

PUBLIC WELFARE PROGRAMS
REPORT OF THE
VIRGINIA ADVISORY LEGISLATIVE COUNCIL

To
The Governor
And
The General Assembly of Virginia



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Richmond, Virginia

January 10, 1977

TO: Honorable Mills E. Godwin, Jr., Governor of Virginia

and

The General Assembly of Virginia

In 1975, the General Assembly directed the Virginia Advisory Legislative Council to continue its study of public welfare programs. This study had been in existence since 1972 and had resulted in the passage of far-ranging legislation concerning the administration of Virginia's public welfare programs. However, because of the complexity of the task, the Committee appointed by the Council had not been able to complete its consideration of several issues pertaining to welfare. The text of Senate Joint Resolution No. 104, continuing the study, follows:

SENATE JOINT RESOLUTION NO. 104

Directing the Virginia Advisory Legislative Council to continue its study of public welfare programs.

WHEREAS, the General Assembly heretofore directed a study of public welfare programs under House Joint Resolution No. 51 of the 1972 Session and Senate Joint Resolution No. 20 of the 1974 Session; and

WHEREAS, the Committee appointed to study public welfare by the Virginia Advisory Legislative Council has reported to the Council its findings and recommendations; and

WHEREAS, the scope and complexity of the problems confronting the Council have prevented a complete and thorough examination of every facet of the public welfare system; and

WHEREAS, human services delivery programs are not restricted to the Department of Welfare, but are fragmented among several agencies, and there is a need to investigate the possibility of duplication of effort and the necessity for coordination in this area; now, therefore, be it

RESOLVED by the Senate of Virginia, the House of Delegates

concurring, That the Virginia Advisory Legislative Council is hereby directed to continue its study of public welfare programs. The Council shall examine and make recommendations concerning: the coordination of human services delivery programs, the feasibility of the inclusion of the State Local Hospitalization Program in the Virginia Medical Assistance Program, the feasibility of a uniform minimum Statewide general relief program, the administration of the Virginia Medical Assistance Program, and the administration of the Food Stamp Program. The Council may further consider all other matters in connection with funding and administration of public welfare and public assistance programs and policies as it may consider pertinent. All officers and agencies of the Commonwealth and of its political subdivisions shall assist the Council in this study upon request. The Committee established by the Council to conduct the study shall have the power to request any information and studies from such officers and agencies.

The present members shall continue as the members of the Committee, provided that if any member be unwilling or unable to serve, or for any other reason a vacancy shall occur, his successor shall be appointed in the same manner as the original appointment was made.

The Council shall conclude its study and make its report to the Governor and the General Assembly not later than December one, nineteen hundred seventy-five.

Senator Joseph V. Gartlan, Jr., of Fairfax, a member of the Council, continued as chairman of the Committee. Other members were Senator Howard P. Anderson of Halifax, Ethel Camp of Arlington, Frances Elrod of Virginia Beach, Ray C. Goodwin of Arlington, Edward W. Gregory, Jr., and the Reverend Carl L. Howard of Richmond, Delegate Thomas J. Michie, Jr. of Charlottesville, Delegate William P. Robinson, Sr. of Norfolk, Maude B. Shelor of Floyd, Delegate Norman Sisisky of Petersburg, Delegate Frank M. Slayton of South Boston, Senator William A. Truban of Woodstock, Senator Charles L. Waddell of Sterling, and Senator Lawrence Douglas Wilder of Richmond. Delegate Slayton continued to serve as vice-chairman.

In addition to the regular members, William L. Lukhard, Commissioner of Welfare, and William T. Coppage, Director of the Commission for the Visually Handicapped, served as ex officio members.

The Committee completed its work and submitted a report to the Council in January, 1976. Because this was in the middle of the General Assembly session, the Council did not have the time to consider the report and deferred action on it until just prior to the 1977 session.

The areas considered by the Committee and the recommendations of the Council constitute the rest of this report.

A. GENERAL RELIEF

Virginia's general relief program provides financial assistance to persons who are in need, but do not qualify for aid from other sources. It is financed entirely from State and local funds, with the State providing 62.5% of the funds.

There are four categories in which general relief payments are made: (1) general maintenance payments to persons who are unemployable because of physical or mental disability, age, lack of training, or family illness or home responsibility, and limited maintenance payments to employable persons on an emergency basis; (2) assistance to cover medical expenses such as prescriptions and doctor bills (hospital care is provided through the State-Local Hospitalization Program); (3) burial of indigent persons; and (4) aid to transients.

