

**Findings and
Recommendations:**

**LICENSING,
MONITORING, &
QUALITY ASSURANCE
UNIT**

DCCP's Licensing, Monitoring, and Quality Assurance Unit (LMQA) is responsible for monitoring and overseeing the operations of the contracted group and shelter homes providing services to YSA. The primary functions of the unit are to: assess compliance with contractual agreement(s) with YSA; evaluate the quality of services delivered to youths; ensure compliance with court ordered services; and inspect facilities for compliance with District health and safety regulations. Program Monitors assigned to the unit execute these functions through quarterly inspections.

11. Not all group and shelter home employees undergo pre-employment tests for illegal drug use and alcohol abuse.

In 1999, YSA established a mandatory drug and alcohol testing policy that requires pre-employment tests for drug and alcohol use for employees who have regular contact with youths. District regulations for group and shelter homes also require such pre-employment testing.

29 DCMR § 6228.7 (b) states:

[t]he facility shall [require] all prospective ... staff ... [to undergo a pre-employment test] for drug and alcohol use....

In addition, 29 DCMR § 6230.3(d) states, in part:

[t]he facility shall maintain an accurate personnel record of each staff person, including all employees of the facility and any other person (including, without limitation, volunteers, independent contractors, and vendors) regularly providing services at the facility. Their personnel record shall include ...(d) reports of drug and alcohol testing required as by § 6228.7....

The team conducted a random sampling of 25 employee personnel records at 5 of the 14 group and shelter homes and found that some contract employees had not undergone pre-employment drug and alcohol testing, and that pre-employment drug and alcohol testing was not required by the contractor at the time of their employment. Some employees stated they had undergone testing prior to employment, yet documentation of testing was not found in their personnel records as required.

LMQA employees stated that employees at group and shelter homes are not YSA employees and the contractors are responsible for conducting pre-employment drug and alcohol testing of contract employees. They further stated that they have limited authority to enforce the DCMR requirement because the homes are not licensed, and vendors do not have current contracts that require pre-employment drug and alcohol test for contact employees.

Without adequate pre-employment testing for drug and alcohol use for employees who must interact routinely with youths, contractors may unknowingly hire or currently employ individuals with a history of substance abuse who could endanger the youths entrusted to their care.

Recommendations:

- a. That the A/YSA ensure that tests for drugs and alcohol are conducted on all contract employees.

Agree _____ **X** _____ Disagree _____

DHS's Response to IG's Recommendation:

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. Prior to licensing, the vendors were not required to test employees for illegal drugs and alcohol use. The YRF licensing regulation (section 6228.7) provides for random and annual testing of prospective and existing staff for drug and alcohol use. Furthermore, the licensing regulations outline the procedures that the facilities are to use in this process.

- b. That the A/YSA ensure that test results are maintained in each contract employee's personnel records.

Agree _____ **X** _____ Disagree _____

DHS's Response to IG's Recommendation:

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. YSA will require test results for drug and alcohol use are maintained in the individual's personnel record, if allowed by law, and submitted to the licensing specialist during the facilities annual re-licensing.

12. Some group and shelter home employees do not undergo pre-employment and follow-up physical examinations as required by District regulations.

29 DCMR § 6228.6 states:

All existing staff shall undergo a physical examination sufficient to determine their general physical condition, freedom from disease in a communicable form, and ability to work closely with or care for children without danger to the children. All prospective staff shall undergo a pre-employment physical examination sufficient to determine their general physical condition, freedom from disease in a communicable form, and ability to work closely with or care for children without danger to the children. All staff shall undergo a follow-up examination every 24 months. The facility shall obtain the licensing agency's approval prior to permitting any staff person who tested positive for a communicable disease to provide services in the facility. The facility shall keep confidential all information obtained pursuant to this section.

The team reviewed 25 personnel files at 5 of the 14 group and shelter homes and found that 7 employees had not undergone pre-employment physical examinations as required. In addition, the team's review of LMQA inspection reports disclosed that contract employees do not undergo follow-up examinations every 24 months.

The failure to conduct pre-employment and follow-up examinations for contract employees who work closely with youths could result in youths' exposure to communicable diseases as well as a failure to detect employees with an impaired ability to care for the youths.

Recommendations:

- a. That the A/YSA ensure that all contract employees undergo required physical examinations.

Agree _____ **X** _____ Disagree _____

DHS's Response to IG's Recommendation:

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. Prior to licensing, the facilities required their staff to ensure they were free of communicable diseases. The regulations in section 6228.6 require that "All staff shall undergo a physical exam sufficient to determine their general physical condition, freedom from disease in a communicable form and ability to work closely with or care for children without danger to the children." YSA's licensing and monitoring units will maintain vigilance over the facilities to ensure compliance with this regulation.

- b. That the A/YSA ensure that all contract employees undergo follow-up physical examinations every 24 months.

Agree _____ **X** _____ Disagree _____

DHS's Response to IG's Recommendation:

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. YSA recognizes that requires that "All staff shall undergo a follow-up examination every twenty-four (24) months." YSA's licensing and monitoring units will maintain vigilance over the facilities to ensure compliance with this regulation.

