

SUBCOMMITTEE NO. 3

Agenda

Senator Richard Pan, Chair
Senator William W. Monning
Senator Jeff Stone



May 15, 2018
1:30 pm or Upon Call of the Chair
Room 2040, State Capitol

PART B

Consultant: Theresa Pena

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ISSUES RECOMMENDED FOR VOTE ONLY**4700 DEPARTMENT OF COMMUNITY SERVICES AND DEVELOPMENT (CSD)****Issue 1: LIHEAP federal funds increase (Issue 400-MR)**

May Revision. The Administration requests that Item 4700-101-0890 be increased by \$33,683,000 to reflect a recent federal increase for the Low-Income Home Energy Assistance Program (LIHEAP) and the Community Services Block Grant (CSBG).

Staff Recommendation. Approve as requested. No concerns have been raised.

5175 DEPARTMENT OF CHILD SUPPORT SERVICES (DCSS)**Issue 1: May Revision Estimate (Issue 402-MR)**

May Revision. The Administration requests that Item 5175-101-0890 be decreased by \$703,000 and Item 5175-101-8004 be increased by \$703,000 to reflect revised forecasts of child support collections.

Staff Recommendation. Approve as requested. No concerns have been raised.

5180 DEPARTMENT OF SOCIAL SERVICES – CALWORKS**Issue 1: Increased AB 85 Savings (Issue 415-MR)**

May Revision. The Administration requests that Item 5180-101-0001 be decreased by approximately \$247.2 million to reflect an increase in AB 85 realignment funds available to offset General Fund costs in the CalWORKS program.

Staff Recommendation. Approve as requested. No concerns have been raised.

5180 DEPARTMENT OF SOCIAL SERVICES – CHILD WELFARE SERVICES**Issue 2: BBL: Children’s Programs Reappropriation (Issue 421-MR)**

May Revision. The Administration requests that Item 5180-492 be added for the purpose of reappropriating the unexpended balances from funds appropriated in the 2017 Budget Act for various child welfare services programs. The reappropriated funds would be available for encumbrance or expenditure until June 30, 2019.

Staff Comment and Recommendation. Approve as requested. No concerns have been raised.

5180 DEPARTMENT OF SOCIAL SERVICES – IN-HOME SUPPORTIVE SERVICES (IHSS)**Issue 3: BCP: In-Depth Monitoring of IHSS (Governor’s Budget)**

Governor’s Budget. The Administration requests a total of six permanent positions (one Staff Services Manager I (SSM I) and five Associate Governmental Program Analysts (AGPAs) and \$780,000 (\$390,000 General Fund) in 2018-19 and \$712,000 (\$356,000 General Fund) annually thereafter to provide in-depth monitoring and technical assistance to help improve county administration of the IHSS program.

The department claims that due to limited resources, the QA Monitoring Unit is unable to provide in-depth monitoring and increased technical assistance to all counties. Additionally, they do not currently have the capacity to identify and address IHSS program cost trends, as the average number of hours paid per case has seen an increase of 21 percent between 2012-13 (86.3 hours) and 2015-16 (105.3 hours). DSS also points to an increased workload for QA staff due to the increased IHSS caseload and implementation of the Fair Labor Standards Act administrative changes and related overtime exemption procedures.

Staff Recommendation. Approve as requested. This subcommittee heard and discussed this item during its March 8, 2018 hearing. No concerns have been raised.

5180 DEPARTMENT OF SOCIAL SERVICES – COMMUNITY CARE LICENSING**Issue 4: BCP: Private Alternative Boarding Schools and Outdoor Programs Oversight (Governor’s Budget)**

Governor’s Budget. The Administration requests 12.5 positions and \$591,000 General Fund ongoing in order to implement SB 524 (Lara), Chapter 864, Statutes of 2016, which established Private Alternative Boarding Schools and Private Alternative Outdoor Programs as two new subcategories of Group Homes to be overseen by the department. Specifically, the positions requested are eight full-time Licensing Program Analysts (LPAs), one Licensing Program Manager (LPM), one and a half Office Assistant positions, and one Associate Governmental Program Analyst (AGPA). The Information Systems Division also requests \$450,000 for contracts to make updates to the Licensing Information System.

