

SECOND REGULAR SESSION

HOUSE BILL NO. 1835

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLEY.

4200H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 210.112, RSMo, and to enact in lieu thereof one new section relating to foster care.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 210.112, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 210.112, to read as follows:

210.112. 1. It is the policy of this state and its agencies to implement a foster care and child protection and welfare system focused on providing the highest quality of services and outcomes for children and their families. The department of social services shall implement such system subject to the following principles:

(1) The safety and welfare of children is paramount;

(2) All providers of direct services to children and their families will be evaluated in a uniform, transparent, objective, and consistent basis based on an evaluation tool established in this section;

(3) Services to children and their families shall be provided in a timely manner to maximize the opportunity for successful outcomes, and such services shall be tracked and routinely evaluated through a quality assurance program;

(4) Any provider of direct services to children and families shall have the appropriate and relevant training, education, and expertise to provide the highest quality of services possible which shall be consistent with federal and state standards. **The department shall ensure caseworkers who assist persons aging out of the foster care system receive specialized training, and the department shall set the parameters of the training for such caseworkers;**

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (5) Resources and efforts shall be committed to pursue the best possible opportunity
19 for a successful outcome for each child. Successful outcomes may include preparing youth
20 for a productive and successful life as an adult outside the foster care system, such as
21 independent living. For those providers that work with children requiring intensive twenty-
22 four-hour treatment services, successful outcomes shall be based on the least restrictive
23 alternative possible based on the child's needs as well as the quality of care received; and

24 (6) All service providers shall prioritize methods of reducing or eliminating a child's
25 need for residential treatment through community-based services and supports.

26 2. (1) In conjunction with the response and evaluation team established under
27 subsection 3 of this section, as well as other individuals the division deems appropriate, the
28 division shall establish an evaluation tool that complies with state and federal guidelines.

29 (2) The evaluation tool shall include metrics supporting best practices for case
30 management and service provision including, but not limited to, the frequency of face-to-face
31 visits with the child.

32 (3) There shall be a mechanism whereby providers may propose different evaluation
33 metrics on a case-by-case basis if such case may have circumstances far beyond those that
34 would be expected. Such cases shall be evaluated by the response and evaluation team under
35 subsection 3 of this section.

36 (4) Data regarding all evaluation metrics shall be collected by the division on a
37 monthly basis, and the division shall issue a quarterly report regarding the evaluation data for
38 each provider, both public and private, by county. The response and evaluation team shall
39 determine how to aggregate cases for the division and large contractors so that performance
40 and outcomes may be compared effectively while also protecting confidentiality. Such
41 reports shall be made public and shall include information by county.

42 (5) The standards and metrics developed through this evaluation tool shall be used to
43 evaluate competitive bids for future contracts established under subsection 4 of this section.

44 3. The division shall create a response and evaluation team. Membership of the team
45 shall be composed of five staff members from the division with experience in foster care
46 appointed by the director of the division; five representatives, one from each contract region
47 for foster care case management contracts under this section, who shall be annually rotated
48 among contractors in each region, which shall appoint the agency; two experts working in
49 either research or higher education on issues relating to child welfare and foster care
50 appointed by the director of the division and who shall be actively working for either an
51 academic institution or policy foundation; one juvenile officer or a Missouri juvenile justice
52 director to be appointed by the Missouri Juvenile Justice Association; and one juvenile or
53 family court judge appointed by the supreme court. The division shall provide the necessary

54 staffing for the team's operations. All members shall be appointed and the team shall meet for
55 the first time before January 1, 2021. The team shall:

56 (1) Review the evaluation tool and metrics set forth in subsection 2 of this section on
57 a semiannual basis to determine any adjustments needed or issues that could affect the quality
58 of such tools and approve or deny on a case-by-case basis:

59 (a) Cases that a provider feels are anomalous and should not be part of developing the
60 case management tool under subsection 2 of this section;

61 (b) Alternative evaluation metrics recommended by providers based on the best
62 interests of the child under subsections 2 and 5 of this section; or

63 (c) Review and recommend any structure for incentives or other reimbursement
64 strategies under subsection 6 of this section;

65 (2) Develop and execute periodic provider evaluations of cases managed by the
66 division and children service providers contracted with the state to provide foster care case
67 management services, in the field under the evaluation tool created under subsection 2 of this
68 section to ensure basic requirements of the program are met, which shall include, but are not
69 limited to, random file review to ensure documentation shows required visits and case
70 management plan notes; and

71 (3) Develop a system for reviewing and working with providers identified under
72 subdivision (2) of this subsection or providers who request such assistance from the division
73 who show signs of performance weakness to ensure technical assistance and other services
74 are offered to assist the providers in achieving successful outcomes for their cases.

