



## **LB 1173 Statutory Workgroup Meeting**

### **MINUTES**

**May 2, 2023**

The Nebraska LB 1173 Workgroup as established by the Nebraska Legislature met May 2nd at DHHS offices, 5220 South 16<sup>th</sup> 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 2:05 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 Voting Workgroup members present: DHHS Division Director of Children and Family Services (Interim) and DHHS CEO Danette R. Smith; Winnebago Tribe of Nebraska representative Miskoo Petite (virtual); DHHS Director of Public Health Charity Menefee; Commissioner of Education Deborah A. Frison (virtual); Omaha Tribe of Nebraska Attorney Alexis Zendejas; DHHS Director of Medicaid and Long-Term Care Kevin Bagley (virtual); State Court Administrator and representative of the State Judicial Branch Corey Steel; Ponca Tribe of Nebraska representative Stephanie Pospisil.

LB 1173 Voting Workgroup Members DHHS Division Director of Behavioral Health (Interim) and DHHS Division Director of Developmental Disabilities Tony Green and a representative for Santee Sioux Nation were absent.

LB 1173 Ex-Officio (Non-Voting) Members present: Bryson Bartels, Senator Hansen's office; Deb Vandyke-Ries, Court Improvement Project; Jenny Skala, NCFE (virtual); Deb Minardi, Probation; Kari Rumbaugh, Probation (virtual); Ryan Stanton, Compass; Matt Priest, Boys Town; Monika Gross, FCRO; Peggy Siemek-Ache, Nova (virtual); Janece Ferris, Release, Inc.; Jennifer Carter, Office of the Inspector General (virtual); Annette Dubas, NABHO; Maralee Bradley, foster/adoptive parent, Jaquala Yarbro; Elaine Jones, NCFE; and Amanda Adams, NE Children's Coalition.

Internal CFS staff present were Cedric Perkins, DHHS; Nanette Simmons, DHHS; Kasey Boes, DHHS; Michaela Hirschman, DHHS; Camas Holder, DHHS; Dr. Alger Studstill, DHHS; and Jeff Powell, DHHS. Khalilah LeGrand, DHHS, was absent.

Others present were: Felicia Kellum, Annie E. Casey Foundation (virtual); Angie Walker (virtual); Kimberly Ricketts, Casey Family Programs; David Hansell, Casey Family Programs; Steve Ellis, Casey Family Services (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/Minutes (Action Item)**



- **A motion was made by Dr. Alger Studstill to accept the agenda and minutes, which was seconded and approved by vote, with all voting aye and none voting nay.**
  
- **Review of Status Report/Discussion**
  - No comments or questions were made on the April Status Report.
  - CEO Smith provided an update to the Work Group on DHSS activity related to LB 1173. She announced three new internal DHHS initiatives related to LB 1173 and the team that would support this work.
    - Dr. Alger Studstill is transitioning from his Deputy Director role and will be serving as LB 1173 Team Lead/Special Projects lead; DHHS' Kathleen Stolz will be Interim Depute Director
    - DHHS' Camas Holder will be involved in LB 1173 Prevention and Community Collaboratives, and DHHS' Michaela Hirschman will be involved in LB 1173 Policy/Statute Writing and Analysis
  - The goal of this change is to build an infrastructure for prevention and to develop evidence of the efficacy of the following three initiatives:
    - Eastern Service Area improvements: this will involve collaboration with Office of Court Administration and the Department of Education to offer additional support to this region
    - Warm line for Nebraska: exploring how existing services like 211 and Boys Town for example can be used strategically to help families and put services in place so that families don't end up entering the child welfare system
    - Develop connections and co-creation with the Nebraska Children and Families Foundation Community Collaboratives: developing strategies to strengthen more prevention upstream and less intervention
  - The team tasked with these initiatives will be developing plan of action to be delivered on May 9<sup>th</sup> with implementation to begin July/August to conduct some pilots to test prevention strategies in Nebraska
  - Updates on these initiatives will become a standard agenda item for the LB 1173 Work Group moving forward enabling the group to receive monthly updates on their progress
  
- **Practice Strategy Presentations**
  - Case Management
    - Suzanna Borowski, Protection & Safety Administrator, Children and Family Services, DHHS gave a presentation entitled "Children and Family Services: Case Management Work Flow" outlining hotline calls, initial assessments, ongoing case management, and alternative responses
    - Discussion occurred on the need for courts and the judiciary to understand alternative response cases and what can be done to educate the judiciary about the framework for these cases. CPS would like to do more than is done currently (share data and give updates at judges' meetings)
    - Discussion occurred on what family finding efforts are made for placements. For Family Find Unit in Eastern Service area 2/3 of placement are with kin. CFS also referenced the Nebraska Children's Home Society work on kinship and a focus on permanency.
  - Probation