The department estimates that there are 90 facilities (75 private alternative boarding schools and 15 private alternative outdoor programs).

Staff Recommendation. Approve as requested. This subcommittee heard and discussed this item during its March 8, 2018 hearing. No concerns have been raised.

5180 DEPARTMENT OF SOCIAL SERVICES – ADULT PROTECTIVE SERVICES**Issue 5: Home Safe Program (Issue 411-MR)**

May Revision. The Administration requests \$15 million General Fund one-time for a pilot of the new Home Safe Program within Adult Protective Services. The funding will be available to participating counties over a three-year period to provide housing-related supports to seniors experiencing homelessness or at risk of becoming homeless. Participating counties will provide a dollar-for-dollar match in local funds. This proposal requires trailer bill language. This request is part of a larger effort proposed by the Administration in the May Revision to address homelessness.

Staff Recommendation. This request was also heard as a proposal from the County Welfare Director’s Association (CWDA) during this subcommittee’s March 8, 2018 hearing. Approve funding as requested, and approve trailer bill language as placeholder, and direct department to work with CWDA regarding expanding the “homeless and at risk of homelessness” eligibility criteria in the following ways: (1) Those living in short-term housing arrangements, such as hotels, motels, and temporary stays with family members; (2) Those at imminent risk of receiving a termination notice; and (3) Those with a living situation that is at the root of their abuse or neglect issue, posing an imminent health and safety risk (e.g. those living with an abuser, or those living in unsanitary and harmful conditions).

ISSUES FOR DISCUSSION**0530 HEALTH AND HUMAN SERVICES AGENCY/OFFICE OF SYSTEMS INTEGRATION (OSI)****5180 DEPARTMENT OF SOCIAL SERVICES (DSS)****Issue 1: BCP: Electronic Visit Verification Multi-Departmental Planning Team (Issue 401-MR)**

May Revision. In response to federal requirements that would require states to implement Electronic Visit Verification (EVV) systems for Medicaid-funded personal care and home health care services, including IHSS, the Administration had put forward an agency-wide proposal for limited-term resources to support planning of an EVV system across multiple programs. California has until January 2019 to comply for personal care services, and until January 2023 for home care services, or escalating penalties will be incurred.

The proposal requests \$243,000 (122,000 General Fund) for the DSS on a two-year limited term basis to reflect funding equivalent of two positions to support planning activities, such as coordinating stakeholder meetings, developing policies and procedures, drafting county letters, and providing progress reports.

As federal rulemaking and guidance is not yet available, it has been difficult to proceed in developing an EVV system. Throughout 2018, California has planned an extensive stakeholder communication and collaboration process to inform the potential design and implementation of an EVV solution; however the state does not anticipate meeting the January 2019 deadline and plans to work with the Centers for Medicare and Medicaid Services (CMS) to request a good faith effort extension of time.

Stakeholders and advocates have expressed strong resistance to implementing EVV in California. They have noted because there are many unanswered questions regarding implementation, EVV could ultimately impose new, burdensome requirements for both providers and consumers. Stakeholders and advocates point out EVV reporting requirements could cause a disruption and/or reduction in services, put the consumer in danger, and require additional tasks that providers would not be compensated for. Additionally, consumers are troubled by the invasion of privacy this requirement may cause.

Staff Recommendation. Hold open.

5180 DEPARTMENT OF SOCIAL SERVICES – IN-HOME SUPPORTIVE SERVICES (IHSS)

Issue 1: BBL: Electronic Visit Verification (EVV) (Issue 408-MR)

May Revision. The Administration requests that Item 5180-111-0001 be amended to include provisional language to: (1) authorize increased expenditures to comply with federal EVV requirements for IHSS personal care services and Waiver Personal Care Services, and (2) allow the transfer of expenditure authority from Item 5180-111-0001 to Item 5180-001-0001 to fund any necessary state support expenditures, subject to Finance approval. The language specifies that any such increase shall be authorized no less than 10 calendar days following written notification to the Joint Legislative Budget Committee, or a lesser period if requested by the department and approved by the Joint Legislative Budget Committee.

