



LB 1173 Statutory Workgroup Meeting

MINUTES

April 6, 2023

The Nebraska LB 1173 Workgroup as established by the Nebraska Legislature met April 6th at DHHS offices, 5220 South 16th Street, Lincoln Nebraska, and via Zoom for the purpose of conducting business consistent with the statutory language of LB 1173, having given notice through release to news media and official public notices published in the Lincoln Journal Star.

The meeting was called to order at 2:00 PM CST. John Stephen from The Stephen Group, the consultant hired pursuant to LB 1173 to assist the Workgroup in meeting its deliverables, called the meeting to order and advised that the meeting was held as a public meeting and was being recorded.

LB 1173 Workgroup members present: DHHS Division Director of Children and Family Services (Interim) and DHHS CEO Danette R. Smith; DHHS Division Director of Behavioral Health (Interim) and DHHS Division Director of Developmental Disabilities Tony Green; DHHS Director of Public Health Charity Menefee; State Court Administrator and representative of the State Judicial Branch Corey Steel; and Ponca Tribe of Nebraska representative Stephanie Pospisil (virtual). Carissa Schweitzer Masek DHHS Director of Medicaid and Long-Term Care designee

LB 1173 Workgroup Members; Commissioner of Education Deborah A. Frison or the commissioner's designee; a representative for Santee Sioux Nation; a representative for Omaha Tribe; and a representative for Winnebago Tribe of Nebraska were absent.

Others in attendance were Cedric Perkins, DHHS; Deb VanDyke-Ries, Nebraska Court Improvement Project; Kari Rumbaugh, Administrative Office of Courts and Probation; Michaela Hirschman, DHHS; Health Phillips, Nebraska Total Care; Camas Holder, DHHS; Dr. Alger Studstill, DHHS; Jennifer Skala, Nebraska Children and Families Foundation; Nanette Simmons, DHHS; Lisa Batenhorst, Boys Town Nebraska (virtual); JaQuala Yarbro (virtual); Ryan Stanton, Compass; Monika Gross, Nebraska Foster Care Review Office; Maralee Bradley, foster/adoptive parent; Deb Munaldi, Administrative Office of Courts and Probation; Ivy Svaboda, Nebraska Alliance of Child Advocacy Centers, Pegg Siemek-Asche, Statewide Administrator of Behavioral Health at Lutheran Family Services of Nebraska (virtual); Mary Pinker, Vice President of Community Well Being at Nebraska Children and Families Foundation (virtual); Sara Riffel, Nebraska Children and Families Foundation (virtual); Julie Pham, Deputy Public Counsel for Welfare Services; Office of Inspector General (virtual); John Stephen, The Stephen Group; Richard Kellogg, The Stephen Group; Brooke Holton, The Stephen Group (virtual); and Austin Kupke, The Stephen Group (virtual).

The agenda proceeded as follows.



- **Approval of the Agenda (Action Item)**
 - **A motion was made by Corey Steel to accept the agenda, which was seconded by Tony Green and approved by vote, with all voting aye and none voting nay.**

- **Practice Strategy Presentations**
 - **Collective Engagement:** DHHS CEO Smith gave a presentation entitled “Collective Engagement,” focused on community engagement, belonging, and access and how these relate to the process for LB 1173’s work. Key themes included 1. Everyone should be able to receive services regardless of location; 2. Respect differences and experiences; 3. Process is about co-creating and an architecture that supports certain priorities; 4. What is in the best interest of children; 5. Moving from surviving to thriving as families/individuals stay out of the system and move it towards being an option of last resort. Discussion on the Framework and Action Plan occurred on “Build leadership and community accountability” and that this includes Departmental/government accountability, and indicated alignment of community and leadership having shared accountability.

 - **Prevention:** Nebraska Children and Families Foundation (NCCF) Executive Vice President Jennifer Skala gave a presentation entitled “Community Well Being Collaboratives,” giving an overview of prevention work being done across the state of Nebraska through the “Bring Up Nebraska” initiative. Under this initiative there are 32 community coalitions covering 8 counties across the state that offer the infrastructure, leadership and environment for a community-based prevention system. Presentation covered the community response system, Youth and Families Thrive, Support Service Funds, Strategies and Pathways to address specific priorities of local communities, discussion of the Fremont Family Coalition, and the statewide plan for community well-being.

 - **Family First Prevention Services Act (FFPSA):** DHHS Children and Family Services Administrator Jamie Kramer gave a presentation entitled “FFPSA Implementation in Nebraska.” This presentation covered work done on the child welfare system prior to the passage of FFPSA, the Continuum of Prevention in Nebraska, Nebraska’s recent Collaboration with Chapin Hall on Assessment and Recommendations, where Nebraska is now on child welfare reform efforts, Implementation of Evidence Based Programs, and Future Planning.

 - **Public Health:** DHHS Director of Public Health Charity Menefee spoke to the Workgroup on various public health efforts related to child welfare through pathways and points of entry opportunities, including school health and oral health programs, WIC, Health Families America (HFA) and Maternal, Infant and



Early Childhood Home Visiting Program (MIECHV). Through these efforts DHHS' Public Health department is focusing on partnering and working with partners through a collaborative model to support work within communities, provide funding, encourage and ensure Social Determinants of Health (SDOH) needs are met, and get creative in filling in gaps. Ms. Menefree indicated that while DHHS has good data and wants to see data sharing and outcomes focus to support these efforts, they don't have all the data, and there are statutory limits on how they can share their data.

