

SHB 1774 - H AMD 229

By Representative Kagi

ADOPTED 03/11/2013

1 Strike everything after the enacting clause and insert the
2 following:

3 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that the
4 goals of the child welfare system are to protect the safety,
5 permanence, and well-being of the children it serves. The legislature
6 further recognizes the importance of maintaining publicly accessible
7 data that tracks the performance of the child welfare system, leading
8 to transparency and public understanding of the system.

9 (2) The legislature believes it is important to measure safety,
10 permanence, and well-being such that the public and the legislature may
11 understand how the child welfare system is performing. This
12 information will also serve the legislature in determining priorities
13 for investment of public dollars as well as need for substantive
14 legislative changes to facilitate improvement.

15 (3) The reports to the legislature under section 2 of this act will
16 be used to provide feedback to the department of social and health
17 services. The agencies referenced in section 2 of this act will not
18 disclose individually identifiable private information except as
19 allowable under federal and state law.

20 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.13 RCW
21 to read as follows:

22 (1) The University of Washington, through partners for our
23 children, within the school of social work, and the department, in
24 collaboration with other stakeholders, shall develop measurements in
25 the areas of safety, permanency, and well-being, using existing and
26 available data. Measurements must be calculated from data used in the
27 routine work of the state agencies' data and information technology
28 departments. Any new record linkage or data-matching activities

1 required in fulfillment of this section may be performed by partners
2 for our children pursuant to agreements developed under subsection (6)
3 of this section.

4 (2) For the purposes of this section, "state agencies" means any
5 agency or subagency providing data used in the integrated client
6 database maintained by the research and data analysis division of the
7 department. Any exchange of data must be in accordance with applicable
8 federal and state law.

9 (3) All measurements must use a methodology accepted by the
10 scientific community. All measurements must address any
11 disproportionate racial and ethnic inequality. The initial
12 measurements must be developed by December 1, 2013.

13 (4) The measurements may not require the state agencies to revise
14 their data collection systems, and may not require the state agencies
15 to provide individually identifiable information.

16 (5) The state agencies shall provide the University of Washington
17 with all measurement data related to the measurements developed under
18 this section at least quarterly beginning July 1, 2014. Partners for
19 our children shall make any nonidentifiable data publicly available.
20 Partners for our children shall report on the data to the legislature
21 and the governor annually starting December 31, 2014.

22 (6) By January 1, 2014, the state agencies shall execute agreements
23 with partners for our children to enable sharing of data pursuant to
24 RCW 42.48.020 sufficient to comply with this section.

25 (7) The fact that partners for our children has chosen to use a
26 specific measure, use a specific baseline, or compare any measure to a
27 baseline is not admissible as evidence of negligence by the department
28 in a civil action.

29 **Sec. 3.** RCW 74.13B.020 and 2012 c 205 s 3 are each amended to read
30 as follows:

31 (1) No later than December 1, (~~2013~~) 2014, the department shall
32 enter into performance-based contracts for the provision of family
33 support and related services. The department may enter into
34 performance-based contracts for additional services, other than case
35 management.

36 (2) (~~Beginning December 1, 2013, the department may not renew its~~
37 ~~current contracts with individuals or entities for the provision of the~~

1 ~~child welfare services included in performance based contracts under~~
2 ~~this section for services in geographic areas served by network~~
3 ~~administrators under such contracts, except as mutually agreed upon~~
4 ~~between the department and the network administrator to allow for the~~
5 ~~successful transition of services that meet the needs of children and~~
6 ~~families.~~

7 (3)) The department shall conduct a procurement process to enter
8 into performance-based contracts with one or more network
9 administrators for family support and related services. As part of the
10 procurement process, the department shall consult with department
11 caseworkers, the exclusive bargaining representative for employees of
12 the department, tribal representatives, parents who were formerly
13 involved in the child welfare system, youth currently or previously in
14 foster care, child welfare services researchers, and the Washington
15 state institute for public policy to assist in identifying the
16 categories of family support and related services that will be included
17 in the procurement. The categories of family support and related
18 services shall be defined no later than July 15, 2012. In identifying
19 services, the department must review current data and research related
20 to the effectiveness of family support and related services that
21 mitigate child safety concerns and promote permanency, including
22 reunification, and child well-being. Expenditures for family support
23 and related services purchased under this section must remain within
24 the levels appropriated in the operating budget.

25 ((4)) (3)(a) Network administrators shall, directly or through
26 subcontracts with service providers:

27 (i) Assist caseworkers in meeting their responsibility for
28 implementation of case plans and individual service and safety plans;
29 and

30 (ii) Provide the family support and related services within the
31 categories of contracted services that are included in a child or
32 family's case plan or individual service and safety plan within funds
33 available under contract.