Questions.

1. DSS: How does this proposed provisional language differ from the current process? Why is the Joint Legislative Budget Committee notification window shorter than the typical 30 days?
2. DSS: Does the department have a sense of magnitude when it comes to costs on just how much might the Legislature expect be authorized or transferred to the IHSS program for these purposes?
3. LAO: Please provide any comments, concerns, or recommendations you may have regarding this proposal.

Staff Recommendation. Hold open for discussion. Staff has concerns that this language is overly broad and does not include enough legislative oversight, nor does it include a maximum dollar amount. However, Staff understands the need to balance oversight with flexibility given that EVV is a time-sensitive federal mandate, and would like to continue to work with the Administration in refining the language at this time.

Issue 2: TBL: Electronic Visit Verification (EVV)

May Revision. The Administration requests trailer bill language that would authorize DSS to implement, interpret or make specific activities related to electronic visit verification requirements by means of all-county letters or similar instructions, without taking regulatory action.

Questions.

1. DSS: What is the purpose of this language? What additional flexibility does the department gain by not taking regulatory action, and what processes does this circumvent?
2. LAO: Please provide any comments, concerns, or recommendations you may have regarding this proposal.

Staff Recommendation. Hold open. Staff has concerns that this circumvents input from the Legislature and stakeholders. Stakeholders have raised concerns that the proposed language could undermine the collaborative approach promised by DSS on this sensitive issue, and given that DSS has publicly announced that it is not implementing EVV in IHSS until January 1, 2020, stakeholders believe there is time to ensure DSS works with stakeholders through the normal rulemaking process.

Issue 3: IHSS County Administration Adjustment (Issue 407-MR)

May Revision. The Administration requests an increase of approximately \$24 million General Fund and reimbursements be increased by approximately \$23 million to reflect revised workload assumptions for county and public authority administrative activities associated with the IHSS program. The workload assumptions and budgeting methodology will be reexamined as part of the 2020-21 Budget.

Questions.

1. DSS: Please provide an overview of the proposal.
2. LAO: Please provide any comments, concerns, or recommendations you may have regarding this proposal.

Staff Recommendation. Hold open. Stakeholders, while generally supportive of the augmentation, point out that cost assumptions used in constructing the augmentation may not have been based on the best available data, and that proposed new budget methodology for IHSS administration does not contain a mechanism to address future cost increases of the program.

5180 DEPARTMENT OF SOCIAL SERVICES – CHILD WELFARE SERVICES (CWS)**Issue 4: Continuum of Care Reform (CCR): Resource Family Approval Backlog
(Issue 416-MR)**

May Revision. The Administration requests an increase of \$3,161,000 General Fund and an increase of \$1,463,000 in Federal Funds to provide one-time funding to address the county backlog of Resource Family applications.

Questions.

1. DSS: What are you seeing in terms of county progress in reducing the backlog of families waiting for approval?
2. LAO: Please provide any comments, concerns, or recommendations you may have regarding this proposal.

Staff Comment and Recommendation. Hold open.

Issue 5: CCR: Level of Care Assessment Tool (Issue 418-MR)

May Revision. The Administration requests an increase of \$2.5 million General Fund and an increase of \$633,000 in Federal Funds to support an increased workload for county social workers and probation officers associated with implementation of the Level of Care (LOC) Protocol Assessment Tool developed for use with the Home-Based Family Care (HBFC) rate structure. This funding is contingent upon counties providing their Specialized Care Increment (SCI) plans to the department. Counties have until June 30, 2018 to update their SCI plans and indicate whether or not they will be continuing their SCI program.

CWDA still considers the workload for the LOC assessments as underfunded. They also point out that there is still no funding included in the budget for the new CANS assessment that social workers will also have to administer.

Questions.

1. DSS: Please provide an overview of the proposal.
2. DSS: Please comment on advocate concerns referenced in this agenda. Are you working with advocates to address these concerns? Is there a difference in the assumptions between how the department built their estimate and the counties are building their estimate?
3. DSS: Why did the Administration not include funding for counties to implement CANS?

