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CWDA

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To: All County Social Service Directors and Fiscal Officers

From: CWDA Staff

Pages: 11

RE: State Budget Update #4 – Senate and Assembly Budget Committees Complete Work on 2014-15 Budget

The Senate and Assembly Budget Committees have both completed their work on the 2014-15 budget and the Budget Conference Committee will convene to come to agreement on those areas where the two houses' budgets differ. As of this writing, it is not known when the Budget Conference Committee will begin meeting, although it could be as early as Friday, or who the members of the Budget Conference Committee will be. It is anticipated that the Legislature will send a budget bill to the Governor by mid-June for enactment prior to the new fiscal year on July 1, 2014.

This budget update describes the actions taken by each budget committee on the health and human services issues that we have been tracking throughout the year. The items that will be going to the Budget Conference Committee are noted in italics and are listed at the end of this update.

Medi-Cal

Overall Caseload – Both Budget Committees adopted the May Revision estimate of Medi-Cal enrollment of 11.5 million in 2014-15, up from the January estimate of 10.1 million, due to stronger than expected enrollment resulting from the implementation of federal health care reform.

Health Care Reform Medi-Cal Expansion – *The funding for this item will be heard in the Budget Conference Committee.*

- Both Budget Committees adopted May Revision enrollment estimates resulting from implementation of the of the mandatory and optional Medi-Cal expansions. (The mandatory expansion includes those individuals who were eligible for Medi-Cal prior to the effective date of the ACA, but who were not already enrolled and the optional expansion includes those individuals who are newly eligible under the ACA.)

- Both Budget Committees also adopted the estimated costs of the optional expansion as proposed in the May Revision. For the optional expansion, the May Revision assumes net costs of about \$12 billion in federal funds in 2014-15, up \$6.0 billion from the January estimate (the cost of the optional expansion is 100 percent federally funded for the first three years, with the federal share decreasing to 90 percent by 2020-21).
- The Assembly Budget Committee adopted the May Revision estimated General Fund (GF) costs for the mandatory expansion of \$918 million in 2014-15, which is up \$513 million GF from the January estimate. The Senate Budget Committee reduced the GF costs for the mandatory expansion by \$300 million, consistent with a recommendation by the Legislative Analyst's Office (LAO). The LAO found that the Administration's mandatory expansion costs are too high because there is no basis for the Administration's change in methodology in calculating these costs to use a higher fee-for-service per enrollee cost for this population, as this population is generally healthy.

Medi-Cal Administration ACA Implementation Funding – Both Budget Committees adopted the \$240 million (\$120 million GF) in 2014-15 for continued implementation of the federal Affordable Care Act (ACA).

Base Administration Funding – Both Budget Committees adopted the 2014-15 Medi-Cal administration base funding level of \$1.3 billion (\$651.3 million GF) (the same base amount as 2013-14).

Medi-Cal Administration COLA Elimination – Both Budget Committees rejected the Administration's proposed trailer bill language to permanently suspend the Medi-Cal Administration cost-of-living adjustment (COLA). Instead, both Budget Committees adopted trailer bill language to suspend the Medi-Cal Administration COLA for the 2014-15 fiscal year.

Medi-Cal Administration Budgeting Methodology BCP – Both Budget Committees rejected the budget change proposal (BCP) submitted by the Department of Health Care Services (DHCS) requesting seven, two-year limited-term positions, including five auditors, for DHCS to develop a new budgeting methodology for county administration of Medi-Cal. Both Budget Committees adopted the revised BCP submitted by DHCS at the May Revision for two, two-year limited-term positions and contract funding for DHCS to develop the new budgeting methodology.

1991 Realignment

Family Support Subaccount – Both Budget Committees adopted the May Revision estimate of counties' 1991 Realignment health subaccount savings resulting from the implementation of the ACA. The May Revision estimates county savings to be \$300 million in 2013-14 and \$724.9 million in 2014-15. The 2014-15 May Revision savings estimate is down by \$175.1 million from the \$900 million January estimate.

Child Poverty and Family Supplemental Support Subaccount – *This item will be heard in the Budget Conference Committee.*

- Both Budget Committees adopted the May Revision estimates of the amount of funding that will be available in the Child Poverty and Family Supplemental Support Subaccount in 2013-14 and 2014-15 (\$70.1 million and \$157.7 million, respectively).

