

SOCAC

System of Care Advisory Council

February 9, 2024

Dear Senate Committee on Human Services,

The System of Care Advisory Council (SOCAC) thanks you for this opportunity to provide written testimony regarding SB 1521, particularly the sections which amend ORS 418. We wholeheartedly support the intent behind this bill, to ensure Oregon's most vulnerable youth are safe from harm, and provided with the highest quality services and supports possible. We especially appreciate Senator Gelser Blouin's efforts to be responsive to the concerns raised by the provider community. The -8 amendments are an improvement, but it is unclear if this solves the problems that could potentially be created by this bill if they are not fully understood before passage.

The SOCAC understands that around 40 agencies who provide essential services to youth in foster care may be impacted by this bill, not only Dynamic Life—but other agencies providing a similar service to youth experiencing foster care. Some of these providers serve the most culturally and linguistically diverse youth in the system. They are small, and often do not have the resources to respond to swift changes in the regulatory environment.

We firmly believe that any provider of services and supports for youth in foster care, especially those at risk of temporary lodging or currently experiencing temporary lodging, should be held to high standards for training, professionalism, and oversight. We agree that the Dynamic Life contract with ODHS-CW was poorly managed and should have included aggressive oversight from the start. Our concern lies in the strategy this bill uses to ensure that outcome.

The SOCAC has examined the impact of rigid oversight and accountability laws relating to child abuse and third-party abuse investigations on the children's system and has found that many providers have left this work because of their understanding of the administrative, structural, and investigation requirements for Child Caring Agencies (CCAs)¹. As a result, between Federal Fiscal Year (FFY) 2015 and FFY 2022, the daily average number of youth receiving Behavioral Rehabilitation Services through Child Welfare reduced from 328 to 169--a more than 48% reduction.²

We have also seen this result in the non-emergency secure medical transport (NEMT) industry, most of whom ended services rather than pursue licensure as CCAs when required to by law in order to serve youth under age 19. Oregon went from 10 providers of NEMT to only 1 provider, which has caused numerous youth to board in emergency rooms, and other youth to physically harm parents or child

¹System of Care Advisory Council Safety Workgroup Recommendations, May 2023

² <https://www.oregon.gov/odhs/data/cwdata/cw-data-book-2022.pdf>

welfare workers who attempted to drive them to care providers themselves. We have heard from families of youth with aggressive behaviors that they were told to call law enforcement on their children to receive transport, further traumatizing children who were experiencing mental health crises.

We worry that this bill will lead to a similarly rapid decline in the number of providers willing to serve youth in foster care, further decreasing the ability of youth experiencing foster care to access the services and supports to which they are entitled.

We believe ODHS can be required by the Governor's Office or the Legislature to change their contracting and oversight strategies to ensure youth in temporary lodging, or at risk of temporary lodging, have access to providers who can serve their needs.

Licensure as a CCA requires an entity to have a Board of Directors, audited financials, and other agency infrastructure. While these things are all valuable tools to determine whether an entity is a sound organization, they also create barriers to licensure for smaller, culturally and linguistically specific providers who are sometimes necessary to support these youth.

In addition, the SOCAC asks the Committee to consider the following questions:

- 1) How does this policy align with Special Master Marty Beyer's report on temporary lodging which urges ODHS to "aggressively contract" with any and all appropriate service providers? Does this facilitate that outcome?
- 2) What other ways can this same outcome be achieved? Would it work to create a tiered system similar to what ODDS uses? Would it work to make administrative changes via OAR or sub-regulatory guidance? **Can the Governor's Office or Legislature require ODHS to improve oversight and supervision of these providers without creating barriers to care for vulnerable youth?**
- 3) What would happen if a provider who is not licensed as a CCA is working with a youth while they reside in the family home, and then that youth becomes identified as being at risk for temporary lodging? Would that provider have to end their work with the youth or risk being in violation of the law?
- 4) How will this policy impact care continuity for high-risk youth? For mentors and other community-based service providers, will they be able to maintain services and support for youth they're already in relationship with, if the youth enters temporary lodging and the mentor is not employed by a certified CCA?
- 5) Why is there a difference between how DOJ interprets which providers will be impacted by this policy and how Legislative Council interprets who would be impacted by this policy? Since DOJ provides guidance to agencies regarding implementation of laws once passed, it is important to understand that their interpretation directs the practical implementation of law. **Can DOJ provide their interpretation as to how this law would impact providers directly to the Committee?**

We wish to state again that **safety for foster youth is our top priority**. Our reading of this policy leads us to believe that the unintended consequences of this bill will decrease the number and variety of service

providers willing and able to serve youth in temporary lodging (and those at risk) and we are compelled to speak up in response to these concerns.

We recognize and support Senator Gelser Blouin's intention to stop ODHS from contracting with providers like Dynamic Life and understand that Legislative Counsel has stated the -8 amendment will only apply to Temporary Lodging providers. We would ask that Legislative Counsel put their analysis on the record to ensure that DOJ interpretation and Legislative Counsel interpretation are consistent and do not result in additional administrative burden for non-residential providers.

Thank you for taking the time to read our testimony.

Gratefully,

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Annette Majekodunmi, co-chair, SOCAC

Robin Henderson, PsyD, chair of SOCAC Legislative Committee