Staff Comment and Recommendation. Hold open. Staff shares the concerns of stakeholders that some of the assessment work done by social workers for both the LOC and the CANS may be underfunded in the May Revision, and encourages the Administration and counties to discuss and come to agreement on assumptions and what a reasonable amount of funding for this would look like.

Issue 6: CCR: Revised Group Home Caseload Projections (Issue 419-MR)

May Revision. The Administration requests an increase of \$39,740,000 General Fund and an increase of \$7,472,000 in Federal Funds to reflect increased costs associated with revised group home caseload projections based on actual caseload movement, to which there is a slower than anticipated decline in congregate care caseload.

Questions.

1. DSS: Please provide an overview of the proposal.
2. DSS: Given that the amount of foster youth still in group homes is going slower than expected, and that group home extensions end in December 2018, does the department still expect to meet its target? Has the department considered any action to mitigate the potential scenario where group homes are no longer in operation but foster youth in them do not yet have a placement?
3. LAO: Please provide any comments, concerns, or recommendations you may have regarding this proposal.

Staff Comment and Recommendation. Hold open.

Issue 7: CCR: Specialized Care Increment Savings Adjustment (Issue 420-MR)

May Revision. The Administration requests an increase of \$16,231,000 General Fund and an increase of \$3,052,000 in Federal Funds to reflect a correction related to assumed county savings associated with Specialized Care Increments (SCIs) provided in addition to the basic foster care rate. The May Revision continues to assume that counties will reduce SCI payments to reflect the transition from age-based foster care rates to the new Home-Based Family Care rate structure.

Questions.

1. DSS: Please provide an overview of the proposal.
2. DSS: When do you assume that county savings related to SCIs will be realized?
3. LAO: Please provide any comments, concerns, or recommendations you may have regarding this proposal.

Staff Comment and Recommendation. Hold open.

Issue 8: TBL: Home-Based Family Rate Clarification

May Revision. The Administration proposes trailer bill language to clarify state statute regarding the non-applicability of the Home-Based Family Care (HBFC) rate structure for Adoption Assistance Program (AAP), Kin-GAP, and Non-Related Legal Guardian (NLRG) cases that went to permanency on or before December 31, 2016.

The Administration states that for NLRG cases established between May 1, 2011 to December 31, 2016, to continue receiving the age-based rates that existed at the time permanency was established because the costs for these cases are not included in the existing HBFC Level of Care (LOC) rates budget. The statute would further clarify that on or after January 1, 2017, NLRG cases where the guardianship is established in probate will qualify for the Basic Level Rate.

The Administration also states that language is needed to limit the Kin-Gap and AAP cases established between May 1, 2011 and December 31, 2016, to the age-based rates negotiated at the time of the agreement; therefore, these cases are not entitled to the HBFC LOC rates upon reassessment. The department notes that failure to implement this trailer bill language will result in an annual General Fund cost pressure in the tens of millions.

Questions.

1. DSS: Please provide an overview of the proposal.

Staff Comment and Recommendation. Hold open.

Issue 9: Proposal for Investment: TBL: Group Home Extension

CWDA proposes trailer bill language to authorize DSS to allow foster youth to be placed in eligible group homes that have not converted to a Short-Term Residential Therapeutic Program (STRTP) beyond the statutory deadline of December 31, 2018, to ensure that the state and counties can build enough capacity to successfully transition youth out of group homes. To be eligible for an extension, county child welfare must submit documentation to DSS describing the county's plan to transition all foster youth residing in group homes in a home-based placement or STRTP. The language would also require the county to describe barriers to these transitions and identify local and state-level solutions.

Questions.

1. CWDA: Please provide an overview of the proposal.
2. DSS: Please provide any comments, concerns, or recommendations you may have regarding this proposal.

Staff Comment and Recommendation. Hold open.