- The Assembly Budget Committee adopted trailer bill language to change the current statutory mechanism of the Child Poverty and Family Supplemental Support Subaccount. Under current law, funding in this subaccount is to be used to fund CalWORKs assistance grant increases, beginning with the five percent increase effective March 1, 2014. If the estimated amount in the subaccount is not sufficient to fully fund the costs of all the CalWORKs assistance grant increases already provided, the GF will make up the difference. If there is more funding in the subaccount than is needed to fund all of the CalWORKs assistance grant increases already provided, then an additional grant increase is triggered that equals an increase that the available funding is estimated to support.

The Assembly Budget Committee adopted an additional seven percent increase in CalWORKs grants with an annual inflation adjustment equivalent to the California Necessities Index (see also the CalWORKs section below). Under the Assembly proposal, the inflation adjustment will be funded first with funds from the Child Poverty and Family Supplemental Support Subaccount. If there is not enough funding in the subaccount to fully fund the inflation adjustment, the GF will make up the difference. If there is more funding in the subaccount than is needed to fully fund the inflation adjustment, the excess funds would provide an additional grant increase equivalent to that which the available funding is estimated to support.

The Senate Budget Committee did not take this action.

2011 Realignment

Both Budget Committees adopted the May Revision revenue estimates for 2011 Realignment.

CalWORKs

Caseload – Both Budget Committees approved the May Revision estimated changes to the CalWORKs caseload, which is projected to decline at a slower rate than previously assumed.

Five Percent Grant Increase – Both Budget Committees adopted the May Revision proposal regarding funding for the five percent increase to the CalWORKs grant that went into effect in March 2014, reflecting a \$6.8 million GF increase to compensate for the projected decrease in 1991 Realignment revenues deposited into the Child Poverty and Family Supplemental Support Subaccount of the Local Revenue Fund.

Seven Percent Grant Increase – *This item will be heard in the Budget Conference Committee.*

The Assembly Budget Committee adopted an additional seven percent grant increase in CalWORKs, effective April 1, 2015, with an annual inflation adjustor based on the California Necessities Index to take effect each subsequent April 1. The annual increase would be funded first with funds from the Child Poverty Subaccount, with GF providing the balance if the Subaccount funding is not sufficient. The Senate Budget Committee did not take this action.

\$25 Per Child Food Benefit – *This item will be heard in the Budget Conference Committee.*

The Assembly Budget Committee adopted a new state-funded food assistance benefit for each CalWORKs household receiving CalFresh benefits, which would provide a \$25 per month food

benefit for each child in the CalWORKs assistance unit. The Senate Budget Committee did not take this action.

Increase in Earned Income Disregard – *This item will be heard in the Budget Conference Committee.*

The Assembly Budget Committee adopted an increase in the earned income disregard to the first \$700 of earned income and fifty percent of each additional dollar. The Senate Budget Committee did not take this action.

Family Stabilization Services Funding – *This item will be heard in the Budget Conference Committee.*

The Assembly Budget committee adopted ongoing funding of \$25 million GF to provide for services in Family Stabilization. The Senate Budget Committee did not take this action.

Family Stabilization Trailer Bill Language – *A portion of this item will be heard in the Budget Conference Committee.*

- Both Budget Committees adopted placeholder trailer bill language that would prohibit sanctions in the Family Stabilization program.
- The Assembly Budget Committee also adopted placeholder trailer bill language that would clarify that funds provided in Family Stabilization may be used to provide housing and other services for any month that a family is participating in the component. The Senate Budget Committee did not take this action.

Parent-Child Demonstration Project – *This item will be heard in the Budget Conference Committee.*

The Assembly Budget Committee adopted the Administration's Parent-Child Demonstration Project with additional placeholder trailer bill language to prioritize Safety Net cases and make participation in the pilot a "clock stopper" for any participant. The Senate Budget Committee did not adopt the proposal.

Child Support Pass Through for Safety Net and Certain Child-Only Cases – Both Budget Committees adopted the May revision proposal to exempt certain CalWORKs cases with unaided but federally eligible adults from the obligation of child support recoupment by the state. Funding for these cases is being shifted to non-MOE GF, and cases are identified as "former recipients" for the purposes of child support. Federal law prohibits the Department of Child Support Services from passing collected child support through to the state on behalf of non-TANF families, but instead requires these payments to be made directly to the affected families. Therefore, the proposal and associated trailer bill language would exempt these families from the required cooperation with child support recoupment by the state. Child support payments received regularly by these families will be considered "reasonably anticipated income."

