



October 23, 2024 Advisory Council Meeting

DCF 57 Advisory Council Meeting

DCF Staff			
Name	Present	Name	Present
Jamie Gennrich	x	Elaine Pridgen	
Katie Davis	x	Shelby McCulley	
Dana Johnson	x	John Elliott	
Kristie Buwalda	x	Amy Bryant	
Mary Morse	x	Emily Erickson	x
Rob Collins	x	Jeanette Paules	x
Rachel Nili		Frances Bass	
Dustin Hinze	x		

Member	Present	Nominating Organization
Emily Coddington	x	WAFCA
Marye Beth Dugan	x	Nehemiah Group Home
Dave Fretz	x	Forward Home for Boys
India Hansen		Office of Lived Experience @ DCF
Brian Peil		DOC – Juvenile corrections
Dr. Maurice Johnson	x	Moe’s Transitional Living Center (COA)
Lisa Netterville	x	New Hope & Destiny Home II (COA)
Caylee Nichols	x	Positive Alternatives
Audra O’Connell	x	Walker’s Point GH (homeless program)
Jennifer Pester		Office of Lived Experience
Jill Collins	x	DMCPS
Lisa Pendleton	x	WAFCA (Winnebago County)
Stephen Bedwell	x	WAFCA (Racine County)
Amy Rodriguez	x	DOC

AGENDA

- (1:00-1:10) I. Call to Order, Welcome, and Introductions
- (1:10-2:00) II. DCF 57 Licensing & Enforcement
- (2:00-2:05) IV. Break
- (2:05-2:45) III. DCF 57 General
- (2:45-2:55) VI. Next Steps
- (3:00) VII. Adjourn

- I. **Call to Order, Welcome, and Introductions**
- II. **Licensing & Enforcement**

1. Group Home Licensing Application:

Question: *Do you have suggestions on how to make the application process easier?*

Response: It is repetitious. Fill out the same forms & pay for a DFI again for re-application.

Additional Comments:

- a. Could some information be used for multiple group home locations.

- b. WAFCA has looked at agencies who are accredited (QRTP) have some ability to request continuation at time of renewal.
 - c. Accreditation and licensing at the same time is burdensome. Can we give some allowance for using QRTP requirements with licensing.
 - d. Moving locations requires all of the paperwork being repeated and advisory committee requirement & needs determination.
 - e. Suggest updating changes in red font (new board members etc.)
2. **Community advisory committee:** People who are listed as requiring to be indicated and contacted but do not reply.
 3. **Group home capacity (57.47).** This will be 8 residents; removing family-group home language.
 4. **Question: Are there any elements of Determination of Need (57.485) that you would change?** Response: Needed this document to move, but the resident population was the same and the letter of support can be difficult to obtain from community members.
 - a. Determination of need process should be completed in a timelier manner by DCF.
 - b. Counties are struggling to find placements – sometimes the perspective instead should shift to looking at what are the needs of our kids, and not communicating that we don't want fewer group care facilities.
 - c. If the process is staying similar, WAFCA has feedback and will submit feedback via email.
 - i. It is recommended that data or letter of support be required.
 - d. It seems backwards to have to purchase a building prior to being able to apply, as this would be an expense for no reason.
 - e. The need for facilities is not stagnant and fluctuates as kids come and go from placement.
 - i. State is showing that there are vacancies; having the right group homes to meet the youth's needs.
 - ii. There is concern that counties will house kids in offices or other environments, rather than placing in a group home, due to messaging by DCF.
 - f. Some youth could be better addressed in a smaller setting or being more selective of which youth to serve.
 - i. Need to be mindful of youth who are accepted and whether the facility can address the needs of that particular youth. Example of a youth who has heroine and can't be around with others. Additionally, a youth might need 2:1 or 1:1 staffing ratios and the GPRS shows there are openings, but the group home is maxed out in meeting the needs of the youth in the home.
 - g. Pre-licensing training or screening occurs and results in denials.
 - h. Some elements of Determination of Need are required by statute.
 - i. Recommendation that DCF choose where a need is located in the state or a population where there is a gap based on the available data.
 - i. One county gets numerous requests to open a new group home and the county needs to give a determination of needs statement for each (and it can be cumbersome).

