

## **Steering Committee on Performance and Outcome Reforms**

### **Framework for the Remedies Process**

February 8, 2010

#### **Legislative Directive**

Minnesota Statutes, section 402A.15, subd. 1, paragraph (b)(2), states that the Committee must:

By February 15, 2010, develop and recommend to the legislature a uniform, graduated process, in addition to the remedies identified in section 402A.18, for responding to a county's failure to make adequate progress on achieving performance measures.

#### **Preface**

This document represents the recommendations of the Steering Committee on Performance and Outcome Reforms for a process of remedies that would be applied when a county or Service Delivery Authority (SDA) does not meet performance standards. It is intended to be a framework for the remedies process. The Committee recognizes that we may need to revisit this framework as we go through the next phase of our work, examining performance measures for specific programs and services.

#### **Goal**

The purpose of the remedy process is to hold the human services system accountable for improving outcomes for the people we serve by driving continuous improvement in performance. Continuous improvement is not the sole responsibility of one party, but is jointly owned by the state, the counties and non-profit partners.

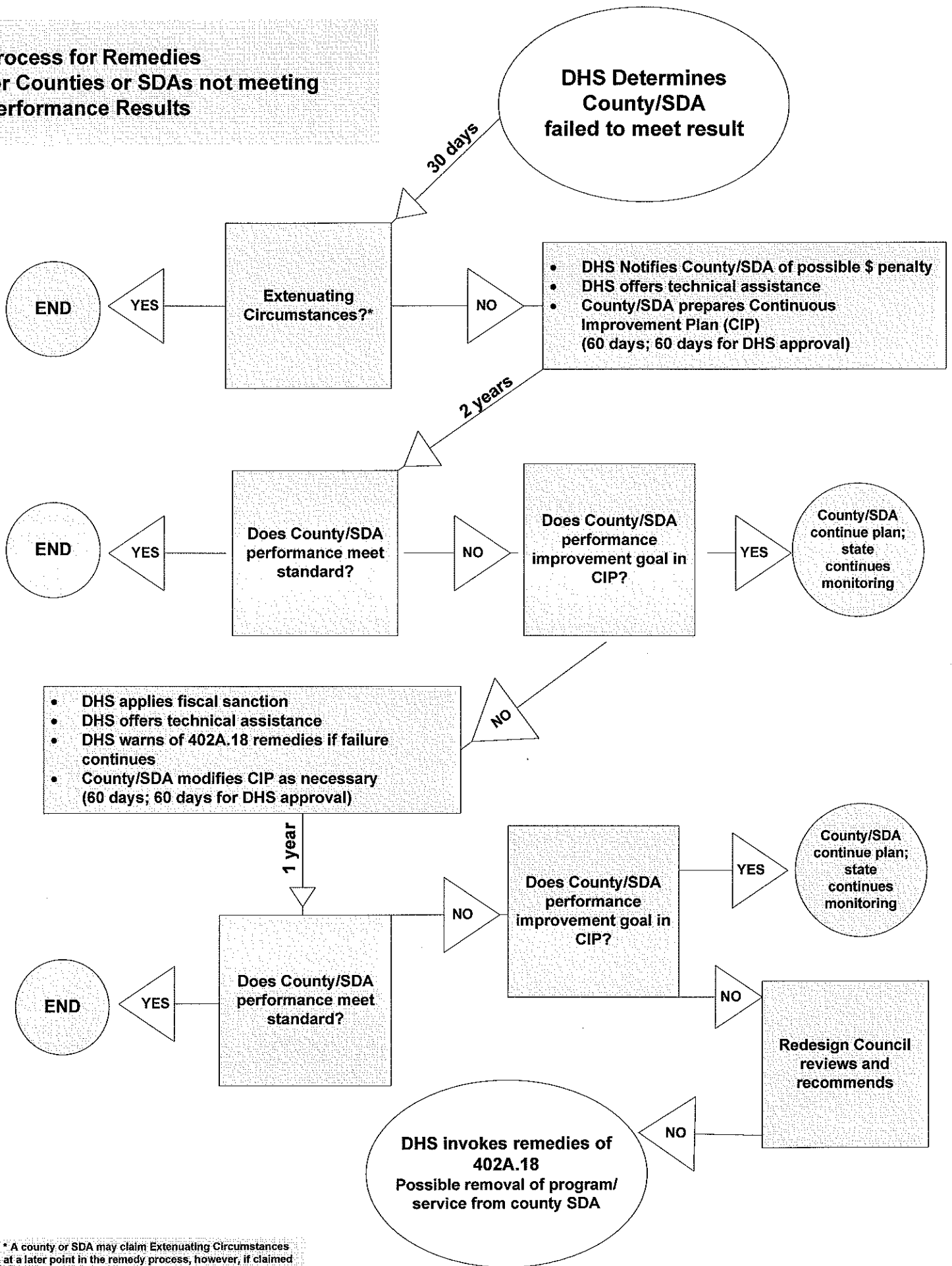
#### **Principles of a graduated process to improve results**

