



November 13, 2014

The Sunset Advisory Commission for the Health and Human Services Commission
Hearing Regarding the Sunset Advisory Commission Report on HHSC

Written Testimony

TCFV

The Texas Council on Family Violence (TCFV) is the statewide domestic violence coalition with a mission to promote safe and healthy relationships by supporting service providers, facilitating strategic prevention efforts, and creating opportunities for freedom from domestic violence. Additionally, TCFV – a membership organization – represents over 100 family violence programs and nearly 1,000 individual Texans dedicated to creating safer options and freedom from family violence.

Summary of Testimony

This written testimony closely tracks TCFV's previously submitted comments earlier in the Sunset process. This testimony centers on three main points:

- A one-size-fits-all approach to running the enterprise may be a necessity for large programs like Medicare. The same approach causes significant hindrance to smaller programs such as the Family Violence Program in providing life-saving services to family violence victims.
- Family violence services are not accessible enough for victims. The prevalence of family violence far exceeds the level of services available to victims of family violence, such that a significant portion of victims of family violence do not access HHSC-funded shelters due to lack of space and other considerations.
- Non-transparent and arbitrary practices of the Office of the Inspector General (OIG) in reviewing family violence programs have caused the unfair loss of precious resources serving family violence victims, with a disparate impact on small and rural providers.

Discussion

One-size fits all leads to unnecessary red tape. We recognize that the Health and Human Service Commission (HHSC) operates a wide variety of services, many of these large in scale such as Medicaid. In too many instances and with increasing frequency, the Enterprise employs a one-size-fits-all approach which significantly hinders smaller programs such as the Family Violence

Program. HHSC has increasingly derived requirements related to procurement and contracting that leave smaller community-based organizations struggling to adjust. Although it makes sense that policy makers want HHSC to streamline operations to maximize consistency, this must allow for each program's flexibility to provide the best possible services to survivors of family violence.

Programs have experienced this most recently and egregiously in connection with the process HHSC utilizes for procurement of family violence services including exceptional item funding. Consider that standardized HHSC procurement at its foundational level begins with the ethic of establishing "any procurement method approved by the Health and Human Services Commission that *provides the best value to the agency*" (Section 2155.144 (c), Texas Government Code) (emphasis added). This may work well streamlining funding processes for commodities or goods, but it fails to allow for the nuance needed for critical human services, especially those provided by family violence centers to survivors of family violence.

Moreover, the use of this model leads to delays in the disbursement of funds that the Legislature intended to go to life-saving services across Texas. In particular, Exceptional Item Funding finally went to programs *a year* after the Legislature appropriated the funds. The delay in conversation and coordination between the sections of the Enterprise responsible for services versus those procuring frankly shocked programs and those who worked hardest to attain EIF. Again, this may not represent an issue when procuring items such as fire sprinklers, but we know that the focus on procurement for services to survivors of family violence should combine expeditious disbursement of funds with the expertise of the staff delivering them and the need for services as outlined in the Texas State Plan for Family Violence Services (entitled [*Access to Safety, Justice and Opportunity: A Blueprint for Domestic Violence Interventions in Texas*](#)).

We are gratified that Senator Nelson agrees with this assessment. Subsequently to TCFV's previously submitted testimony to the Sunset Committee, Senator Nelson filed Senate Bill 59, which directs HHSC to accomplish procurement through its Family Violence Program rather than through HHSC Procurement. As she stated, "Our shelters should not have to go through this much bureaucratic red tape in order to receive the funding they need to assist victims of domestic violence. I want to ensure that the funding we approve reaches these organizations swiftly and efficiently."

And as stated above, this procurement conundrum represents the broader trend of gravitating towards a structure which fails to account for the significant differences between handling billions of dollars of Medicare reimbursements for instance versus the work of providing shelter and resources to victims of family violence. For instance, programs experience, at times, the delay of contracts or disbursement of funds which directly correlates to the availability of services to survivors of family violence.

Additionally, consider that HHSC's Family Violence Program administers Family Violence Prevention and Services Act (FVPSA) funds (42 U.S.C. §10401 et seq.); contractors who receive those funds must protect the confidentiality of identifying information of survivors. In a centralized system this has become a challenge in that the Enterprise does not structurally or otherwise accurately appreciate the unique nature of and need for data security of survivors. In

some instances family violence centers have had to navigate both the data needs of a large state system as well as those specifically outlined in FVPSA, hardly an efficient approach for staff time and resources. As such TCFV recommends that the HHSC Family Violence Program run and manage their own database and reporting. This would strengthen the accuracy of the data reported as well as allowing for both HHSC and family violence centers to maintain compliance with federal confidentiality guidelines.

Accessibility of HHSC Services. Although family violence services including shelter exist in many communities and programs work hard to serve all who come to their doors, the stark reality remains that 20% of those who come to family violence centers have unmet requests for service including a large percentage of those seeking emergency shelter. In addition consider that according to a family violence prevalence study TCFV commissioned in conjunction with the University of Texas' Institute on Domestic Violence and Sexual Assault, over 5 million women currently in Texas have experienced family violence in their lifetimes.¹ Combined with the knowledge that almost just over 76,000 Texans sought family violence center services last year, we can see the significant disconnect between the number of those harmed and those able to access services. We know that family violence survivors attempting to leave an abusive relationship are often at risk for their life and need services as soon as possible. According to our *2013 Honoring Texas Victim's* report, in just five years 724 victims of family violence were killed in Texas by their intimate partner. These numbers show that while many great services are available in communities throughout Texas, communities need more funds to expand services to reach additional survivors.

Non-transparent and arbitrary practices of the OIG. We strongly recommend that the Office of the Inspector General (OIG) revise their policies and practices to focus on consistent ways to investigate waste, abuse and fraud. Community based family violence centers report that OIG investigators often employ a punitive and contradictory approach and that there is a level of inconsistency in their approach, particularly related to the explanation of allowable expenses across the state. Throughout the past five years numerous family violence centers have been audited without clear guidance on the audit process, selection, and, at times, outcome. There have also been instances where the HHSC Family Violence Program has monitored and produced no cost allocation findings for a given fiscal year only to later receive multiple findings from the OIG indicating a lack of communication across these departments. For a division charged with enhancing transparency in government, the lack of clarity and information that surrounds many aspects of this division's work represents an incongruous paradox.

We recommend that this division offer training and guidance statewide that would provide insight into the audit process as well as providing information that would support HHSC Family Violence Program staff. This would assist the HHSC Family Violence Program staff in providing accurate compliance feedback to family violence centers and at the same time providing family violence centers with current monitoring information to enhance their ability to expend funds appropriately. This method would support the mission of the OIG to prevent and

¹ For a copy of this report, contact TCFV Policy Director Aaron Setliff at either 512-590-9808 or Asetliff@tcfv.org. Consider also contacting him for materials related to additional references and statistics mentioned above.

detect fraud, waste, and abuse while simultaneously supporting contractors to be good stewards of public funds.

Conclusion and Gratitude

Although TCFV posits HHSC can improve in its management of appropriated funds for family violence centers, TCFV also appreciates the sincere and long-term partnership between HHSC's Family Violence Program and TCFV. TCFV also thanks the Committee for its careful and consensus-driven approach to collecting input to inform policy making for HHSC.

A handwritten signature in black ink, reading "Aaron Setliff". The signature is written in a cursive style with a large, stylized "S" at the end.

Aaron Setliff
Director of Policy