



202 E. McDOWELL RD., SUITE 153
PHOENIX, ARIZONA 85004
(602) 258-8850
(602) 258-8757 (FAX)
WWW.ACLPI.ORG

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Mr. Robert J. Sorce
Attorney General's Office
1275 West Washington
Phoenix, Arizona 85007-2926

Mr. Logan T. Johnston
Johnston Law Offices, PLC
One North First Street
Phoenix, Arizona 85004-2359

Re: State's Proposed Quality Management System in *JK v. Gerard*

Dear Bob and Logan:

We write to express our serious concerns about whether the State's proposed Quality Management ("QM") System meets the requirements of the Settlement Agreement. Specifically, Paragraph 55 of the Settlement Agreement requires the State to implement a QM System that "measures whether services to class members are consistent with and designed to achieve the Principles" and includes as an "integral component" "an in depth case review of individual children's cases." In order to meet these requirements, the QM reviews must be able to provide information to the State, RHBAs, providers, and stakeholders about whether class members are being served according to the Principles, and if not, why. This type of information is essential to the State in managing the reform process as required by the Settlement Agreement; without it, the State cannot evaluate the effectiveness of its efforts, identify barriers that need to be addressed, and make performance - related contract decisions with respect to RHBAs and/or providers. In addition, the QM reviews must be conducted by individuals who can competently assess fidelity to the Principles in order for the information gathered from the reviews to be meaningful and useful.

The Maricopa County Review process was designed with these requirements in mind. Plaintiffs have long urged the State to build on the Maricopa County process as a basis for a state-wide system to review the fidelity of practice to the Principles.

There were admittedly problems with its implementation - problems recognized and being addressed by the Assessment and Outcome Committee. Yet, the focus of the reviews is on whether the RHBA and providers are practicing – and children and families were receiving services – according to the Principles. The review is conducted by a pair including a clinician experienced in practicing under the Principles and a family member with experience in the children's system trained by the Family Involvement Center. The process is designed to provide feedback not only about areas in which practice met or did not meet the Principles but also the causes why; inherent in the design is identifying barriers to implementation and their solutions. The RBHA took action based on the reviews, including corrective action plans. A broad array of stakeholders in Maricopa County, as well as national consultants, have embraced its basic design.

We understand that the State has decided to use the Wraparound Fidelity Index (WFI) on a large sample of high needs children in child and family teams, supplemented with portions of the Wraparound Fidelity Assessment System (WAFAS) on a smaller sample of such children. The State has not yet identified how it will be reviewing the fidelity of practice for lower needs children.

We are disappointed by the State's decision and have grave concerns about whether the State's proposed QM System can meet the requirements of the Settlement Agreement. Below are our major concerns:

The WFI and WAFAS are not Tied to Practice Under the Principles.

The WFI and WAFAS are not tied to practice under the JK Principles. The WFI focuses on the team process, an important aspect of practicing according to the Principles. A process measure, it does not focus on practice and outcomes, and it is not designed to assess the quality of practice at the individual case level. This is apparent from the literature about the WFI, and has been confirmed by Plaintiffs' independent investigation, including conversations with practitioners who have used the WFI.

The WAFAS was designed in part to address the above deficiencies. There is little literature and experience with the WAFAS; hence it is more difficult to anticipate the information it will provide. However, like the WFI, it appears to emphasize process over practice. As an example, the questions on the WFI and WAFAS dealing with crisis planning look at whether a plan to address and prevent crises was created and whether the family and team has confidence in the

plan; there is not an independent judgment about whether the crisis plan is appropriate given the individual child's needs and the family's circumstances or the results that have been obtained through the plan.

Uncertain Process for In Depth Review.

Paragraph 55 of the Settlement Agreement specifically requires that the QM system include as an integral component an in depth case review of a sample of individual cases. The WFI interviews alone do not meet this requirement. The process by which the State intends to use the WAFAS to conduct in-depth reviews has not been well-defined, and many key issues have been left unresolved. For example, how many cases will be reviewed in depth each year, how will these be distributed across RBHAs and providers, and which cases will be chosen? Further, we anticipate that the WFI interviews will yield different and conflicting findings from the more intensive WAFAS review. Does the State have a plan for addressing this? We also have concerns about scoring and interviewer qualifications, as noted below.

Undefined Scoring Procedures.

As we understand, the State plans on using three tools from the WAFAS – the WFI interview, the team observation measure, and the chart review. From our review and conversations with practitioners who have used these tools, we understand that each results in a separate score and that there is not a defined methodology for combining them into a single score for a case. In addition, we also understand that there is no requirement that the same individual or team conduct each of the components of the review; different reviewers may conduct and grade different parts of the review on a single case. This does not permit the individuals who administer the components to come up with a consensus judgment about the quality of practice in the case, based on all of the information collected, we believe it is essential for the State to ensure that, for each case, those who review the case agree on a consensus judgment or score, based on all of the information collected. We recommend that reviewers reach consensus on four primary practice questions: (a) has the child and family team established a trusting relationship with the family, (b) does the team clearly know the family (having identified its strengths, culture, and needs), (c) did the team create an individualized service plan that meets the needs of the child and family, and (d) did the team implement, monitor, and modify the plan toward a successful outcome for the child and family?

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Insufficient Requirements for Reviewers.

In administering the WFI, we understand that the State plans to use family members only and not to include clinicians. A family perspective is essential in a practice review; so too is a clinical perspective. Further, as far as we are aware, the State has not set requirements for reviewers.

Lack of Feedback Loop to Ensure Performance Improvement.

From our review of the State's proposed process, and of the WFI and WAFAS manuals, it appears that the state has not yet described or developed a feedback process to ensure practice improvement. Moreover, it appears that the one WAFAS tool intended to provide information at the system level, the Community Supports for Wraparound Inventory, is not going to be part of the WAFAS review. In order to meet the requirements of the Settlement Agreement, any QM system implemented by the State must contain a meaningful feedback process that leads to performance improvement at the provider, RHBA, and State levels. Finally, we note that the WFI is not suited to generate such feedback. While its creators believe that the overall WFI score is valid and reliable, they have pointed out that its subscales (its assessment of what factors contributed to positive or negative scores) are not valid and reliable.

Undefined Purpose of the Reviews.

The State has not clearly articulated the purpose of the reviews. Nor has the State described how they plan to use the results from the review to improve practice. Does the State plan to make contract decisions, or to incentivize good practice and consequence poor practice based on the results of the reviews? If so, how will the State do so? We strongly believe that setting clear expectations up front about the reviews is necessary to ensure their successful implementation.

We hope that you will consider our concerns in your efforts to develop a QM system that meets that the requirements of the Settlement Agreement.

Sincerely,

Anne Ronan
Ira A. Burnim

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cc: Tim Nelson,
Office of the Governor