34 (b) While the department caseworker retains responsibility for case
35 management, nothing in chapter 205, Laws of 2012 limits the ability of
36 the department to continue to contract for the provision of case
37 management services by child-placing agencies, behavioral

1 rehabilitation services agencies, or other entities that provided case
2 management under contract with the department prior to July 1, 2005.

3 ~~((+5))~~ (4) In conducting the procurement, the department shall
4 actively consult with other state agencies with relevant expertise,
5 such as the health care authority, and with philanthropic entities with
6 expertise in performance-based contracting for child welfare services.
7 The director of the office of financial management must approve the
8 request for proposal prior to its issuance.

9 ~~((+6))~~ (5) The procurement process must be developed and
10 implemented in a manner that complies with applicable provisions of
11 intergovernmental agreements between the state of Washington and tribal
12 governments and must provide an opportunity for tribal governments to
13 contract for service delivery through network administrators.

14 ~~((+7))~~ (6) The procurement and resulting contracts must include,
15 but are not limited to, the following standards and requirements:

16 (a) The use of family engagement approaches to successfully
17 motivate families to engage in services and training of the network's
18 contracted providers to apply such approaches;

19 (b) The use of parents and youth who are successful veterans of the
20 child welfare system to act as mentors through activities that include,
21 but are not limited to, helping families navigate the system,
22 facilitating parent engagement, and minimizing distrust of the child
23 welfare system;

24 (c) The establishment of qualifications for service providers
25 participating in provider networks, such as appropriate licensure or
26 certification, education, and accreditation by professional accrediting
27 entities;

28 (d) Adequate provider capacity to meet the anticipated service
29 needs in the network administrator's contracted service area. The
30 network administrator must be able to demonstrate that its provider
31 network is culturally competent and has adequate capacity to address
32 disproportionality, including utilization of tribal and other ethnic
33 providers capable of serving children and families of color or who need
34 language-appropriate services;

35 (e) Fiscal solvency of network administrators and providers
36 participating in the network;

37 (f) The use of evidence-based, research-based, and promising

1 practices, where appropriate, including fidelity and quality assurance
2 provisions;

3 (g) Network administrator quality assurance activities, including
4 monitoring of the performance of providers in their provider network,
5 with respect to meeting measurable service outcomes;

6 (h) Network administrator data reporting, including data on
7 contracted provider performance and service outcomes; and

8 (i) Network administrator compliance with applicable provisions of
9 intergovernmental agreements between the state of Washington and tribal
10 governments and the federal and Washington state Indian child welfare
11 act.

12 ~~((+8))~~ (7) As part of the procurement process under this section,
13 the department shall issue the request for proposals no later than
14 December 31, ~~((2012. The department shall notify the apparently~~
15 ~~successful bidders no later than June 30, 2013))~~ 2013, shall begin
16 implementation of performance-based contracting no later than July 1,
17 2014, and shall fully implement performance-based contracting no later
18 than July 1, 2015.

19 ~~((+9))~~ (8) Performance-based payment methodologies must be used in
20 network administrator contracting. Performance measures should relate
21 to successful engagement by a child or parent in services included in
22 their case plan, and resulting improvement in identified problem
23 behaviors and interactions. For the initial three-year period of
24 implementation of performance-based contracting, the department may
25 transfer financial risk for the provision of services to network
26 administrators only to the limited extent necessary to implement a
27 performance-based payment methodology, such as phased payment for
28 services. However, the department may develop a shared savings
29 methodology through which the network administrator will receive a
30 defined share of any savings that result from improved performance. If
31 the department receives a Title IV-E waiver, the shared savings
32 methodology must be consistent with the terms of the waiver. If a
33 shared savings methodology is adopted, the network administrator shall
34 reinvest the savings in enhanced services to better meet the needs of
35 the families and children they serve.

36 ~~((+10))~~ (9) The department must actively monitor network
37 administrator compliance with the terms of contracts executed under
38 this section.

1 (~~(11)~~) (10) The use of performance-based contracts under this
2 section must be done in a manner that does not adversely affect the
3 state's ability to continue to obtain federal funding for child
4 welfare-related functions currently performed by the state and with
5 consideration of options to further maximize federal funding
6 opportunities and increase flexibility in the use of such funds,
7 including use for preventive and in-home child welfare services.

