

ESHB 1774 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED AS AMENDED 04/15/2013

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) A university-based child welfare research entity shall develop
23 measurements in the areas of safety, permanency, and well-being, using
24 existing and available data. Measurements must be calculated from data
25 used in the routine work of the state agencies' data and information
26 technology departments. Any new record linkage or data-matching
27 activities required in fulfillment of this section may be performed by
28 the research entity pursuant to agreements developed under subsection
29 (6) of this section.

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

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

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

13 (5) The state agencies shall provide the research entity with all
14 measurement data related to the measurements developed under this
15 section at least quarterly beginning July 1, 2014. The research entity
16 shall make any nonidentifiable data publicly available. The research
17 entity shall report on the data to the legislature and the governor
18 annually starting December 31, 2014.

19 (6) By January 1, 2014, the state agencies shall execute agreements
20 with the research entity to enable sharing of data pursuant to RCW
21 42.48.020 sufficient to comply with this section.

22 (7) The fact that the research entity has chosen to use a specific
23 measure, use a specific baseline, or compare any measure to a baseline
24 is not admissible as evidence of negligence by the department in a
25 civil action.

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

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

33 (2) (~~Beginning December 1, 2013, the department may not renew its~~
34 ~~current contracts with individuals or entities for the provision of the~~
35 ~~child welfare services included in performance based contracts under~~
36 ~~this section for services in geographic areas served by network~~
37 ~~administrators under such contracts, except as mutually agreed upon~~

1 ~~between the department and the network administrator to allow for the~~
2 ~~successful transition of services that meet the needs of children and~~
3 ~~families.~~

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

22 ~~((4))~~) (3)(a) Network administrators shall, directly or through
23 subcontracts with service providers:

24 (i) Assist caseworkers in meeting their responsibility for
25 implementation of case plans and individual service and safety plans;
26 and

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

31 (b) While the department caseworker retains responsibility for case
32 management, nothing in chapter 205, Laws of 2012 limits the ability of
33 the department to continue to contract for the provision of case
34 management services by child-placing agencies, behavioral
35 rehabilitation services agencies, or other entities that provided case
36 management under contract with the department prior to July 1, 2005.

37 ~~((5))~~) (4) In conducting the procurement, the department shall
38 actively consult with other state agencies with relevant expertise,

1 such as the health care authority, and with philanthropic entities with
2 expertise in performance-based contracting for child welfare services.
3 The director of the office of financial management must approve the
4 request for proposal prior to its issuance.

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

10 ~~((+7))~~ (6) The procurement and resulting contracts must include,
11 but are not limited to, the following standards and requirements:

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

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

20 (c) The establishment of qualifications for service providers
21 participating in provider networks, such as appropriate licensure or
22 certification, education, and accreditation by professional accrediting
23 entities;

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

31 (e) Fiscal solvency of network administrators and providers
32 participating in the network;

33 (f) The use of evidence-based, research-based, and promising
34 practices, where appropriate, including fidelity and quality assurance
35 provisions;

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

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

3 (i) Network administrator compliance with applicable provisions of
4 intergovernmental agreements between the state of Washington and tribal
5 governments and the federal and Washington state Indian child welfare
6 act.

7 ~~((+8))~~ (7) As part of the procurement process under this section,
8 the department shall issue the request for proposals or request for
9 information no later than December 31, ~~((2012. The department shall~~
10 ~~notify the apparently successful bidders no later than June 30, 2013))~~
11 2013, shall begin implementation of performance-based contracting no
12 later than July 1, 2014, and shall fully implement performance-based
13 contracting no later than July 1, 2015.

14 ~~((+9))~~ (8) Performance-based payment methodologies must be used in
15 network administrator contracting. Performance measures should relate
16 to successful engagement by a child or parent in services included in
17 their case plan, and resulting improvement in identified problem
18 behaviors and interactions. For the initial three-year period of
19 implementation of performance-based contracting, the department may
20 transfer financial risk for the provision of services to network
21 administrators only to the limited extent necessary to implement a
22 performance-based payment methodology, such as phased payment for
23 services. However, the department may develop a shared savings
24 methodology through which the network administrator will receive a
25 defined share of any savings that result from improved performance. If
26 the department receives a Title IV-E waiver, the shared savings
27 methodology must be consistent with the terms of the waiver. If a
28 shared savings methodology is adopted, the network administrator shall
29 reinvest the savings in enhanced services to better meet the needs of
30 the families and children they serve.

31 ~~((+10))~~ (9) The department must actively monitor network
32 administrator compliance with the terms of contracts executed under
33 this section.

34 ~~((+11))~~ (10) The use of performance-based contracts under this
35 section must be done in a manner that does not adversely affect the
36 state's ability to continue to obtain federal funding for child
37 welfare-related functions currently performed by the state and with

1 consideration of options to further maximize federal funding
2 opportunities and increase flexibility in the use of such funds,
3 including use for preventive and in-home child welfare services.

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

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

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

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

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

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

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

26 (c) Providing child protection functions and services, including
27 intake and investigation of allegations of child abuse or neglect,
28 emergency shelter care functions under RCW 13.34.050, and referrals to
29 appropriate providers; and

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

31 (3) No later than December 30, (~~2015~~) 2016, for families and
32 children provided child welfare services by supervising agencies in the
33 demonstration sites selected under RCW 74.13.368(4)(a), the department
34 may provide child welfare services only:

35 (a) For the limited purpose of establishing a control or comparison
36 group as deemed necessary by the child welfare transformation design
37 committee, with input from the Washington state institute for public

1 policy, to implement the demonstration sites selected and defined
2 pursuant to RCW 74.13.368(4)(a) in which the performance in achieving
3 measurable outcomes will be compared and evaluated pursuant to RCW
4 74.13.370; or

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

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

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

28 NEW SECTION. **Sec. 5.** RCW 74.13.368 (Performance-based contracts--
29 Child welfare transformation design committee) and 2012 c 205 s 10,
30 2010 c 291 s 2, & 2009 c 520 s 8 are each suspended as of the effective
31 date of this section until December 1, 2015."

ADOPTED AS AMENDED 04/15/2013

1 On page 1, line 1 of the title, after "Relating to" strike the
2 remainder of the title and insert "measuring performance and
3 performance-based contracting of the child welfare system; amending RCW
4 74.13B.020 and 74.13.360; adding a new section to chapter 74.13 RCW;
5 and creating new sections."

EFFECT: Amended language mandates that DSHS and a "university-based child welfare research entity" develop child welfare measurements rather than specifically codifying the University of Washington and Partners for Our Children; the date by which DSHS must enter into performance-based contracts is amended to July 1, 2014; the title is amended to include the performance-based contracting and demonstration sites sections that were adopted on the House floor.

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