24-Month Time Clock – *This item will be heard in the Budget Conference Committee.*

The Senate Budget Committee voted to suspend the CalWORKs 24-Month Time Clock due to the lack of full implementation of prior years' reforms, and approved placeholder trailer bill language to keep the time clock suspended until full implementation of OCAT (the new

assessment tool), Family Stabilization, and Expanded Subsidized Employment. The Assembly Budget Committee did not take this action.

Homelessness and Housing Support – This item will be heard in the Budget Conference Committee.

The Assembly Budget Committee adopted ongoing funding of \$25 million GF and placeholder budget bill language to address housing needs in the CalWORKs program. The Senate Budget Committee did not take this action.

Hours of Participation – Both Budget Committees adopted placeholder trailer bill language that would align the CalWORKs participation requirements to those in Federal law, allowing the hourly requirements to be met if the average over the month meets the weekly requirements.

Supplemental Report Language on CalWORKs Oversight – This item will be heard in the Budget Conference Committee.

The Assembly Budget Committee adopted supplemental report language that requires the creation of an annual report on the CalWORKs program, intended to cover a variety of topics. A progress report on the status of the report is due January 15, 2015, with the first report due April 1, 2015. The Senate Budget Committee did not take this action.

Welfare-to-Work Performance Oversight and State/County Peer Review – This item will be heard in the Budget Conference Committee.

- The Senate Budget Committee rejected the request by the California Department of Social Services (CDSS) for eight positions to support the county peer review process, quality control reviews for the TANF program, and field monitoring visits.
- The Assembly Budget Committee adopted the request as well as additional placeholder budget bill language to focus the positions on successful implementation of the early engagement components and to assist in clarification of intent of recent changes to improve the CalWORKs program and opportunities for clients in a meaningful way.

Elimination of the Temporary Assistance Program – Both Budget Committees rejected the Administration's proposal to eliminate the Temporary Assistance Program (TAP), and instead approved an extension of the implementation deadline, from October 1, 2014 to October 1, 2016.

Repealing Lifetime Ban on Drug Felons in CalWORKs and CalFresh – Both Budget Committees approved \$9 million to repeal the lifetime ban on drug felons in the CalWORKs and CalFresh programs.

Child Care

Child Care and Early Education Plans – This item will be heard in the Budget Conference Committee.

The Senate and Assembly Budget Committees each adopted different packages dealing with child care and early education:

- The Senate Budget Committee approved the Senate’s proposed “Fair Start” Early Education program, which would restore 110,000 slots to early childhood education programs over several years, 40,000 of which would be restored in the budget year; increase the Regional Market Rate to the 85th percentile of the 2010 survey starting January 1, 2015 and the Standard Reimbursement Rate by 7.5%; provide pre-kindergarten opportunities for all low-income four year olds; and increase quality in all programs. This package includes \$550 million in ongoing rate and slot increases, and \$100 million in one-time projects.
- The Assembly Budget Committee approved an Early Education Plan that will add 47,000 early education slots in a variety of programs, increase the State Reimbursement Rate and the Regional Market rate by ten percent in each, eliminate family fees, provide \$22.5 million for improvements in provider quality, and reinstate the state stipend for nutrition. The total cost of the approved package is \$234.5 million GF and \$205 million Proposition 98.

CalFresh

CalFresh Match Waiver Phase-Out – Both Budget Committees adopted a four-year phase-out of the CalFresh Administration Match Waiver (the CWDA proposal minus one year). The full match waiver will remain in effect for one more fiscal year, 2014-15. Beginning in 2015-16, the match waiver will phase out in equal increments over three fiscal years until it is zero in 2018-19.

Caseload – Both Budget Committees adopted the May Revision projection of CalFresh caseload. The May Revision projects an increase over the January estimate of 134,000 CalFresh cases by June 2015 as a result of ACA implementation, bringing the total estimated 2014-15 CalFresh caseload increase due to ACA implementation to 279,000.