Issue 10: TBL: Proposal for Investment: Specialized Care Rate Savings and True-Up

CWDA proposes trailer bill language that would codify the true-up process for the state and county costs and savings associated with the CCR. Under the Constitutional terms of Proposition 30, the state is required to fund the net cost increases associated with mandated child welfare activities and costs enacted after 2011 Realignment was adopted. CWDA and the current Administration have worked together to develop a detailed calculation to reconcile state and county costs and savings on a monthly basis in the county cost claim, including those related to reduced SCIs, for CCR-related assistance costs. Reduced assistance costs due to the implementation of the CCR are then to be used to offset state General Fund investments for CCR administration, including but not limited to, CFTs, LOC protocol work, and the CANS assessment. Codification of the CCR true-up calculation will ensure that all relevant costs and savings are reflected on an ongoing basis and that counties that do experience net costs related to CCR will have those costs covered.

Questions.

1. CWDA: Please provide an overview of the proposal.
2. DSS: Please provide any comments, concerns, or recommendations you may have regarding this proposal.

Staff Comment and Recommendation. Hold open. Specific trailer bill language has not yet been provided and is forthcoming.

5180 DEPARTMENT OF SOCIAL SERVICES – CALWORKS**Issue 11: CalWORKs Single Allocation (Issue 406-MR)**

May Revision. The Administration requests an increase of \$55.8 million federal Temporary Assistance for Needy Families (TANF) block grant funds in 2018-19 to reflect the adoption of a revised budgeting methodology for county administration of the CalWORKs eligibility determination process.

The CalWORKs Single Allocation reflects the cost to administer the CalWORKs program and provide employment services and Stage One Child Care to individuals in the CalWORKs Welfare to Work program, and Cal-Learn Intensive Case Management. Funding for each category within the Single Allocation is based on different methodologies that adjust funding from prior years based on caseload projections and assumed costs per case. This can be problematic when the program sees dramatic swings in caseload, as often happens in CalWORKs since it is so closely tied to the economy.

Last year, the Legislature directed the department and counties to work together to develop a new methodology. The Governor's budget provided approximately \$1.7 billion in funding the Single Allocation in 2018-19. The May Revision increases the Single Allocation by \$29 million. However, even with the May Revision augmentation to the Single Allocation and an agreement on the eligibility methodology, CWDA considers that an additional \$28.7 million has been cut from the Employment Services component due to the ongoing caseload reduction, and would force counties to carry additional staffing vacancies to offset the funding shortfall.

Staff Comment and Recommendation. Hold open for further discussion.

Questions.

1. DSS: Please provide an overview of the proposal.
2. DSS: Can you describe the new methodology developed?
3. DSS: Please comment on advocate concerns referenced in this agenda. Are you working with advocates to address these concerns?

Issue 12: Tribal Title IV-E: Start-Up Administration Costs (Issue 414-MR)

May Revision. The Administration requests an increase of \$87,000 to provide start-up funds for tribes with existing federal Title IV-E agreements and to assist tribes in establishing a Title IV-E child welfare program. Related, forthcoming trailer bill is also requested.

Staff Recommendation. Hold open.

Issue 13: CalWORKs Housing Support Program (Issue 405-MR)

May Revision. The Administration requests approximately \$24 million General Fund in 2018-19 for the CalWORKs Housing Support Program, which assists CalWORKs families in obtaining and retaining permanent housing. The Administration also plans to invest an additional \$24 million in 2019-20 to bring total program funding to \$95 million. This request is part of a larger effort proposed by the Administration in the May Revision to address homelessness.

Staff Recommendation. Hold open. CWDA also requests that trailer bill language be included to allow the additional funding for the HSP program be able to be used to provide housing assistance to CalWORKs victims of the recent wildfires and other disasters.

Issue 14: Increase CalWORKs Homeless Assistance Program Payment Rate (Issue 413-MR) and TBL: CalWORKs Temporary Homeless Assistance Daily Rate Increase

May Revision. The Administration requests an increase of approximately \$8.1 million General Fund to reflect a proposed increase to the daily payment rate from \$65 to \$85 for temporary shelter support in the CalWORKs Homeless Assistance Program, effective January 1, 2019. Related trailer bill language is also requested. This request is part of a larger effort proposed by the Administration in the May Revision to address homelessness.

Staff Recommendation. Hold open.