75 4. The children's division and any other state agency deemed necessary by the
76 division shall, in consultation with service providers and other relevant parties, enter into and
77 implement contracts with qualified children's services providers and agencies to provide a
78 comprehensive and deliberate system of service delivery for children and their families.
79 Contracts shall be awarded through a competitive process and provided by qualified public
80 and private not-for-profit or limited liability corporations owned exclusively by not-for-profit
81 corporations children's services providers and agencies which have:

82 (1) A proven record of providing child welfare services within the state of Missouri
83 which shall be consistent with the federal standards, but not less than the standards and
84 policies used by the children's division as of January 1, 2004; and

85 (2) The ability to provide a range of child welfare services including, but not limited
86 to, case management services, family-centered services, foster and adoptive parent
87 recruitment and retention, residential care, in-home services, foster care services, adoption
88 services, relative care case management, planned permanent living services, and family
89 reunification services.

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91 No contracts under this section shall be issued for services related to the child abuse and
92 neglect hotline, investigations of alleged abuse and neglect, and initial family assessments.
93 Any contracts entered into by the division shall be in accordance with all federal laws and
94 regulations, and shall seek to maximize federal funding. Children's services providers and
95 agencies under contract with the division shall be subject to all federal, state, and local laws
96 and regulations relating to the provision of such services, and shall be subject to oversight and
97 inspection by appropriate state agencies to assure compliance with standards which shall be
98 consistent with the federal standards.

99 5. The division shall accept as prima facie evidence of completion of the
100 requirements for licensure under sections 210.481 to 210.511 proof that an agency is
101 accredited by any of the following nationally recognized bodies: the Council on
102 Accreditation ~~[of Services,]~~ **for** Children and Families, Inc. **(COA)**; the Joint Commission
103 ~~[on Accreditation of Hospitals];~~ or the Commission on Accreditation of Rehabilitation
104 Facilities.

105 6. Payment to the children's services providers and agencies shall be made based on
106 the reasonable costs of services, including responsibilities necessary to execute the contract.
107 Any reimbursement increases made through enhanced appropriations for services shall be
108 allocated to providers regardless of whether the provider is public or private. Such increases
109 shall be considered additive to the existing contracts. In addition to payments reflecting the
110 cost of services, contracts shall include incentives provided in recognition of performance
111 based on the evaluation tool created under subsection 2 of this section and the corresponding
112 savings for the state. The response and evaluation team under subsection 3 of this section
113 shall review a formula to distribute such payments, as recommended by the division.

114 7. The division shall consider immediate actions that are in the best interests of the
115 children served including, but not limited to, placing the agency on a corrective plan, halting
116 new referrals, transferring cases to other performing providers, or terminating the provider's
117 contract. The division shall take steps necessary to evaluate the nature of the issue and act
118 accordingly in the most timely fashion possible.

119 8. By July 1, 2021, the children's division shall promulgate and have in effect rules to
120 implement the provisions of this section and, pursuant to this section, shall define
121 implementation plans and dates. Any rule or portion of a rule, as that term is defined in
122 section 536.010, that is created under the authority delegated in this section shall become
123 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
124 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
125 powers vested with the general assembly pursuant to chapter 536 to review, to delay the
126 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then

127 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004,
128 shall be invalid and void.

129 9. A provision in a service provider contract in which the state is indemnified, held
130 harmless, or insured for damages, claims, losses, or expenses arising from any injury,
131 including, but not limited to, bodily injury, mental anguish, property damage, or economic or
132 noneconomic damages or loss caused by or resulting from the state's negligence, in whole or
133 in part, shall be void as against public policy and unenforceable. As used in this subsection,
134 "service provider contract" means a contract, agreement, or understanding between a provider
135 of services and the division regarding the provision of services.

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