- **Best Practices:** John Stephen of The Stephen Group gave a presentation entitled "Community Pathways and Innovations" showcasing practice models from Connecticut, New York, Indiana, Washington, D.C., and Florida and providing an overview of their screening, intake, prevention and community partnership pathways for families needing assistance or at-risk of involvement with the child welfare system. This included a slide demonstrating a screening out process being piloted in Florida for Substance Exposed Newborns (SEN) that offers supports to families with SEN rather than automatically opening a DCF case for abuse/neglect. Nebraska DHHS data on SEN was presented during the presentation showing that a high number of SEN families are "screened in" or have DCF abuse/neglect cases opened on the family.
- **Workgroup discussion of presentation areas**
 - Discussion followed the presentations on how Nebraska might adopt some of what was presented in the Best Practices presentation, what concerns could be with those models and what barriers there might be to adopting something like these models. Agreement occurred that defining what "success" looks like for child welfare cases differs for families and for judges/courts. More discussion occurred on how a model like Florida's might be adopted in Nebraska where more prevention services are offered in place of an open DCF case where there is a DCF hotline call for substance use disorder or SEN.
- **Finance Update**
 - David Destefano of The Stephen Group gave an update on the Finance Workgroup and work to-date on the Finance Model as required by LB 1173. The Finance Workgroup held its March 29th Kickoff meeting which included introductions and robust discussion around braided funding, Title IV-E maximization, Service Delivery and Performance Based contracts, and Rate analysis. They also held a discussion on the synergy of the model across multiple departments and thoughts and concerns from the collaborating agencies were documented.



- Mr. Destefano also shared an overview of data on the State Federal Fund Mix (2018: ChildTrends Data), highlighting that on average most states use much more federal funding for child welfare than Nebraska does.
- Mr. Destefano provided the update that Community Prevention Administrator for Nebraska DHHS Camas Holder connected TSG with Josh Cramer with the Nebraska Children and Families Foundation, who are engaged with the Children's Funding Project. CFP is looking to the possibility of fiscal mapping for various funding streams coming into NE.
- National Research has also started on finance and FFPSA, including innovative practices as well as barriers to FFPSA claiming.
 - According to this research, 18 states implementing, 10 have started to claim, 8 have drawn down funds, but this is often not significant.
 - Title IV-E questions include what is being billed for who, whether Nebraska is maximizing what can be billed for legal representation, partnering agencies, and what is required to certify external funding, even from private organizations, as federally allowable match.
 - Medicaid issues were also highlighted, including those related to service unit rates (assessment, counseling, etc.), barriers to implementing Brief Strategic Family Therapy, Medicaid rates often being too low to attract providers, startup and ramp up costs not being covered, and the challenge of stringent documentation standards interfering with the ability to implement Evidence Based Practice models to fidelity.
 - These challenges make braided funding difficult to pursue, leading states to explore other options such as in-lieu of services arrangements, adding defined services to Medicaid state plan, expanding the use of Targeted Case Management, bundling rates (based on a daily cost/per diem), seeking waiver of Medicaid administrative requirements, seeking funds for startup/capacity building leveraging MCOs, FFPSA, and IV-E Training funding, and forming go-forward sustainability plans (ex. Medicaid, with blended funding model for multi-system involved youth).
 - Discussion occurred on some of the challenges confronted locally with federal funding for child welfare. State Court Administrator Corey Steel shared that courts/probation shared these concerns on barriers to federal funding and had recently been able to draw down IV-E funds for education/training for judges on child abuse and neglect after a multi-year effort. Courts want to do more for probation with these funds, especially for cross-over youth. State Court Administrator Steel shared that Medicaid definitions and guidelines have made it difficult to fund many services and getting this funding involves a lot of administrative difficulty, but that DHHS was working with them to help cut through this.
 - DHHS CEO Smith indicated that the Workgroup must be strategic and identify priorities for increasing federal drawdown for child welfare/youth



services and there is willingness at the Department level to do things differently, but that the ask must be strategic and that there must be consideration of other opportunities, including how Managed Care Organizations can work better with kids in care where there are not just behavioral health needs, but a need for mobile services, in-home services.

- Mr. Destefano indicated that increasing the IV-E penetration rate is a critical step for addressing many of these concerns. Discussion occurred on the challenge that the 1996 AFCD rate poses for accessing sufficient federal funding, but it was indicated that many states have struggled with the same rate but still have higher penetration rates. There was also discussion on the issue of licensing facilities and that to draw certain funds down from the federal government, facilities need licensure to be DCF placements and draw down funds.
- The next Finance Workgroup meeting will be April 26, 2023.
- **Mission/Vision/Values/Priorities**
 - John Stephen of The Stephen Group presented attendees with a draft copy of the Mission/Vision/Values/Priorities statements based on stakeholder meetings and findings from previous and ongoing work on the child welfare system in Nebraska, including from stakeholder and community input and lived experience.
 - Mr. Stephen indicated this document was a start and the Workgroup was asked to review the draft document and provide thoughts, comments, and feedback to The Stephen Group and that they would address at the next Workgroup meeting.
- **Public Comment**
 - No public comment was offered
- **Adjourn (Action Item)**
 - **A motion was made by CEO Smith to accept the March Status Report draft, which was seconded by Charity Menefee and approved by vote, with all voting aye and none voting nay.**
 - **A motion was made by to adjourn the April 6 LB 1173 Workgroup meeting, which was seconded and approved by vote, with all voting aye and none voting nay.**
 - The Workgroup adjourned the meeting at 3:59 PM CST.
 - The next workgroup meeting will be held May 2nd at 5220 South 16th Street, Lincoln Nebraska from 2 to 4 pm.