The primary general relief category, both in terms of caseload and cost, is maintenance. For the twelve month period ending May 31, 1975, general relief maintenance payments amounted to over \$9.5 million and the caseload for that period was 90,938. The total cost and caseloads for all categories—maintenance, medical, burial, and transient—totaled over \$9.9 million and 98,974, respectively. The State share of that cost was over \$6.2 million.

In addition, there are administrative costs, eighty percent of which the State reimburses the locality. For the same twelve-month period, these costs were over \$3 million.

Each locality determines which general relief categories it will fund, the level of funding, and the eligibility criteria. In the case of maintenance payments, it also establishes the percentage of need to be funded. This policy of local flexibility has resulted in a great diversity of benefits among local general relief programs. Faced with this diversity, the General Assembly directed the Council to investigate whether a uniform general relief program would be desirable and feasible.

In 1974, a task force of the Committee recommended the adoption of a statewide uniform general relief program. Because the task force was unable to estimate the cost of such a program, the Council deferred action pending the receipt of more adequate information. To assist the Council in its query, the General Assembly directed the Department of Welfare to conduct a study of the cost of implementing such a statewide general relief program. A task force appointed by the Department has complied and submitted its report (House Document No. 11, 1976 Session).

That task force recommended that all localities provide general relief in the maintenance and medical categories, and that those localities in which there were no other adequate resources available provide aid in the burial and transient categories. In regard to percentage of need met by the maintenance category, it recommended that the localities have some degree of flexibility, with the same maximum as that for Aid to Dependent Children. It further recommended that the State share be 75% for those localities which increase or maintain their general relief appropriations.

The task force estimated that such a program, with the funding for the maintenance category set at 90% of need (the present ADC level), would cost about \$41.6 million, with \$31.2 million of that being State funds. It estimated that the annual caseload would increase to 435,800 and that the administrative expenses would total \$7.4 million. To summarize, it estimates that the program would cost the State an additional \$36.1 million.

If this data is correct, it indicates that there exists in this State a large number of people with unmet needs. Nevertheless, in light of the present economic situation, it is financially impossible for the State to institute an expanded aid program of this scope and to impose further economic burdens on the localities. Therefore, the Council recommends that the State not adopt a uniform, Statewide general relief program.

The Council does support Recommendation No. 8 of the task force which says:

For any individual to be released from an institution under the State Department of Mental Health and Mental Retardation and for whom social services or financial assistance would appear to be needed, prior planning shall be made with the local welfare department before the person's return to the community. In addition, the Department of Welfare and the Department of Mental Health and Mental Retardation shall agree upon established procedures by which persons are to be deinstitutionalized in order to minimize the problems related to the person's return to the community.

The task force discovered that the general relief maintenance caseloads of many local welfare departments include persons who have returned to the community through the deinstitutionalization efforts of the Department of Mental Health and Mental Retardation. Because of a lack of proper planning, these people often must be supported on the general relief rolls. We endorse this recommendation that the two departments involved jointly establish a mechanism to help these people return to the community without becoming dependent on financial assistance from the State and locality.

B. STATE-LOCAL HOSPITALIZATION

In its previous report, the Council also considered the expansion of the State-Local Hospitalization Program (SLH) but made no recommendation because of insufficient cost data. At this point, the Council recommends against the inclusion of SLH in the Virginia Medical Assistance Program. The cost of such a move is uncertain at best, and it could very well result in significant additional costs to the State.

Briefly, SLH reimburses health providers giving care to indigent persons ineligible for other medical assistance programs. It is wholly funded by the State and local governments, with each contributing half. Participation is at the option of the local governing body and the locality can establish the eligibility

standards, kinds of care covered, and amount of care that is reimbursable.

The task force of the Departments of Welfare and Health that studied the inclusion of SLH in Medicaid estimated that the cost would be about \$16 million the first year and about \$26.3 million for the second year, with each subsequent year requiring 10 per cent more than the previous one due to inflation. This sum contrasts with a \$2.9 million appropriation for the second year of the 1974-1976 biennium.