- i. County from where the group home will be located should be the agency that can provide the determination of need – letter of support, rather than being sent to whichever county a person requests it.
 - ii. Comment indicating that the government should not determine the opening of a new group home, as it is a private business.
 - iii. Conversely if more group homes do open, it could add additional stress on the county agency to monitor or assist in licensing.
 - iv. In the adult home’s environment, there is no ability to prevent the opening of another facility.
 - v. State DOC can issue a letter of support, because sometimes the local jurisdiction won’t utilize the home and won’t grant the letter.
 - vi. DOC sends a list of questions which they ask of everyone; location, policies, etc. Some applicants also don’t understand the process.
 - vii. S. 48.68(4) states the community advisory board requires a member of local unit of government approve.
 - j. Recommendation: Provide an easier process for a group home to move locations.
 - k. Opening up a new or existing group home rules should have clear understanding of the determination of need statement.
 - i. **Explore what was the why behind the reason for creating the determination of need.**
- 5. QUESTION: Are there any prohibitions to obtaining a license that should be added or removed (57.50)?**
- a. (1)(a) does not seem applicable & wording seems strange
 - b. (2)(c) 1. “pending”
 - i. Ethan’s law says there are certain laws against children which would be considered as convictions under certain circumstances; even if a charge was dismissed.
 - c. Child support has been an issue when trying to obtain a group home license.
 - d. RECOMMENDATION TO ADD: If there has been a revocation of a foster care license they should be flagged for applying for a group home license.
 - e. Current rule says that another group home operated by the licensee if in substantial non-compliance with the licensing rules or has outstanding fines or forfeitures.
- 6. Probationary license valid for 12 months from the date of issuance (57.51) was explored but this is valid only for 6 months per 48.69.**
- a. Feedback question: If you have a needs determination, then why do you need a probationary license?
- 7. What feedback can you provide on the requirements of 57.56 license revocation or 57.57 suspension of a license?**
- a. RECOMMENDATION: Add Ethan’s Law information in rule
 - b. RECOMMENDATION: For revocation add substantial non-compliance; make it pertain to the health, safety and welfare of children – not just administrative violations – or repeat violations of agency policies that have jeopardized the safety of staff and/or residents.
 - c. What qualifies as “substantial”? An appeals process is available.

- d. **57.56(1)(a)2. Is this referring to substantial decisions, or are there other things that are considered under this portion? – Do we identify the statute here?** No comments.
 - e. **Do we have a standard for what results in a forfeiture or is it subjective?**
If we get overly prescriptive in rule, then there is no flexibility in the type of sanctions occur. QUESTION: How can the department be clearer in our communication about how the administration intends to interact with the rule and show discretion? Ex. DCF determined they were not going to issue med error fines. NO comment
 - f. Point of clarification: DCF is fined, by the federal government, for background check errors. Group homes would like more transparency about what is reviewed under a background check and how this process works. Ability to know where they should focus their efforts to make sure staff are compliant.
 - i. RECOMMENDATION: Increased technical assistance.
 - g. **57.57(1)(a)1. Seems to be encompassed in (1)(a)2 so would remove.**
- 8. What feedback can you provide on the appeals process or complaints (57.58 & 57.59)?**
- a. Instead of doing a written complaint for an appeal, can we allow them to email the licenser. Rehab review allows emailing vs. writing. **This is a DOA process.**
 - b. RECOMMENDATION: Complaints: is there a generic email listserv that could be listed for this process?
 - c. Reference to 10 days; be specific to 10 calendar or 10 business days.
 - d. Delete facsimile as an option as fax machines are rare.