8 **Sec. 4.** RCW 74.13.360 and 2012 c 205 s 8 are each amended to read
9 as follows:

10 (1) No later than December 30, (~~(2015)~~) 2016:

11 (a) In the demonstration sites selected under RCW 74.13.368(4)(a),
12 child welfare services shall be provided by supervising agencies with
13 whom the department has entered into performance-based contracts.
14 Supervising agencies may enter into subcontracts with other licensed
15 agencies; and

16 (b) Except as provided in subsection (3) of this section, and
17 notwithstanding any law to the contrary, the department may not
18 directly provide child welfare services to families and children
19 provided child welfare services by supervising agencies in the
20 demonstration sites selected under RCW 74.13.368(4)(a).

21 (2) No later than December 30, (~~(2015)~~) 2016, for families and
22 children provided child welfare services by supervising agencies in the
23 demonstration sites selected under RCW 74.13.368(4)(a), the department
24 is responsible for only the following:

25 (a) Monitoring the quality of services for which the department
26 contracts under this chapter;

27 (b) Ensuring that the services are provided in accordance with
28 federal law and the laws of this state, including the Indian child
29 welfare act;

30 (c) Providing child protection functions and services, including
31 intake and investigation of allegations of child abuse or neglect,
32 emergency shelter care functions under RCW 13.34.050, and referrals to
33 appropriate providers; and

34 (d) Issuing licenses pursuant to chapter 74.15 RCW.

35 (3) No later than December 30, (~~(2015)~~) 2016, for families and
36 children provided child welfare services by supervising agencies in the

1 demonstration sites selected under RCW 74.13.368(4)(a), the department
2 may provide child welfare services only:

3 (a) For the limited purpose of establishing a control or comparison
4 group as deemed necessary by the child welfare transformation design
5 committee, with input from the Washington state institute for public
6 policy, to implement the demonstration sites selected and defined
7 pursuant to RCW 74.13.368(4)(a) in which the performance in achieving
8 measurable outcomes will be compared and evaluated pursuant to RCW
9 74.13.370; or

10 (b) In an emergency or as a provider of last resort. The
11 department shall adopt rules describing the circumstances under which
12 the department may provide those services. For purposes of this
13 section, "provider of last resort" means the department is unable to
14 contract with a private agency to provide child welfare services in a
15 particular geographic area or, after entering into a contract with a
16 private agency, either the contractor or the department terminates the
17 contract.

18 (4) For purposes of this chapter, on and after September 1, 2010,
19 performance-based contracts shall be structured to hold the supervising
20 agencies accountable for achieving the following goals in order of
21 importance: Child safety; child permanency, including reunification;
22 and child well-being.

23 (5) A federally recognized tribe located in this state may enter
24 into a performance-based contract with the department to provide child
25 welfare services to Indian children whether or not they reside on a
26 reservation. Nothing in this section prohibits a federally recognized
27 Indian tribe located in this state from providing child welfare
28 services to its members or other Indian children pursuant to existing
29 tribal law, regulation, or custom, or from directly entering into
30 agreements for the provision of such services with the department, if
31 the department continues to otherwise provide such services, or with
32 federal agencies.

33 NEW SECTION. **Sec. 5.** RCW 74.13.368 (Performance-based contracts--
34 Child welfare transformation design committee) and 2012 c 205 s 10,
35 2010 c 291 s 2, & 2009 c 520 s 8 are each suspended as of the effective
36 date of this section until December 1, 2015."

EFFECT: (1) Removes the requirement that the development of measurements by the University of Washington through Partners for Our Children must be done within existing resources.

(2) Requires that Partners for Our Children and the Department of Social and Health Services both work in collaboration with other stakeholders.

(3) Requires that all measurements developed must address any disproportionate racial and ethnic inequality, rather than "whenever possible."

(4) Changes the date by which state agencies must execute agreements with Partners for Our Children from July 1, 2014, to January 1, 2014.

(5) Changes the date by which state agencies must share data on a quarterly basis from January 1, 2014, to July 1, 2014.

(6) Extends to December 1, 2014, the date by which the Department of Social and Health Services (Department) must enter into performance-based contracts for the provision of family support and related services.

(7) Extends the date by which the Department must issue Requests for Proposals until December 31, 2013, and requires the Department to begin implementation of performance-based contracts by July 1, 2014, and have such contracts fully implemented by July 1, 2015.

(8) Removes the provision regarding the Department's ability to renew its current contracts for the provision of child welfare services that are included within performance-based contracts.

(9) Extends until December 1, 2016, the time by which child welfare services must be provided by supervising agencies at selected demonstration sites.

(10) Suspends operation of the statute under which the Child Welfare Transformation Design Committee was established as of the effective date of the bill until December 1, 2015.

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