

FILED
Court Administrator

JUL 5 2011

By BT Deputy

July 2, 2011

Special Master Kathleen Blatz
Minnesota Judicial Center Room 230
25 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN, 55155.

In Re Temporary Funding of Core Functions of the Executive Branch of the State of
Minnesota (62-CV-11-5203)

Issue of concern: criminal history background studies

Request: that the Special Master recommend that the administrative function of
conducting background studies be designated a core function of government in fulfilling
the agreement with the federal government to implement the Medicaid program
according the Minnesota Medicaid State Plan.

The Minnesota Council of Child Caring Agencies is a statewide provider association.
Our 35 member organizations operate over 150 programs serving children and families
including children who have been subject to abuse or neglect and removed from their
homes and placed in emergency shelter, foster care, group homes or residential treatment;
children with serious mental illness requiring in-home, school based or outpatient therapy
services; children with sexual behavior disorders requiring specialized residential
treatment, and children with autism, developmental disabilities and serious emotional
disturbance in day treatment.

These programs are supported with a combination of state, federal, and county funding.
With the designation of Medical Assistance as a core function of government, the state
and federal funding for these services will continue during the government shutdown.
We are concerned, however, that the inability to obtain background studies on new or
returning staff may become a barrier to the continued operation of these services if the
shutdown were to continue.

All of these agencies are required to be licensed or certified by the state, many have
specific staffing requirements, and all are required to initiate background studies for new
or returning staff either through the Department of Human Services or the Bureau of
Criminal Apprehension.

Our member agencies employ approximately 5000 staff and, in recent surveys, report an
annual turnover rate of between 25 - 40%.

If the shutdown continues and staff need to be replaced, or returned to work after a leave of absence of 45 days or more, the inability to initiate background studies will make this impossible. If these programs are unable to meet basic staffing requirements required by statute and licensing rules, fewer children will be served and some may need to be discharged from treatment or out of home care prematurely - jeopardizing their safety and mental health.

The Minnesota Health Care Program provider agreement requires that services to existing MA clients continue during the shutdown in order for the organization or individual to remain an eligible provider. If these programs lose employees through foreseen (pregnancy leave, medical leave) or unforeseen circumstances, they will be unable to replace those staff and comply with the mandate to continue services.

In summary, we believe that in order to comply with the order to continue to provide these core government functions, the background study process is a necessary administrative and support function of government.

We respectfully request that you recommend that the background study process resume and continue during the government shutdown.

Thank you for this opportunity. We would be happy to provide any further information on our member agency services.

Sincerely,

Mary C. Regan, LICSW
Executive Director

cc: Governor Mark Dayton
Attorney General Lori Swanson