

## SB 1515 External Stakeholder Meeting Minutes

July 20, 2016

The purpose of this meeting was to give Providers the opportunity to pose questions, comments and feedback on the SB 1515 emergency rules that were filed on July 1, 2016. Below are highlights of discussion topics (in bold) and themes that were shared by participants

### **Notifications process\***

1. Executive Directors of CCAs were receiving notices later than contractors and were caught off guard
2. Notification letters are referring to incidents that occurred weeks ago
3. Notification letters are giving the message of, “Don’t trust providers” and the relationship providers have established with the community is compromised
4. Notification process is treating providers like criminals and is taking time away from providers’ focus on child safety
5. It is creating a separation between the CCAs and DHS
6. The process is reactionary
7. What is the process for notifying when a CCA is “free and clear”?
8. With so many notices being sent by DHS, CCAs will be desensitized to its intent
9. “Guilty until proven innocent”
10. Process needs to be more thoughtful; people are reacting in a way that is not sustainable and the result is detrimental to the CCA and children
11. Notification needs to include a process on “closing the gap”, not just opening up notices
12. Recommendation that “cc” be included on Notification letters so that the executive director can get an idea on who has been contacted

\*Update: Since the external meeting the Department has worked with DOJ to better align the notification process with the intent of the statute and modified the number of people who are immediately notified. The Department also created an internal process for licensing and well-being units to be made aware and take action on reports.

### **“Reasonable Cause to Believe as Standard” as the Standard of Proof for OAAPI Investigations**

1. SB 1515 sets the burden of proof for investigations as “reasonable cause to believe.” Although Child Welfare CPS investigations have always used that standard, OAAPI previously used a “preponderance” standard.
2. Providers are concerned that the burden of proof in the statute will result in more OAAPI investigations and substantiations and make it more difficult to recruit and retain staff and foster parents.

### **Investigations**

1. This is still taking a long time. Some are taking more than three months. Staff are on leave and requires providers to build into their budget for missed staff time. What can you do to shorten the time line?

- a. OAAPI is hiring 4-5 new investigators and will be looking at how processes work and getting staff in place.
2. How investigations occur, and the possible increase in the number of investigations, may negatively impact the children being interviewed
  - a. CPS has the responsibility to be cognizant of the impacts of the investigation, at the same time, ensuring safety. Depending on the nature to the case, sometimes more children may need to be interviewed.
  - b. OAAPI rules allow investigations to modify if more harm is done to the child during an interview
3. What is the definition of “Wrongful restraint”?
  - a. OAAPI will consult with DOJ and provide an update

### **Financial Aspects**

1. Will financial audits occur every year? A provider from a private school stated their very stringent standards call for audits every three years.
  - a. Starting in January 2017, those CCAs with annual revenue of over a million will need to have an audit; those with less than one million in revenue will have a financial review
  - b. Licensing is in the process of defining “financial review”
2. For small CCAs, the cost for a financial review is a lot of money. If DHS could perform the financial review, this would be a huge help.
  - a. The annual financial review for agencies with revenue less than \$1 M was in previous rule
  - b. The cost of the review depends on the complexity of the organization; it is estimated between \$2,000-6,000