5180 DEPARTMENT OF SOCIAL SERVICES – DISASTER SERVICES BUREAU

Issue 15: Disaster Assistance

May Revision. The Administration requests an increase of \$200,000 General Fund for the State Supplemental Grant Program to assist victims of the 2017 wildfires and the 2018 Southern California mudslides.

Questions.

1. DSS: Please provide an overview of the proposal.
2. LAO: Please provide any comments, concerns, or recommendations you may have regarding this proposal.

Staff Recommendation. Hold open.

5180 DEPARTMENT OF SOCIAL SERVICES – VARIOUS PROGRAMS

Issue 16: May Revision Caseload Adjustments (Issues 401-MR, 402-MR, 403-MR, and 404-MR)

May Revision. The May Revision proposes a net increase of \$245,550,000 (increases of \$178,908,000 reimbursements, \$98,144,000 General Fund, \$10,000 State Children’s Trust Fund, and \$2,000 Child Health and Safety Fund, partially offset by a decrease of \$31,514,000 Federal Trust Fund) primarily resulting from updated caseload estimates since the Governor’s Budget. Realigned programs are displayed for the purpose of federal fund adjustments and other technical adjustments. Caseload and workload changes since the Governor’s budget are displayed in the following table:

Program	Item	Change from Governor's Budget
California Work Opportunity and Responsibility to Kids (CalWORKs)	5180-101-0001	(\$75,849,000)
	5180-101-0890	(\$31,248,000)
	Reimbursements	(\$1,000)
Kinship Guardianship Assistance Payment	5180-101-0001	\$5,739,000
Supplemental Security Income/ State Supplementary Payment (SSI/SSP)	5180-111-0001	(\$34,431,000)
In-Home Supportive Services (IHSS)	5180-111-0001	\$174,699,000
	Reimbursements	\$164,878,000
Other Assistance Payments	5180-101-0001	(\$23,984,000)
	5180-101-0890	(\$22,043,000)
County Administration and Automation Projects	5180-141-0001	\$24,416,000
	5180-141-0890	\$34,273,000
	Reimbursements	\$13,201,000
Community Care Licensing	5180-151-0001	(\$21,000)
	5180-151-0890	\$286,000
Special Programs	5180-151-0001	\$4,000
Realigned Programs		
Adoption	5180-101-0890	\$4,013,000
Foster Care	5180-101-0001	\$26,154,000
	5180-101-0890	\$18,620,000
	5180-141-0890	(\$517,000)
Child Welfare Services (CWS)	5180-151-0001	\$3,000,000
	5180-151-0803	\$10,000
	5180-151-0890	\$463,000

	5180-151-0279 Reimbursements	\$2,000 \$316,000
Title IV-E Waiver	5180-153-0001 5180-153-0890	(\$1,583,000) (\$35,610,000)
Adult Protective Services	5180-151-0890 Reimbursements	\$249,000 \$514,000

The updated 2018-19 caseload estimates for the largest programs are summarized below:

Program¹	January estimate	May Revision
CalWORKs	400,777	406,175
SSI/SSP	1,264,275	1,246,147
IHSS	545,180	544,444

LAO Comments. In response to the May Revision caseload adjustments,, the LAO makes the following comments:

- SSI/SSP caseload assumptions appear reasonable. The LAO also points out that the May Revision assumes a slightly higher federal SSI COLA, but this amount will not be final until fall.
- Administration’s CalWORKs caseload estimates appear reasonable. However, the LAO acknowledges that it is possible that the actual caseload will be lower than both the Administration’s and the LAO’s estimates, given that the rapid caseload decline makes forecasting difficult. These savings in the CalWORKs program would not be identified until next January.
- IHSS estimates, including increases in caseload, hours per case, and cost per hour relative to January, appear reasonable, and are primarily driven by (1) higher hours per case; (2) higher provider costs per hour; and (3) more IHSS providers with a single recipient claiming overtime.

Questions.

1. DSS: Please provide an overview of the May Revision estimates for major programs.
2. LAO: Are the estimates reasonable?

Staff Comment and Recommendation. Approve May Revision caseload estimate changes, subject to additional conforming changes made by other legislative actions.

¹ Total average caseload, by program