

**MINUTES OF MEETING
BOARD OF HUMAN SERVICES
HELD
December 14, 2011**

BOARD MEMBERS PRESENT:

Tiena Fletcher, Chair
Frank Auman, Vice Chair
Monica Walters, Secretary
Ann White
Lisa Alexander
Sandra Smith

BOARD MEMBERS ABSENT:

Scott Johnson
Randy Smith
Jack Williams

Ms. Tiena Fletcher, Chair, called the Department of Human Services' (DHS) Board meeting to order at 1:44 p.m., December 14, 2011. Ms. Fletcher welcomed everybody to the meeting and thanked them for coming.

APPROVAL OF MINUTES

A motion was made and seconded that the minutes of the October 19, 2011 meeting be approved. There being no further discussion, the motion passed.

COMMISSIONER'S REPORT

Commissioner Clyde L. Reese, III asked the Office of Residential Child Care (ORCC) to come forward for final adoption of the Maternity Homes Rules. Ms. Pamela Carr Cosby, Associate General Counsel, Office of Residential Child Care said ORCC held a public comment period to receive input and feedback regarding the proposed Maternity Homes rule revisions from persons affected by the rules, those interested in the rules, and from the general public. The comment period was authorized by the Board on October 19, 2011. The period was held open for more than the required 30 days from October 20, 2011 through November 24, 2011. During this time ORCC held a public hearing on November 15th in order to receive oral comments from persons affected or interested in the rules. A notice of the public hearing and public comment period was posted on the DHS and ORCC websites and written notice was provided to those people on the Department's mailing list; which included the media, licensed maternity homes, and persons or organizations providing second chance home services. A total of six organizations submitted comments, either orally or in writing, regarding the proposed rules. A report that summarizes those comments and responses was provided to the Board.

To highlight a few of the comments and responses: **1)** Organizations requested some clarification as to whether maternity homes providing care to only women ages 22 and above are required to be licensed. **ORCC Response:** The ORCC declined to make any changes to the proposed rules based on this comment. Maternity homes admitting only residents 22 years of age and older are not required to obtain a maternity home license. **2)** The commentators suggest that the word "shall" in the rules permits each potential resident to worship the way she wishes in the maternity home. The commentators state that these requirements appear to be a conflict of state and religion/church. The commentators, in general, suggest that the maternity home should be able to tell any child admitted to a faith-based maternity home that it is her free will to be placed in the home, but she must comply with the rules of the home if admitted to the home. **ORCC Response:** The ORCC declined to make any changes to the proposed rules based on this comment. The proposed rules provide that residents shall be permitted to participate in religious and cultural activities in accordance with their cultural and ethnic heritage. The commentators' concerns can be addressed, in part, by referring to the requirement of Rule 290-2-29-.06(1) which provides that maternity homes shall develop, implement and comply with written policies and procedures that specify its philosophy, purpose, and program orientation. In addition, Rule 290-2-29-.06(2) provides that a home shall only accept residents whose known needs can be met by the maternity home based on a pre-placement assessment. The pre-placement assessment includes review and consideration of the youth's social,

health, education, family, behavioral and personal developmental history. Thus, the proposed rules require that licensed maternity homes fully assess the total needs of the youth in relation to the program's philosophy, purpose, and program orientation prior to admission in determining whether the home can meet all the youth's needs. The purpose of these rules is to provide for the minimum requirements of licensing inspection to all maternity homes. The rules require that maternity homes develop, implement, and comply with their own written policies and procedures that specify their philosophy, their purpose, and their program orientation in that homes will only accept those youth whose needs that can be met by doing a pre-placement assessment of that youth's needs. The pre-placement assessment will include a review analysis of that youth's social, health, behavioral and personal developmental history. The rules require that licensed maternity homes will fully assess the total needs of the youth in relation to that program's philosophy, purpose, and the orientation prior to admission in order to determine whether or not that youth is a good fit for that organization. **3)** The commentator suggests that compliance with many of the proposed licensing rules will make it impossible for small ministries that receive only funds from private donors and foundations to stay in business. **ORCC Response:** The ORCC declined to make changes to the proposed rules based on this comment. The purpose of the rules is to provide minimal requirements for the licensing and inspection of maternity homes. In the formulation of the proposed rules, the ORCC has considered the economic costs associated with the regulations and the impact on small businesses in the state. To the extent possible, the proposed rules do not impose excessive regulatory costs on the regulated entities while promoting the delivery of healthy and safe services for youth in care.

The Board is now authorized to adopt, reject or advise proposed changes to the rule set. It is the opinion of ORCC that all procedural requirements of the Georgia Administrative Procedure Act have been met. Thus, the Office of Residential Child Care presents the proposed rule revisions of the maternity homes for final adoption by the Board.

Commissioner Reese said should the Board chose to approve the recommendation the rules will be filed in the Secretary of State's Office and become effective officially 20-days later and go into the Administrative Code for the State.