III. General 57.01 – 57.135

- a. *Question: Would you recommend adding a procedure for conducting an internal investigation within the group home program(s), and what might this look like?* Response: Facilities often ask, 'what do I need to do', particularly with staff, when this occurs. In addition to rule, can we change forms or create a desk guide or change training to meet these needs?
 - a. Agencies should be able to conduct their own internal investigations & would get "credit" for taking efforts to mitigate the concerns. If it is an SIR there will be a report which would document what occurred so the department would know what happened and what steps, then the agency took to address the issue.
 - b. Agencies should have autonomy to investigate concerns and send summary of issues and communicate to the licenser.
- c. QUESTION: *Are there any definitions in this section that should be altered?*
 - a. EPSDT is not referenced in the rule. (57.04(19))
 - b. House parents
 - c. Household member
 - d. Relief help: One agency still uses "relief help"
- d. QUESTION: *What feedback can you provide regarding allowing electronic records use in lieu of paper records use for compliance?*
 - a. 2 agencies: Filed an exception to keep staff files in one location. Resident files are stored on site. Keep all paper files.

- b. Electronic and paper files are used variably amongst group homes.
- c. Concerns about keeping electronic files secure. (Microsoft office is used and SharePoint folders are used by one agency. Authenticator is required and staff use phone to get in to access required. Password protection only authorized by the group home owner/manager).
- d. *How do state staff get access?* Electronic records can be printed or allow licenser to look at the screen to verify when doing site visits. One agency allowed the licenser their own login information like they grant to staff.
- e. Uploading in PIE is time consuming.
- b. Any other areas of the General section you wish to see changes?
 - a. Authority and purpose : change “efficient” to “effective”
- c. How do you know if a staff member has a valid driver’s license? Do volunteers transport?
 - a. Driver record check is through DMV and staff sign disclosure and staff pulls their own record and group home is reimbursed for the record.
 - b. HR uses a website INCHECK that provides background screening reports and gives information on driving records; violations, license, etc. Sign during pre-interview process.
 - c. DMV permission signed by staff (release). Pull up request for the driver’s record and DMV mails back the results.
 - d. Staff sign a waiver that they get their car checked and show proof of insurance and keep in the personnel file.
 - e. Group home has insurance for staff who have been driving their own car and so they cover staff who are “working” and get in an accident.

VI. Next Steps

11.20.24 November Advisory Council Meeting will be cancelled.

Next meeting 12.11.2024

Public comments received after the meeting from an AC Member:

Licensing & Enforcement

- a. Group Home Licensing Application Do you have suggestions on how to make the application process easier?
 - 1. The initial licensing process needs to be revised so that the programming/services are approved first and the physical environment is then approved.
- b. The renewal process. I don’t think this would have to be a statutory change, but it could be. Recommended change: a group home accredited by a national accreditation body that has developed child welfare standards (accredited licensee) may request a license continuation from DCF as an alternative to the normal continuation application process. If the accredited licensee chooses this option, it

must submit a request to DCF for license continuation at least 30 days prior to the continuation date of its license. DCF must continue such a license for two years if 1) the licensee submits along with this request proof that it is accredited by a national accreditation body that has developed child welfare standards and proof that it is in compliance with background check requirements; 2) the fees required for the application, fingerprinting, and background checks are paid; and 3) any forfeiture or penalty imposed for a license violation is paid. The exception does not apply if the agency is subject to a sanction under s. 48.715 (2) (e) or (f) or a penalty under s. 48.715 (3) (b).

- c. What feedback can you share regarding group home capacity (57.47)? This no longer seems applicable.
- d. Are there any elements of Determination of Need (57.485) that you would change? I would skinny this down; however, some of these things are in statute. I don't think the agency should have to have the house in order to complete the needs determination and would allow the agency more time to locate/purchase a house before the certificate of need expires. Also noted below is a reduction in the Department's approval time, which seems excessive.

Recommended strikethroughs in Rule:

DCF 57.485 Determination of need.