13. Community-based programs may be underutilized.

DCCP uses a primary "fee for service"³¹ contractor to provide the following critical community-based services to both pre-trial and committed youths: substance abuse counseling,

³¹ Under a fee-for-service contract the contractor invoices YSA only when a youth receives a service. In contrast, under a "program funded" contract, a contractor is paid a pre-determined amount on a regular basis regardless of the number of program participants.

PRE-TRIAL AND COMMUNITY BASED SERVICES

intensive supervision services; after-school enrichment services; home-based counseling and support; and mentoring services.³² YSA budgeted approximately \$1.7 million for these services in FY 2004.

The team assessed YSA's use of these community-based services for fiscal years 2001, 2002, and 2003 and found that thousand of hours of services for home-based counseling, mentoring, and after-school enrichment programs, for which contracts have been signed and funds budgeted, were consistently underutilized from year to year. (*see table next page*)

³² Home-based counseling services include "life skills" sessions and parenting groups, and aim to improve relationships between committed youths and their families. Mentoring services afford committed youths the opportunity to have one-on-one relationships with positive, adult role models. After school enrichment services are designed to improve academic competencies in both pre-trial and committed youths.

PRE-TRIAL AND COMMUNITY BASED SERVICES

Utilization of Programs Managed by YSA’s Primary Community-Based Services Provider

	Home-Based Counseling	Mentoring	After School Enrichment
Average Number of Youths Served Per Month ³³	13	18	6
Annual Unexpended Funds ³⁴	\$ 263,379	\$ 114,883	\$131,631
Contract Utilization, Most Recently Completed Year ³⁵	57% ³⁶	56% ³⁷	34% ³⁸
Unused Hours of Service – Base Year ³⁹ (2001)	6,529	3,687	3,760
Unused Hours of Service – Option Year 1 (2002)	4,950	2,130	3,370
Unused Hours of Service – Option Year 2 (2003)	3,430	2,627	2,600

The team reviewed several YSA contract monitoring reports for these service providers and found no indication that any of the underutilized programs were sub-standard. The contractor also stated that YSA management has not expressed concerns about program quality.

The team requested from DCCP a report detailing:

- The total number of youth served by YSA for FY 2003 and 2004 to date; and
- The types of services being provide to these youth.

This was requested to verify if DCCP was taking full advantage of these available and funded community-based tutoring, mentoring, and counseling programs. DCCP officials did not provide this requested documentation.

Failure to fully utilize these service contracts keeps the maximum number of youths who would benefit from tutoring, counseling, or a positive relationship with a mentor from receiving these services.

Recommendation:

That the A/YSA take appropriate action to ensure that DCCP case managers and their supervisors make full use of budgeted community-based programs to provide home-based counseling, mentoring, and after-school enrichment programs to more YSA youths.

³³ Figure represents the average number of youths participating in each program per month for the period of January 2004 – May 2004.

³⁴ Average annual unexpended funds during first 3 years of contract (base year of contract and two option years.)

³⁵ Calculation to determine percentage of contract utilization: Amount invoiced by Contractor divided by the Contract cap (maximum value of annual services authorized under the contract).

³⁶ YSA utilizes a second contractor for home-based counseling. During this period the contractor served an average of 28 youths per month and exceeded the annual contract cap by approximately \$85,000. The net effect was still a surplus of approximately 1,800 hours of home-based counseling services.

³⁷ YSA uses a second contractor to provide mentoring services. During this period the contractor invoiced YSA an amount equal to 91% of the contract cap, and served an average of 23 youths per month.

³⁸ This is the only after-school enrichment program under contract with YSA.

³⁹ Unused hours of service calculated by dividing unexpended funds by the hourly rate for service.

PRE-TRIAL AND COMMUNITY BASED SERVICES

Agree _____ **X** _____ Disagree _____

DHS's Response to IG's Recommendation:

By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. YSA has assessed the utilization of community-based contracted services to adjudicated committed youth. YSA has determined that a number of factors have contributed to the under-utilization of these services. For example, some community-based contracted providers currently employ part-time staff to work with YSA youth. These staffs generally work full-time during the day and heretofore have not been available during reasonable hours to work with youth. Additionally, some community-based contracted providers have provided services inconsistent with the letter and spirit of the specific contract and services required. Also, some community-based providers have, at times, billed YSA for undocumented services and excessive hours over and above those permitted. At the same time, some providers have sought to supplement group services, exclusively in the home office of the provider, as opposed to the required individualized service delivery required by the service contract. Finally, YSA case managers responsible for supervising committed youth in the community have not consistently sought to extend services to youth beyond the time period permitted for referral for services.

To enhance utilization of community-based contracted services, YSA convened meetings with each provider to examine the services delivery required in each contract. YSA also convened meetings with [REDACTED], Jerry M. Order B expert, and providers to review the delivery of services in accordance with each contract. YSA has begun a process of formally reviewing each contractual service, and has also taken steps to provide technical support to each vendor specific to enhancing service delivery to youth committed to YSA. YSA intends to ensure that each youth placed in the community receives an array of wraparound services throughout the duration of his/her commitment.

While aggressive steps are underway to enhance utilization of contracted community-based services, YSA will maintain vigilance over contracted services to ensure vendors provide services consistent with requirements in Order B of Jerry M., and that vendors are not submitting reimbursements for undocumented services to District youth.