Ms. Ann White moved that the rules be accepted for final adoption. Ms. Lisa Alexander seconded the motion. There being no further discussion, the motion passed.

The 2012 DHS Board meeting schedule is the next action item. The Commissioner said the meeting schedule is set for the third Wednesday of each month except the last two months of the year. Those meetings were moved to the second Wednesday to accommodate the Holidays. Ms. Monica Walters moved to adopt the 2012 Board of Human Services meeting schedule. Ms. Ann White seconded the motion. There being no further discussion, the motion passed.

Commissioner Reese said DHS is in the final stages of the budget process. OPB put the DHS budget, which was approved by the Board, into a package with other State agencies to present to the Governor. OPB made their recommendations, DHS made a presentation to the Governor; the Governor's Office is in the process of going through all Agencies' budgets to determine what will be presented to the General Assembly in January as the State budget. That will begin the process of presenting that budget to the Appropriations Committees. Revenues of the State have increased on a monthly basis for

over a year which has allowed the State to replenish its reserves. OPB has made recommendations that will help DHS.

The General Assembly will begin in January. DHS does not anticipate having any agency sponsored legislation, but anticipate being involved in numerous discussions and testimony on bills that will be out there. One bill for sure is a bill that's pre-filed to require drug testing for TANF recipients. DHS has been asked to provide fiscal information on what the impact would be operationally and what potential savings there may be. DHS does not take a position on any proposed legislation—we provide information and facts that's in the Department. The Board will be updated. There is also a bill to require drug testing for Medicaid recipients. To the extent that DHS is involved as it relates to eligibility; the Department of Community Health will primarily be responsive.

Over the last few years the Juvenile Justice community has been working on a rewrite of their code of the broad laws within the Georgia Code that address Juvenile Justice. DHS, DFCS, is working with the stakeholders and groups interested in that legislation and also the committee chairs, committee sponsors, and the general assembly. This is a carryover bill from last year that has been worked on all summer for different changes—trying to come to a single point of agreement amongst the State agencies.

There may be some Child Support legislation introduced during the session with regard to maternity. DHS will not sponsor anything but will have to be responsive to what gets on the calendars to be voted on. There may be some Aging legislation. There may be some clean up of inaccuracies and discrepancies in the Aging law and what is actually abuse of an elder. To the extent DHS is asked to respond expert staff is available. There may be some legislation to help with fraud and abuse prevention as it relates to food stamps. Something may be out there that allows DHS to share information with the Department of Revenue. Tax information that will allow DHS to further check on the front end who is actually eligible to receive benefits.

Commissioner Reese wanted to go on record in recognizing one of his employees who will retire at the end of the month. He said the long-time Executive Assistant to the Commissioners, Ms. Cyd Powell, is stepping down at the end of this month. He wanted to officially thank her for her service, dedication, and commitment to the State of Georgia over 30+ years. She has been a tremendous help to him coming into the Commissioner's position and he can't thank her enough for helping him do his job. Every Commissioner needs someone like Cyd to help them perform in that position and she has certainly done that for him. He thanked and recognized her for her service. He said they will miss her very much. As of January 1, 2012 Ms. Fredia Bradford will be his Executive Assistant. He has worked with Fredia for a number of years. She is a capable, imminent professional so they'll keep moving forward. If they need to find Cyd they'll know where to find her.

Commissioner Reese wished everyone Happy Holidays. He hoped everybody will have a safe and happy Holiday season. He's committed to getting DHS in the proper position to best serve the people who depend on us and to work with all of the communities, internally and externally, to help DHS do that. Happy Holidays to everybody.

CHAIR'S REPORT

Ms. Tiena Fletcher said she'd like to ditto congratulations to Cyd. She has been a tremendous aid to Board Members and Commissioners, as well as to this agency. They do wish her well in her retirement.

Ms. Fletcher thanked the Commissioner for the work at the Food Bank. That was a tremendous experience and anybody that missed it missed a treat. It was wonderful and she'd like to do it again some time. Her husband was really into the volunteerism at the Food Bank.

Ms. Fletcher said she along with all of the Board members would like to wish everyone a very Merry Christmas and Happy New Year. It has been a tremendous year for people all over the country, not only the State of Georgia. We're slowly coming out of a recession—things are beginning to look up—not as fast as a lot of people would like them. We have to be thankful for what we have and how we're progressing. She want to thank all DHS staff for the tremendous amount of work they do each day. Happy Holidays to everybody.

There being no further business, the meeting adjourned at 2:04 p.m.

THE NEXT MEETING

The next meeting of the Board of Human Services will be Wednesday, January 18, 2012, Two Peachtree Street, N.W., Suite 29.250, Atlanta, Georgia 30303.

Monica Walters, Secretary

APPROVED:

Tiena Fletcher, Chair