



Joint Committee on Appropriations
REPRESENTATIVE CHRIS KARR, CO-CHAIR
SENATOR JOHN WIJK, CO-CHAIR

July 22, 2020

Ms. Shawnie Rechtenbaugh, Secretary
Department of Human Services
3800 East HWY 34 – Hillsvie Plaza
Pierre, SD 57501

Mr. Dan Cross, Executive Director
Community Support Providers of South Dakota
PO Box 936
Spearfish, SD 57783

Mr. John Hackett, Director
Vista Care
125 W Pleasant Dr #1
Pierre, SD 57501

Lindsey Ellis, Director of Operations
Aurora Plains – Dakota Reach
1400 10th St
Plankinton, SD 57368

Letter of Intent Regarding Direct Care Workforce Funding for CSP

Dear Secretary Rechtenbaugh, Director Cross, Director Hackett, and Director Ellis;

This Letter of Intent sets forth a particular view held by the Joint Committee on Appropriations (JCA) in approving your appropriation in the 2020 Legislative session. As such, this Letter of Intent seeks to supplement that legislation with specific policy guidance as approved on July 22, 2020.

While the guidance does not have the direct force of statutory law, it rests solidly on a long-standing tradition of Legislative-Executive relationships in South Dakota and it will be used by the Joint Committee as one basis for the fiscal oversight of your agency and its continued funding.

The 2020 Legislature approved Senate Bill 38, which allocated one-time funding of \$1,000,000 in general funds and \$1,346,867 in federal fund expenditure authority to the Department of Human Services (DHS) to be used to support developmental and intellectual disability providers.

The JCA requests the funding be used as workforce funding to individuals who provide direct support to individuals receiving services through the DHS Division of Developmental Disabilities. Eligible providers for one-time funding are Community Support, Community Service, and non-state-run Intermediate Care Facilities. The JCA recognizes and appreciates the important work that these employees do to serve the State's most vulnerable citizens. It is the intent of the JCA that the funding be distributed in the following manner:

- Each Community Support Provider, Community Service Provider, and Intermediate Care Facility will calculate the total annual hours worked between July 1, 2019 to June 30, 2020 of staff in their respective agency.
- Vacant positions will not be used in calculations; overtime hours will be used in calculations. Positions to be used in gathering totals are:

- **Direct Support Professionals:** Direct care/service positions for residential, vocational (job coaches, employment specialists etc.), and day service settings.
- **Nursing Assistants/Medical Staff:** Positions that support people served in a nursing fashion (e.g. taking people to appointments, working with people supported regarding health situations etc.). Director of Nursing/Medical Services positions (e.g. upper management nursing positions) are not included in this category.
- **Mid-level supervisors:** Mid-level supervisor positions that perform direct care services (e.g. supervisors in residential/group home/apartment settings, day services etc.). Upper management/leadership team managers/Administration positions are not included in this category.
- **Internal Support/Service Coordinators:** Positions that perform internal support and service coordination for supported individuals.
- Each provider will submit the total hours, and attest to accuracy, to DHS by July 31, 2020.
 - Providers are responsible for providing and attesting the hours worked data by July 31, 2020. Failure of a provider to submit this data by July 31, 2020 will make the provider ineligible for the one-time funding.
- DHS will divide the hours by 2080 to determine the number of FTE's at each provider.
- DHS will divide the total FTE's by the total one-time funding amount and subsequently allocate the funding to each provider based on the number of FTEs at each provider.
- Each provider will determine employee eligibility for individuals in their organization and distribute funds to those individuals based on criteria determined by each provider.
 - Eligible employees must provide direct support to clients of the DHS Division of Developmental Disabilities and not be in an administrative position.
 - Eligible employees will have at least 6 months of service.

Additionally, it is the intent of the JCA that DHS and the providers report to the JCA during the 2021 Legislative Session the following items regarding the workforce funding:

- Workforce funding program overview detailing the calculation method used and the process of funding distribution to providers.
- List of providers with allocation amount per employee and number of employees who received a one-time payment by each facility.
- List of the criteria used by each provider in determining the eligibility for the funding.
- Report on ongoing efforts and a plan by the CSP Association, Vista Care, and Aurora Plains – Dakota Reach to increase employee retention.

Thank you for your cooperation.

Representative Chris Karr
Lead Co-Chair, Joint Committee on Appropriations

Senator John Wiik
Co-Chair, Joint Committee on Appropriations

cc: Russell Olson, Auditor General
Liza Clark, Commissioner, Bureau of Finance and Management