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March 21, 2007

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Mr. Logan T. Johnston  
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Re: Development of Community Based Direct Supports

Dear Bob and Logan:

We write about the state's plans regarding the development of direct supports. We appreciate your efforts to solicit our views on this and other topics, and your including Anne in planning committees. We also appreciate your responsiveness to our recommendations for measuring direct supports.

We begin by restating our concerns about the state's plans regarding direct supports. We then offer some additional thoughts regarding the measurement of direct supports.

### **Concerns**

We are concerned with the continued slow growth of direct supports, the 30% spending target, and whether the state is committed to a significant role for "generalist" providers of direct support.

1. ***Slow Growth.*** The state continues to move too slowly in developing direct supports. The June 2, 2006 plan negotiated with plaintiffs and family organizations called for a substantial increase in direct supports from July 2006 through June 2007, followed by increases in the next two years, the scale of which would be determined by reviews of the fidelity of practice to JK principles and of

numbers of children placed in out of home care. There has been no increase in direct supports in the current fiscal year (there may have actually been a decline in Maricopa County). and it is unclear whether there will be a significant expansion of direct supports next fiscal year. The state indicated when we last met that it was unsure what specific targets for expansion of direct supports would be imposed on the RBHAs for the next fiscal year and how those targets would be enforced. If some decisions have been made since our meeting it would be helpful to know what they are.

To get this fiscal year's expansion on track, the state should immediately identify the best-performing providers of direct support and work with these providers to expand their capacity. Increasing their contracts would go far toward accomplishing this result. Our understanding is that these providers would be happy to expand services with support from the state and RBHAs.

One difficulty with the state's taking this approach is that it currently lacks a systematic way to evaluate direct support providers, in significant part because it lacks a system for evaluating the fidelity of practice to the JK principles. However, as we have noted, there is broad agreement in Maricopa County about which direct support providers are the best performing. We think it makes sense to accept this assessment, shared by the RBHA, to guide an immediate investment in expanding direct support. We suspect that a brief investigation of the other RBHAs, where there is considerably less direct support, would yield similarly useful information.

2. ***The 30% Target.*** The state has announced a 30% spending target for certain services. Spending on therapeutic foster care (TFC) should not count toward the target. TFC is unlike the other targeted services. It is a costly service that requires out-of-home placement; the other targeted services are relatively less expensive ones designed to maintain the child at home. Moreover, including TFC in the target is likely to have perverse effects, encouraging RBHAs to spend on TFC instead of direct supports. Because of its high cost, spending on TFC is the most obvious way to meet the 30% target.

Also, the state should make clear that the 30% target is not the ultimate goal for expansion of direct supports. Direct support capacity should continue to be expanded until: (a) it is sufficient to meet the demand from child and family teams, and (b) practice reviews, including in-depth case reviews, show that class members are getting the direct support they need.

3. ***"Generalist" Providers.*** For children to get the direct support they need there must be a strong network of "generalist" providers of direct support. Such

providers can offer the range of direct supports that children with challenging behaviors (i.e., complex needs) require. The state should clarify its expectations in this regard, especially if it hopes to see significant growth in providers capable of maintaining children with challenging behaviors at home or in foster homes.

## **Measurement**

1. *Encounter Value.* We appreciate that the state has agreed to track the encounter value of the direct support provided class members. It appears that most of the details have been worked out. Our understanding is that the state will provide us reports on a quarterly basis.

We suggest that the reports be issued a month after each quarter and that each report include cumulative data for each of the three months in the quarter. For example, in May 2007, the state would report, for the 1/1/07-3/31/07 quarter, the total (reported) encounter value of direct supports provided class members up to age 18 during each of the three months. We understand that the reports may understate the actual amount of direct supports provided and that, presumably, reporting will be more complete for the first month of the quarter than for the third.

We also suggest that the state undertake a process to determine the nature and extent of the lag in reporting by periodically updating older quarterly reports with new information. For example, in February 2008, the state may want to re-examine the data about the encounter value of direct supports provided during the 1/1/07-3/31/07 quarter, comparing it to the value reported in May 2007. In this way, the parties can improve their understanding of the nature and extent of under-reporting reflected in the more current quarterly reports.

It is our understanding that the reporting process the parties have discussed will not capture the encounter value of direct support for class members aged 18-21. Is our understanding correct? Does the state have any plan to track direct supports provided to this population?

2. *Other Measures to Track.* As we have indicated before, we believe the state should also track indicators of RBHAs capacity to provide needed direct support. For example, we have urged the state to determine the amount of the contracts with dedicated direct support providers in Maricopa County, a step that, as far as we know, the state has not yet taken.

In our view, to comprehensively understand RBHAs capacity to provide needed direct support, the state should track the following information:

- a. Total number of exclusively-dedicated direct support personnel (i.e., individuals whose only job is front-line provision of direct support).
- b. Total hours of direct support available from exclusively-dedicated direct support personnel. This is similar to “a” but gives information on productivity.
- c. Amount of money allocated to contracts with exclusively-dedicated direct support providers.
- d. Amount of money allocated to contracts exclusively for direct support.

In addition, we believe that the state should periodically require each RBHA to ask of the following questions of each direct support provider and to report on the results.

- a. What age ranges does your direct support program work with?
- b. Both boys and girls?
- c. Does all of your direct support work occur in the home/community of the family? If any is office-based, what percent does it represent?
- d. Do you follow a specific program, or does the child and family team decide what the direct support workers will do?
- e. Are there any limits on times of day or days of the week your staff are available to families?
- f. Are there any limits on the amount of time per week your staff are permitted to spend with a single child/family?
- g. Are you prepared to work with youth with very difficult or risky behavior (such as aggressive behavior/violent behavior, danger to self, running away, gang involvement, etc.)? If so, what work do you do with such youth?
- h. What additional or other direct support capacity could you provide if paid more or differently?

Since there are relatively few direct supports, periodically surveying would not be burdensome. However, it would provide rich information about the system’s capacity. To be useful, the survey should be conducted by individuals well-versed in

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the child and family team process and the use of flexible supports including those used to avoid residential care.

We hope that you will consider our concerns and suggestions in your effort to ensure that class members get the direct supports they need.

Sincerely,

Anne Ronan  
Ira A. Burnim

cc: Tim Nelson,  
Office of the Governor