Administration – Both Budget Committees adopted the proposed level of funding for CalFresh Administration in the May Revision. The May Revision reflects an increase of \$89.7 million in total funds (\$24.2 million GF) above the January Budget for CalFresh Administration, for a total of \$1.64 billion in 2014-15. The GF increase is primarily driven by increased caseload growth due to ACA implementation.

State Utility Assistance Subsidy Benefit – (Formerly called Heat & Eat) Both houses adopted the May Revision proposal to provide \$10.5 million GF in 2014-15 for the continuation of this program in California. This state-funded energy assistance subsidy will allow the state to comply with the changes to the minimum LIHEAP payment amount required by the passage of the Farm Bill (Pub.L 13-79).

Modified Categorical Eligibility – Both Budget Committees adopted the May Revision proposals to increase the gross income limit to 200 percent of the federal poverty level (FPL) for the TANF- and State MOE- funded service that confers modified categorical eligibility for all households and the \$7.8 million (\$4.0 million GF) increase in CalFresh Administration to account for the projected caseload increase associated with this proposal.

Drought Food Assistance Program (DFAP) – *This item will be heard in Budget Conference Committee.*

- The Assembly Budget Committee adopted the May Revision proposal for budget bill language to authorize up to \$20 million GF in 2014-15 (which includes \$15 million GF shifted from 2013-14) upon approval by the Department of Finance, and additional funding above the \$20 million GF in 2014-15 ten days after notification of the Joint Legislative Budget Committee for the DFAP to provide emergency food relief to drought-impacted communities.
- The Senate Budget Committee adopted budget bill language to authorize up to the \$15 million GF shifted from 2013-14 in 2014-15 and rejected the authorization for additional authority above the \$15 million.

State Emergency Food Assistance Program – This item will be heard in Budget Conference Committee.

The Senate Budget Committee approved a \$5 million GF augmentation to the State Emergency Food Assistance Program, which provides emergency food and funding to food banks and may only be used to purchase, store, and transport food grown or produced in California. The Assembly Budget Committee did not take this action.

Disaster Supplemental Nutrition Assistance Program – Both Budget Committees adopted the May Revision proposal for budget bill language to authorize an increase in GF and Federal Trust Fund expenditure authority for CalFresh administrative costs in the event of a major disaster declaration by the President of the United States.

In-Home Supportive Services

Federal Overtime Regulations – Both Budget Committees rejected the Administration’s proposal to restrict payment of overtime to IHSS providers and provided a net additional \$66 million GF to cover the costs of paying overtime. While not formally in the Budget Conference Committee, we expect negotiations on federal overtime regulations to continue.

Reduction in IHSS Hours – Both Budget Committees adopted trailer bill language to eliminate the seven percent cut in hours effective October 1, 2014 and provided \$140 million GF for the associated costs. The trailer bill language would also amend the 2010 statute on the home health assessment on personal care services (aka ‘provider tax’) to provide that, upon enactment of the assessment, federal financial participation will backfill GF IHSS expenditures.

ACA Impact on IHSS: Both Budget Committees adopted the May Revision assumptions of additional cost in the IHSS Program due to implementation of the ACA as IHSS serves newly eligible individuals in the optional expansion as well as previously unserved Medi-Cal eligible individuals who apply as a result of ACA outreach efforts. Increased service costs are anticipated to equal \$66.5 million and are 100 percent federally-funded. County administration costs are projected to be \$14.5 million (\$7.3 million GF) in 2013-14 and \$27.5 million (\$13.8 million GF) in 2014-15.

Coordinated Care Initiative

Both Budget Committees adopted the May Revision estimates of administrative costs in the IHSS program for counties participating in the CCI demonstration. In 2013-14, projected county administration costs are \$757,000 plus \$181,000 for social workers to participate in care coordination teams for ten percent of the CCI participants. In 2014-15, the May Revision

proposes \$4.6 million (\$2.3 million GF) in new county IHSS administrative activities, plus an additional \$1.1 million (\$561,000 GF) for care coordination teams. The May Revision increases its projected costs over the Governor's January budget projections for 2014-15 by a total of \$3.6 million (\$1.8 million GF).

Adult Protective Services

Funding for Training and State Staff – This item will be heard in the Budget Conference Committee.