One of the major variables in the consideration of this issue has been the funds appropriated to the two State medical schools, the University of Virginia and the Medical College of Virginia, for the care of indigent patients — \$7.6 million and \$12.8 million, respectively, for the 1975-76 fiscal year. The proposal, if enacted, could be financed largely out of current appropriations if the two medical schools would no longer need substantial subsidization to cover their losses from caring for indigent patients. Testimony before the Committee indicated that this might be true in the case of the University of Virginia, since most of its losses result from care given to patients from non-SLH localities. However, representatives of the Medical College of Virginia pointed out that most of that hospital's losses stem from care given residents of Richmond and surrounding areas, which do participate in SLH. Thus, the Medical College of Virginia would still have large losses because of care given to indigent persons — losses the State has traditionally subsidized.

For these financial reasons the Council recommends that no action be taken on the proposal to include SLH in the Statewide Medicaid program.

C. THE COUNCIL RECOMMENDS THAT COMMONWEALTH'S ATTORNEYS NO LONGER BE ABLE TO DELEGATE INVESTIGATIONS OF INDIGENCY CLAIMS BY PERSONS CHARGED WITH CERTAIN CRIMES TO LOCAL DEPARTMENTS OF WELFARE.

In 1975, the General Assembly enacted § 19.2-159.1 which requires, among other things, Commonwealth's Attorneys to investigate any statement of indigency made to a court by a person charged with a felony. Furthermore, the Commonwealth's Attorneys may delegate this responsibility "to any agency, State or local, which possesses the facilities to quickly make such investigation." Predictably, some Commonwealth's Attorneys are delegating this duty to departments of welfare, which already have eligibility staff experienced in indigency determinations.

This situation is working a hardship on the welfare agencies because, the service not being reimbursable by the State Department of Welfare, the departments do not receive State funds to hire extra eligibility workers. Instead they must use their present staff, which already has a full workload. The result is a backlog of cases within the welfare departments. Furthermore, experience to date indicates that the cost of the indigency investigation outweighs

its benefits. Of 125 cases investigated by the Hampton Department of Social Services, only one defendant had misrepresented his financial situation.

If welfare agencies are to perform indigency investigations for the courts, they must have additional eligibility personnel. It is highly unlikely that additional funds will be available for this function, the effects of which seem to be marginal. Therefore, the Council recommends that welfare departments no longer be subject to being called upon by the Commonwealth's Attorneys to perform this function.

D. COMPUTERIZATION

In its 1974 Session, the General Assembly resolved that the Department of Welfare should develop a Statewide computer system for its operations (Senate Joint Resolution No. 21). The Department is now in the process of implementing that resolution.

The first stage of computerization was the issuance of all checks to Aid to Dependent Children recipients by the State Department rather than the local departments. In 1975, the Department started this effort in four pilot localities in the State. Using the experience gained from these projects, the Department planned to expand the program to include twenty additional counties in January, 1976. The entire State was to be in the system by the end of 1976. So far, the Department has discovered that, with State issuance of checks, it takes four days less to process applications.

Two other computerization efforts involved child abuse and neglect reporting and support enforcement. The former will be a purely statistical system and was implemented in January, 1976. The Department is still designing the latter system, although it has begun issuing incentive checks. It now has approximately 8500 collection cases on computer file.

In the latter part of 1977, or in 1978, the Department hopes to be able to meld all the different components into one overall system.

E. THE COUNCIL RECOMMENDS THAT CONGRESS BE MEMORIALIZED TO AMEND THE SOCIAL SECURITY ACT SO AS EXPRESSLY TO ALLOW STATES TO ENACT A WORK RULE FOR WELFARE RECIPIENTS.

Over the past few years, Virginia has made several efforts to establish a requirement that welfare recipients, with certain exceptions, lose their benefits if they do not accept available work. The latest federal court order enjoining the implementation of the work rule is being appealed. Since the issuance of the order, there has been a change in federal regulations which would appear to allow the work rule. If the injunction is lifted as a result of the regulations, those regulations are, nevertheless, based on an administrative interpretation of the federal legislation and that interpretation could change. Therefore, the Council recommends that Congress be requested to amend the Social Security Act so as

expressly to allow states to enact work requirements for welfare recipients.

F. FOOD STAMP OUTREACH

The Committee became aware of substantial duplication and unnecessary expenditure of public funds in the administering of the food stamp outreach programs throughout Virginia due to several factors.