- Kari Rumbaugh, Assistant Deputy Administrator for Juvenile Services, Administrative Office of the Courts & Probation presented “Nebraska Juvenile Justice System Map” outlining the process for youth entering, being adjudicated through, and leaving the juvenile justice system.
- Highlights included tools used by the courts and probation to make determinations on whether to divert youth from the juvenile justice system, how youth progress-or-not-through interventions, and data on crossover youth.
  - Diversion programs are not offered in every county; diversion is a County Attorney decision
  - 170 youth are currently identified as “crossover youth” and an overview of how Children and Family Services at DHHS and Juvenile Probation work together on these cases
  - Problem solving courts (drug court, juvenile court) have fallen by the wayside but are starting up again with new standards; family dependency court is being piloted in two locations in Lancaster County for abuse/neglect cases and domestic violence cases
  - Douglas County/Youth Impact program has 10 years of experience that includes a research component with evaluation through University of Nebraska-Omaha
  - Tribal youth are served informally; new tribal probation officers can go through probation training
- Disproportionality
  - Steve Ellis of Casey Family Programs gave a presentation entitled “Safe, Strong, Supportive: A journey through Nebraska child protection system” which contained data over time on disproportionality in the Nebraska child welfare system across reported abuse/neglect to dispositions, screen-in rates, substantiation of abuse/neglect rates, recurrence of maltreatment rates, and child welfare system entry rates.
    - Discussion occurred on a concerted effort on all fronts to reduce out of home care for years; has been an ongoing discussion that it has become harder to place children – increasingly more difficult due to fewer provider options/workforce issues. Providers are interested but deterred by business costs (insurance costs for example). Providers are leaving the business. Need to work on what attracts & what keeps providers
    - Casey Family Services will be helping DHHS-CFS with permanency efforts, identifying cohorts & identifying targeted approaches
    - Discussion also occurred regarding the Supreme Court decision re: NE Tribes; there is a feeling there are not culturally appropriate providers
  - Sharon R. Williams of The Stephen Group gave a presentation entitled “Disproportionality in Nebraska Child Welfare: The Community Speaks” highlighting some of the findings made during the past several months of community and stakeholder engagement throughout Nebraska. Ingenuous engagement, Accountability, Leveraging community value, and Promoting co-creation pathways have been hallmarks of the LB 1173 process so far.
    - Recurring themes cited in the presentation included investing in development of culturally appropriate staffing, increasing funding/focus on culturally competent preventative services, and behavioral



health/Substance Use Disorder practitioner delays in access and treatment leading to non-compliance with court orders (accounts for nearly 37% of referrals)

- Promising Practices cited included Bring Up Nebraska Community Collaboratives providing valuable services/supports in their communities, DHHS CEO and staff developing an early intervention agenda to promote timely adaption of key recommendations, several Native CW agencies reporting improved relations/coordination with the Department over the last 12 years, and LB 1173 community outreach galvanizing local community agency networking/coordination

- **Finance Update**

- David DeStefano from The Stephen Group provided an update on Finance Workgroup activities, including for the four subgroups (Rates, contracts, and integration of service delivery expectations (leading to performance-based contracting); Cross-system collaboration (synergy); Title IV-E maximization; and Braided and blended funding) with extensive inter-departmental, cross-system, and stakeholder representation. These groups met between April 13<sup>th</sup> and 22<sup>nd</sup>
- Across all subgroups, including providers, the group heard member input and/or concerns related to the Finance Model; the work groups are now working on outcome expectations and objectives for each group and consider alignment with the practice model as it is developed
- The Finance Work Group will need to understand service provision model (warm lines), scope of services, and key organizational partners to determine any potential fiscal requirements and will be focusing on legislative, policy, or state plan changes that may have to be recommended
- IV-E maximization appears to be the most straight forward area being addressed right now. The Finance Work Group will be able to build upon work already started by the group with a solid understanding of barriers and several strategies already in place to address issues and an impressive data set and monitoring of eligibility.
  - This work includes consideration of the AFDC financial lookback, the recent IV-E penetration rate, and issues related to licensing for approved caregivers
- Blended and braided funding for service provision will likely be most difficult to address due to the need to untangle components of services that are Medicaid billable and ensure providers are able to meet required documentation and billing criteria
  - Other jurisdictions are finding that Medicaid criteria and documentation is interfering with the clinicians' ability to provide the intervention to fidelity
  - Working closely with Medicaid to see how services can best be billed to Medicaid when and where eligible
  - Other states are looking at where specific evidence-based interventions can be integrated into the plan, considered an in-lieu of service, or a waiver may be pursued in order to permit model-specific documentation to be submitted as evidence of delivery
- Discussion included questions on how can we fund these areas and ensure services that meet kids where they are and whether funding will be guided by data or financial optimization



- There was a request to spend more time on finance at future LB 1173 Work Group meetings
  - Discussion also occurred on what models & outcomes are the Work Group will be trying to fund – and a need to be better defined on this and alignment of finance and practice models
  - Identified recommendations for finance & program models to be added to discussion at internal meetings moving forward
- **Public Comment**
  - No public comment was offered
- **Adjourn (Action Item)**
  - **A motion was made to adjourn the May 2 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 4:05 PM CST.
  - The next workgroup meeting will be held June 1<sup>st</sup> at 5220 South 16th Street, Lincoln Nebraska from 2 to 4 PM CST.