The Assembly Budget Committee approved the CWDA and coalition request for \$1.25 million GF in additional funding for training of APS workers and \$150,000 GF for one, full-time staff position at CDSS dedicated to the APS program. The Senate Budget Committee did not take this action.

Supplemental Security Income/State Supplemental Payment (SSI/SSP)

Federal COLA – Both Budget Committees approved the January budget proposal to continue to pass through the annual federal COLA based on the Consumer Price Index to the SSI portion of the grant. The 2014 federal COLA increased the federal portion of the grant by 1.5 percent and the budget projects a 0.5 percent increase effective January 1, 2015.

State SSI/SSP COLA – This item will be heard in the Budget Conference Committee.

The Assembly Budget Committee reinstated the state COLA for SSI/SSP effective April 1, 2015 based on the California Necessities Index (which will also apply to the Cash Assistance Program for Immigrants). The estimated cost is \$15 million GF in 2014-15 and \$70 million GF in 2015-16. The Senate Budget Committee did not take this action.

Child Welfare – Foster Care – Adoption Assistance

Commercially Sexually Exploited Children – Both Budget Committees approved \$20.3 million GF in 2014-15 and \$14.3 million in 2015-16 and thereafter consistent with the CWDA and coalition request to enable county child welfare agencies to serve youth victims of commercial sexual exploitation, including prevention and intervention activities and direct services. Both budget subcommittees also adopted placeholder trailer bill language to ensure the funds are used for these purposes.

Foster Care Payments for Relative Caregivers – This item will be heard in the Budget Conference Committee.

The Assembly Budget Committee provided \$30 million GF to raise rates for non-federally eligible relative caregivers in foster care. The Senate Budget Committee did not take this action.

Case Record Reviews – Both Budget Committees adopted proposed funding in the May Revision to enable California and counties to comply with new federal requirements for case record reviews as part of the California Child and Family Services Review (CFSR). This would enable counties to conduct ongoing case reviews as well as interviews of individuals involved in the case plan on an on-going basis, in compliance with the new federal requirements. The May Revision proposes \$10.9 million (\$3.5 million GF and \$3.5 million county funds), with counties sharing in the non-federal cost with the state 50 percent consistent with Proposition 30

requirements. The proposal assumes counties with fewer than 101 cases will receive 0.5 FTE, 500 cases will receive funding for 1.0 FTE, and counties with more than 500 cases (including LA and Alameda Counties) will each receive 2.0 FTE.

Katie A. Settlement Agreement Reporting Requirements – Both Budget Committees adopted the May Revision proposal to provide \$800,000 total funds (\$400,000 GF) to support county CWS administrative activities necessary for the completion of the semi-annual progress reports which require counties to report to CDSS and DHCS of the subclass members and mental health services provided to subclass members. Both Budget Committees also adopted the May Revision proposal to provide a like amount (\$1.2 million total, \$600,000 GF) for county mental health departments. The Administration cites its obligation under Proposition 30 (2012) to pay for these newly required activities. In addition, the Administration indicates that the use of this funding is subject to further discussion with counties to determine if overall Katie A. costs have increased.

Child Near Fatality Reviews – Both Budget Committees adopted the May Revision proposal to provide \$281,000 (\$68,000 GF and \$68,000 county funds) to comply with federal policy issued on September 12, 2012 which requires the public disclosure of the findings or information of a child abuse or neglect which results in a child near fatality.

CWS Training – Both Budget Committees adopted the May Revision proposal to provide increased funding for CalSWEC by \$1.7 million (\$900,000 GF) to comply with the Katie A. v. Bonta settlement.

Title IV-E Waiver Extension – *This item will be heard in the Budget Conference Committee.*

- The Assembly Budget Committee rejected the May Revision request for funding for additional positions within CDSS to support expansion of the Title IV-E Waiver in up to 18 additional counties, for a cost of \$3.1 million (\$1.5 million GF).
- The Senate Budget Committee adopted placeholder budget bill language authorizing CDSS to hire up to five positions as of July 1, 2014, with authority for the Department of Finance to authorize up to 10.5 additional positions and associated funding upon final federal approval of the waiver and contingent on the final number of participating counties in the waiver.

Foster Youth Permanency – Both Budget Committees provided \$750,000 (\$502,000 GF) for two counties to create or expand specialized youth permanency programs, with provisions that each county track and reinvest savings, replicating a model pioneered by Sacramento County.