There was very little coordination among the various State and local agencies involved in the provision of the federally mandated outreach programs. Furthermore, some outreach programs were administered by nonprofit community action agencies. Their programs and those of the local welfare agencies often were at cross purposes, causing ill will to develop between the agencies and the communities. Occasionally, some State agencies funded programs outside the local welfare agencies which were unnecessary and not required by the approved State plan. The lack of better coordination contributed to a lengthy backlog of cases for the welfare departments across the State, as well as the denial or delay of service to those in genuine need.

The food stamp program is administered by the Department of Agriculture but welfare departments have the responsibility for determining eligibility. The manuals furnished by the Department of Agriculture for determining eligibility were less than adequate, and for that and other reasons there appears to be considerable abuse of this program.

Because the regulations governing the food stamp program are less flexible than those in some of the other federal and federal-state-local programs administered by the Department of Welfare, there appears to be little that can be done by the State in the administration of the food stamp program. However, as the food stamp outreach situation illustrates, the Commonwealth does have the responsibility to coordinate and monitor more carefully the distribution of federal funds that will have an impact upon the State and local funds and services.

G. HUMAN SERVICE INTEGRATION

A recurring theme throughout the study has been the interrelation between public welfare services and those provided by other human service systems such as health, rehabilitation, employment, mental health and special programs for the elderly and handicapped. Welfare programs are directed to families and individuals who may simultaneously be receiving the services of several other human service agencies and organizations, a reality which makes it difficult to deal only with welfare services.

Noting the extraordinary complexity of all human service programs, the Committee concluded that dramatic reforms in the public welfare system alone would not be realized until the problems and issues confronting welfare were viewed as a part of the total human service environment. In its second year report, the

Council asked that its study be continued for another year to examine further Virginia's entire system of human service delivery.

The Committee began by examining the implementation of §§ 63.1-291 through 63.1-298, enacted by the 1974 Session of the General Assembly. This legislation empowers the Governor to authorize five localities across the State to test more effective and efficient ways of providing a wide range of human services in an integrated manner. To assist these experimental efforts, the Governor is authorized to grant variances from present State rules and regulations relating to the delivery of human services. He may also request waivers of federal rules and regulations which appear to impede the development of a pilot project.

This legislation represents the first formal attempt by the General Assembly to consider the merits of an approach known as "human service integration". In light of the potential that this concept holds for improving the management and delivery of human services, the Committee requested a report on the implementation of the pilot project program and a status report on the success of the demonstration projects to date.

Background

In February, 1974, the Governor assigned Secretary of Human Affairs Otis L. Brown responsibility for the coordination and implementation of the pilot projects. Under the Secretary's general direction, the Division of State Planning and Community Affairs (Human Affairs Section) developed a plan for receiving and screening final applications from the units of local governments which applied. From the proposals submitted by the localities, Secretary Brown and his respective department heads recommended five localities for official pilot project designation and four localities as alternate demonstration projects. The five localities selected were the cities of Chesapeake, Hampton and Roanoke and the counties of Fairfax and Carroll. Chosen as alternates were the counties of Arlington, Washington, Montgomery and Charles City.

Each locality identified the techniques and approaches it proposed to use to demonstrate more effective ways to plan, manage and deliver human services. Among the techniques being tested are:

- a. Central information, referral and case assessment services (Washington, Montgomery, Hampton).
- b. Pooling of various human service agency funds for development of a single transportation system (Roanoke).
- c. Location of certain private and public service agencies under one roof in a neighborhood facility (Carroll, Fairfax, Charles City).
- d. The testing of the team concept to the provision of services to certain target groups (Arlington).

e. Interagency planning and coordination (Chesapeake).

One constraint frequently documented in reports on human service integration efforts nationwide is the lack of available local funds for the initial planning and implementation of a new system, a constraint which may eventually be judged a greater barrier to the development of integrated systems than the many state and federal rules and regulations which are often thought to be major impediments to the successful operation of an integrated program. With this in mind, the Division of State Planning and Community Affairs sought to locate a source of funds for the localities to utilize in the initial development of their pilot projects. The Department of Health, Education and Welfare's Office of Planning, Research and Evaluation was investigated and grant monies were applied for and received on behalf of the nine localities. Included as matching funds were Title XX monies from the Virginia Department of Welfare.

Local Pilot Project Accomplishments

Since July 1, 1975, the pilot projects have concentrated their efforts on the hiring of project personnel and on the operational phase of their integrated projects. The city of Roanoke, for example, eager to develop a single transportation system for the clients of approximately twenty agencies, spent several months developing agency agreements authorizing the transfer of approximately \$200,000 worth of transportation funds and equipment. The project, called RADAR, began transporting agency clients under the unified system in early October, 1975.