1. The remedies of M.S., Section 402A.18 (which can ultimately lead to a service or program being taken away from a county or SDA) are the "end" of the remedy process for counties or service delivery authorities that are failing to meet outcomes.
2. Fiscal penalties should be part of the remedy process, with three conditions:
  - Fiscal penalties must be preceded by a warning and a period of time for corrective action.
  - Fiscal penalties must result in a real loss of funding, but that loss should not be so large as to significantly impact the ability of the county or SDA to deliver services.
  - Fiscal penalties should be scaled to degree of non-performance.
3. There must be an allowance for extenuating or exceptional circumstances. "Extenuating circumstances" mean a specific force or event that is outside of the county or SDA's control, including natural disasters or unusual circumstances specific to an individual program or service.
4. State technical assistance should be offered as part of the remedies process.

**The principles result in a graduated remedy process with the following steps (also represented in the attached flow chart):**

1. DHS determines that a county/SDA fails to meet result standard(s) for a given program
2. Within 30 days, county/SDA may claim, and DHS approve, an extenuating circumstance that relieves the county/SDA of any further remedy
3. If no extenuating circumstance:
  - 3.1. DHS warns the county/SDA that fiscal penalties may result if performance does not improve
  - 3.2. DHS offers technical assistance to the county/SDA
  - 3.3. Within 60 days, the county/SDA executes a Continuous Improvement Plan (CIP) that includes a target level for improvement for each measure that did not meet the result standard. DHS has 60 days to approve the plan.
4. CIP is monitored over the next two years. After two years, at next performance review:
  - 4.1. If the county/SDA meets result standard(s), there is no further remedy
  - 4.2. If the county/SDA fails to meet the result standard(s) for the program, but meets the improvement target(s) in the CIP, the county/SDA modifies the CIP for continued improvement and DHS monitoring continues
  - 4.3. If the county/SDA fails to meet the result standard(s) for the program and also fails to meet the improvement target(s) in the CIP, the next step of the remedy process is invoked, and:
    - 4.3.1. Fiscal penalties are applied
    - 4.3.2. DHS warns the county/SDA that 402A.18 penalties may result if performance does not improve
    - 4.3.3. DHS offers technical assistance to the county/SDA
    - 4.3.4. Within 60 days, the county/SDA modifies the CIP, including a target level for improvement for each measure that did not meet the result standard. DHS has 60 days to review the plan.
5. CIP is monitored for a year. After a year, at the next performance review:
  - 5.1. If the county/SDA meets result standard(s), there is no further remedy
  - 5.2. If the county/SDA fails to meet the result standard(s) for the program, but meets the improvement target(s) in the CIP, the county/SDA modifies the CIP for continued improvement and DHS monitoring continues
  - 5.3. If the county/SDA fails to meet the result standard(s) for the program and also fails to meet the improvement target(s) in the CIP, the State-County Results, Accountability and Service Delivery Redesign Council ("Redesign Council") reviews the county/SDA performance and CIP and recommends a course of action to the commissioner.
  - 5.4. The commissioner determines remedies under 402A.18, which include possible voluntary or mandatory reassignment of the program to another county/SDA, or transfer of the program to the state.

**Process for Remedies  
for Counties or SDAs not meeting  
Performance Results**



\* A county or SDA may claim Extenuating Circumstances at a later point in the remedy process, however, if claimed at a later point it does not end the remedy process, but rather a renegotiation of the CIP and possible time extension