit meetings, supervision, or newsletter.	3.00
Further build infrastructure to have staff-led input on practice and policy changes and implementation efforts.	3.00
Clarify processes so that decisions have at least two-tier review with clear roles and responsibilities at each level.	3.00
Formalize an ongoing training management plan for future implementation(s).	2.97
Improve consistency with case closing summary. OCFS should convene a group of intake, assessment and permanency workers to discuss key information that be required in the closing summary and design a clear model for writing the closing summaries that all workers are then subsequently trained to follow when closing a case.	2.74
Create an internal dashboard, with potential for external release in the future. OCFS should create a centralized, regularly updated internal dashboard featuring the key metrics that leadership and staff can use to determine performance trends.	2.25
Align report reclassification with Structured Decision-Making model.	Not Ranked Must Do
Ensure that supervisors review reports within 24 hours.	Not Ranked Must Do
Increase compliance with agency policy timeframes (24hr/ 72hr/ 35day rules).	Not Ranked Must Do
Use quality assurance process to support agency policy and practice model and training needs.	Not Ranked Must Do
Undertake key steps to successfully procure and implement a MACWIS replacement.	Not Ranked Must Do

Current legislation which may be of interest to the Government Oversight Committee
 Prepared by OPEGA for GOC May 10, 2019

LD #	Title and sponsor	Summary	Current Status and Comment
Bills that amend Title 3 chapter 37 (GOC/OPEGA governing statute)			
1511	An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions (Rep. Bailey)	The bill amends the statutes governing the confidentiality of the working papers of the Office of Program Evaluation and Government Accountability to clarify that the working papers, whether in the possession of the office or an entity with which the office director has contracted, remain confidential even after the report is released to the public. It removes duplicative language that is already captured in the definition of "working papers."	PH 5/1/19 (JUD) No WS date posted Fox referenced in email to GOC dated 4/30.
Potentially similar to current work of the GOC			
1554	Resolve, Establishing a Commission To Reform Child Protective Services (Sen. Diamond)	This resolve establishes the Commission To Reform Child Protective Services. The duties of the 13-member Commission are to study and hold public hearings on reforms to the laws governing the protection of vulnerable children in state care. The commission is required to submit a report by February 2020, including suggested legislation, for presentation to the Second Regular Session of the 129th Legislature. In making appointments, presiding officers must consider members from HHS and CJPS.	PH held 4/23/19 (JUD) No WS date posted
Amending the tax expenditure review process			
1069	An Act To Amend the Tax Expenditure Review Process (Rep. Tipping)	Changes date by which OPEGA provides information to TAX for tax expenditure reviews, category B (expedited). Current law requires that information be provided by July 1. Beginning in 2019, the information must be submitted by December 15 th . (Due to the fact that this is not yet law, and not proposed as an emergency, OPEGA will have information ready to provide by July 1.) Current law requires TAX review of the information and submission of report by December 1 (after info received from OPEGA). LD 1069 changes the date to March 1 st .	VOTED OTP 4/4/19 Passed to be engrossed in both House and Senate as of 5/9/19
1629	An Act Regarding Future Evaluations of the Pine Tree Development Zone Program (Rep. Mastraccio)	Removes the specific date (January 2021) which required OPEGA to conduct a (second) full tax expenditure review which requires consideration of newly established policy objectives and performance measures.	Submitted by GOC pursuant to authority in to improve tax exp. Review process 3 MRSA 1001(2)

		Referred to IDEA No PH or WS scheduled yet
Directing OPEGA to complete a full tax expenditure review or program design assessment		
1200	An Act To Amend the Maine Seed Capital Tax Credit Program (Emergency) (Sen. Pouliot)	Committee amendment directs OPEGA to complete full tax expenditure review by February 1, 2023 and requires consideration of specific policy objectives and enumerated performance measures (established in the amendment)
1520	An Act To Create and Sustain Jobs through Development of Cooperatives and Employee-owned Businesses (Sen. Libby)	Requires OPEGA, by February 28, 2027 to conduct an evaluation of a program deductions provided to retain jobs in qualifying businesses that would otherwise cease operations by reducing the tax impact to business owners from qualifying sales of ownership interests in order to encourage conversion of businesses to employee and cooperative ownership and thereby allow the businesses to continue operations and retain jobs The deduction excludes from Maine income tax the amount of gain, up to a maximum of \$750,000 recognized by a business owner in transferring the business to an employee stock ownership plan, eligible worker-owned cooperative, consumer cooperative or affordable housing cooperative.
1586	An Act To Promote Major Food Processing and Manufacturing Facility Expansion and To Create Jobs in Maine (President Jackson)	Directs OPEGA to conduct a design assessment of the tax expenditure program (similar to what was done for MBHE) by February 1, 2024 . Credits under the program can be claimed beginning with tax year 2022.
1645	An Act To Create Affordable Workforce and Senior Housing and Preserve Affordable Rural Housing (Rep. Fecteau)	Establishes a new tax credit and requires OPEGA to conduct a full tax expenditure review by February 1, 2024 .
Specific reference to previously submitted OPEGA reports		
50	An Act To Implement the Recommendations of the Government Oversight Committee To Improve the Development of a Long-range Strategic Plan for Economic Improvement in the State (Rep. Mastraccio)	Re-submission of GOC bill, LD 367 from the 128th (died on Special App. Table). Bill is based on 2006 OPEGA report of economic development programs in the State. This bill provides additional clarity, requirements and resources for the Maine Economic Growth Council's efforts to fulfill its current statutory mandate to develop, monitor and maintain a long-range strategic economic improvement

		plan for the State. It also includes provisions to support the State's achievement of the goals and objectives in that plan by establishing requirements for the Governor, Legislature and agencies with relevant programs and activities to consider the long-range strategic economic improvement plan and provide information to the Maine Economic Growth Council at the request of the council.	
1628	An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Container Redemption Laws (Rep. Tucker)	ENR committee bill submitted to implement recommendations of DEP report which references and incorporates recommendations from 2018 OPEGA report	PH 5/3/19 (ENR) WS held on 5/9/19 – will provide update of committee action when available.
25	An Act To Implement the Recommendations of the Government Oversight Committee Regarding Bureau of Alcoholic Beverages and Lottery Operations Reporting Requirements (Rep. Mastraccio)	Public Law 2019, c. 13 implements recommendations of the Government Oversight Committee based on the report on the Maine State Lottery issued by the Office of Program Evaluation and Government Accountability in April 2017. The law modifies the BABLO director's annual reporting requirements must include specific information on lottery activities and finances and marketing and advertising efforts and a listing of decisions made by the State Liquor and Lottery Commission and actions taken as a result. It makes similar changes with regard to liquor reporting for consistency.	Enacted PL 2019, c. 13

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