(1) NEED DETERMINATION BEFORE LICENSE APPLICATION. No person may apply for a license to operate a new group home ~~or for an amendment to a license that would increase the bed capacity of an existing group home~~ until the department has reviewed the need for the additional placement resources that would be made available by the issuance ~~or amendment~~ of the license and has certified in writing that a need exists for the proposed additional placement resources.

(2) DOCUMENTATION OF NEED. An applicant for a determination of need under sub. (1) shall submit all of the following documents to the department:

~~(a) A statement of support by one or more counties, the division of Milwaukee child protective services, or the department of corrections stating that the proposed additional placement resources are needed.~~

~~(b) A detailed description of the why there is a need for this particular the need for the group home, including data and/or letters of and any facts that support from counties, state agencies, or community members. the applicant's assertion for that need.~~

~~(c) A detailed plan for the operation of the proposed group home that includes all of the following:~~

1. The number, sex, and age range of the children to be served.
2. The type of needs or disabilities of children to be served.
- ~~3. Number of staff listed by job title, degree or certification, and full-time or part-time status.~~
3. A description of the proposed program and treatment goals.
4. The city/county location of the proposed group home. ~~and a drawing of the layout of the physical plant.~~

5. The desired date of opening.

(3) Department determination.

(a) The department shall review an applicant's documents for completeness and may ask the applicant for additional information regarding (c) 1.-5 that the department considers necessary to make the determination of need.

(b) Within 930 days after the date on which the department received all required documents and information from an applicant, the department shall send written notice of its determination of need to the applicant, citing the. The notice shall state the specific reason for the determination. If the department determines that the proposed additional placement resources are needed, the If confirmed, notice shall be accompanied by the department's certification of need.

(c) The department shall consider an application that remains incomplete for A certificate of need is valid for 180 days. a 90-day period after receipt of any documentation to be withdrawn.

9. Are there any prohibitions to obtaining a license that should be added or removed (57.50)? (1)(a) doesn't seem to be applicable. I don't know how you prove (2)(a) and don't love how it's worded. (2)(c) seems super broad; remove "a proposed or current staff member, volunteer, household member, or any other person". I wonder if this part is needed at all, considering the successful completion of a background check is already covered in statute. A reference back to that would seem sufficient.

10. What guidance can you provide regarding a potential change in making a probationary license valid for 12 months from the date of issuance (57.51)? I think it makes more sense to do 1 year; however, the 6-month timeframe is in statute.

11. What feedback can you provide on the requirements of 57.56 license revocation or 57.57 suspension of a license? I would add substantial non-compliance, but I would make it specific to rules that pertain to the health, safety, and welfare of children – not just administrative violations – or repeat violations of agency policies that have jeopardized the safety of staff and/or residents.

57.57(1)(a)1. is encompassed in (1)(a)2., so I would remove it. Similar to what's above, (1)(a)3. and 4. are super broad.

12. What feedback can you provide on the appeals process or complaints (57.58 & 57.59)? Clarify that it's 10 calendar days. Remove fax.

Feedback for General Section:

- a. What guidance would you provide about adding a policy regarding a board of directors' oversight? I think this would create a burden for smaller agencies and would want to better understand why this is of interest.
- b. Would you recommend adding a procedure for conducting an internal investigation within the group home program(s), and what might this look like? I think this would be great for serious incidents and any allegations related to

violations of agency policy. Agencies should get credit for taking action when it is warranted and should not subsequently be cited for violations if they have done so. They should keep documentation that reflects the date the incident or violation occurred (if known), the date it was discovered or reported, the date(s) of the investigation, the name(s) of the individual(s) involved, and description of the investigation (what they looked at, who they spoke with, etc.), a summary of their findings and the action taken.

- c. Are there any definitions in this section that should be altered? EPSDT is not referenced in the rule, I so don't know why it's included in the definition. I don't think any agencies have house parents any longer, so I think it would be safe to remove household member.
- d. What feedback can you provide regarding allowing electronic records use in lieu of paper records use for compliance? It should 100% be permitted.
- e. Any other areas of the General section you wish to see changes? Rather than "efficient", I would say "effective" in the authority and purpose statement.