Age Minimum for Group Home Staff – Both Budget Committees adopted placeholder trailer bill language to require that group home staff be a minimum of 21 years of age.

Social Worker Caseload Data – Both Budget Committees adopted trailer bill language at the request of worker representatives to require the collect data on county child welfare social worker caseloads and to provide the data as part of its annual 2011 Realignment report. The report would also include the amount of growth funds per county, number of authorized positions in the CWS agency, and number of vacant positions.

Community Care Licensing

Community Care Licensing Staff for CDSS – Some portions of this item will be heard in the Budget Conference Committee.

- Both Budget Committees approved the Administration’s request for an increase of \$7.5 million total funds (\$5.8 million GF) and 71.5 positions to support quality enhancement and program improvement in Community Care Licensing (CCL). Both Budget Committees also adopted trailer bill language proposed by the Administration with the following amendments:
 - Delayed implementation of the Quality Enhancement proposal to no sooner than October 1, 2014.
 - Requirement for a plan to increase to annual inspections frequency that begins no later than April 1, 2015.
 - Removal of specified language pertaining to the penalty rate structure to be replaced with intent language regarding scope of penalties.
 - Addition of procedures that CDSS must implement to minimize the trauma of residents or clients at risk of physical or mental abuse, abandonment, or any other substantial threat to health or safety following a temporary suspension or revocation of a license.

- The Assembly Budget Committee also adopted the following additional components:
 - Modification to the proposed trailer bill language adding “serious violations” to include “injury or death of a resident.”
 - Augmentation of an additional \$2 million GF to support additional positions to support a three-year phase-in toward annual inspections and the movement of the Quality Enhancement components to October 1.
 - Requirement that CDSS provide written and verbal updates on its progress to the Legislature and interested stakeholders on the hiring of positions, implementation of the Quality Enhancement proposal and related systems changes, and the progress of the phase-in at regular intervals but at least semi-annually.

Automation

CWS – New System – Both Budget Committees approved the Administration’s request for seven additional positions for the CWS – New System project, but provided seven permanent positions as requested by CWDA rather than five-year limited-term positions as requested by the Administration. Both Budget Committees also approved the CWDA request for monthly reporting by the Administration on the status of the CWS – New System project to Legislative staff, CWDA, and other stakeholders to ensure no further unforeseen delays in the project. Both Budget Committees adopted the reduced funding level proposed in May Revision in both 2013-14 (\$1.9 million) and 2014-15 (\$22.3 million) for the CWS – New System, due to the previously reported 19 month delay in the project’s initiation.

CMIPS II – Both Budget Committees adopted the May Revision request to include funding of \$10 million 2014-15 for CMIPS II system changes related to the increase in the state’s minimum wage and enhancements for time sheets for people who are blind and visually impaired, in response to potential litigation.

County Expense Claim Reporting Information System (CECRIS) – Both Budget Committees approved the May Revision proposed increase in 2013-14 funding for CECRIS of \$30,000 due to increased procurement support hours, and decrease in 2014-15 funding by \$1.3 million due to a five month delay in the procurement phase, which will reduce contract costs during that year.

Budget Conference Committee Items

- *Health Care Reform Medi-Cal Expansion Funding*
- *Child Poverty and Family Supplemental Support Subaccount Structure*
- *Seven Percent CalWORKs Grant Increase*
- *\$25 Per Child Food Benefit for CalWORKs Recipients*
- *Increase in CalWORKs Earned Income Disregard*
- *CalWORKs Family Stabilization Services Funding*
- *CalWORKs Family Stabilization Trailer Bill Language*
- *CalWORKs Parent-Child Demonstration Project*
- *CalWORKs 24-Month Time Clock Suspension*
- *CalWORKs Homelessness and Housing Support*
- *Supplemental Report Language on CalWORKs Oversight –*
- *CalWORKs Welfare-to-Work Performance Oversight and State/County Peer Review*
- *Drought Food Assistance Program (DFAP) Funding*
- *State Emergency Food Assistance Program Funding*
- *Funding for Adult Protective Services Training and State Staff*
- *State SSI/SSP COLA Restoration*
- *Foster Care Payments for Relative Caregivers*
- *Title IV-E Waiver Extension Staff for CDSS*
- *Community Care Licensing Staff for CDSS*