In southwestern Virginia, three human service agencies in Carroll County agreed to experiment with a relocation effort aimed at increasing interagency cooperation. The departments of health, social services, and mental health are currently "co-located" in a building renovated by the county with revenue sharing funds. As a result of their co-location, the agencies have begun sharing office space, communications equipment and a receptionist who screens all incoming clients and conducts agency referral. Significant emphasis has been placed on integrating staff below the administrative level, i.e., among the social workers, public health nurses, eligibility technicians, and other service providers.

The city of Hampton has set up a service integration center in each of four low-income neighborhoods. At these centers social service workers from the local welfare department provide case monitoring and referral services to all people who come to the center as well as the regular services of the welfare department to those who are eligible. Through their membership on the agency council, nineteen local public and private human service agencies participate in the pilot project. In July, 1975, the Hampton Project requested and received a waiver from the State Department of Welfare in order to assure continued federal financial reimbursement for the local social service agency staff participating in the central intake aspect of the project.

Arlington County's Department of Human Resources is continuing its experimentation with a team approach to human

service delivery. Concentrating their services on Arlington's elderly population, the team of human service professionals includes a homemaker, a psychiatric social worker, and a public health nurse.

Project Evaluation

By July, 1976, the nine projects would have been operating for a full year. It was anticipated that by then the first year-end evaluation could be undertaken. Throughout the past year, staff of the Division of State Planning and Community Affairs have been examining various evaluation approaches aimed at yielding pertinent information on the short and long-range effects of integrating human services at the local level. Key assumptions to be tested concern the cost effectiveness of the integrated approach and the improvements in quality of service rendered and efficiency of the delivery system operation. It is anticipated that the evaluation of these and other pilot projects may suggest changes in the State's role in human service management, planning and delivery.

This study of the Council has been in existence for several years and has overseen much improvement in the administration of public welfare programs in Virginia. There are many problems that still need to be solved, but it is hoped that with the directions set by the Council, these solutions can be found in the regular course of the administrative and legislative process.

The legislation necessary to carry out the recommendations contained in this report are attached to this report. We respectfully urge the adoption of them by the General Assembly.

Respectfully submitted,

Edward E. Lane, Chairman

Lawrence Douglas Wilder, Vice Chairman

George E. Allen, Jr.

Peter K. Babalas

Vincent F. Callahan, Jr.

Joseph V. Gartlan, Jr.

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Willard J. Moody

James M. Thomson

J. Warren White

Edward E. Willey

SENATE JOINT RESOLUTION NO. ...

Memorializing Congress to amend the Social Security Act so as to allow states to enact their own work requirements for welfare recipients.

WHEREAS, the General Assembly has enacted legislation establishing a requirement that, in order to receive benefits, a public welfare recipient, in certain cases, must register for a job and accept a job if available; and

WHEREAS, implementation of such legislation and any similar legislation has been enjoined in this State on the basis of judicial and administrative interpretation of the Federal Work Incentive Program, Part C of Title IV of the Social Security Act, rather than an express provision of the Act; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Congress of the United States is hereby memorialized to amend the Social Security Act so as expressly to allow states to enact work requirements for welfare recipients; and, be it

RESOLVED FURTHER, That the Clerk of the Senate is directed to send copies of this Resolution to the Speaker of the United States House of Representatives, the President of the United States Senate and to the members of the Virginia delegation in the Congress of the United States to order that they may be apprised of the sense of this Body.

SENATE JOINT RESOLUTION NO. ...

Directing the Department of Welfare and the Department of Mental Health and Mental Retardation to plan for the care and support of persons released from State institutions.

WHEREAS, the Department of Mental Health and Mental Retardation has adopted a policy of deinstitutionalizing, as far as possible, the residents in its institution; and

WHEREAS, many persons so released do not have private resources upon which to rely and arrangements may not be made for them in the communities to which they return, with the result that they often must turn to public assistance for support; and

WHEREAS, the Department of Welfare has the primary responsibility for the delivery of social services at the local level; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Department of Welfare and the Department of Mental Health and Mental Retardation are directed to develop a method of planning for each person released from an institution operated by the Department of Mental Health and Mental Retardation. The planning shall be done prior to the person's release and shall seek to ensure that adequate provisions have been made for the care and support of that person upon his return to the community. Priority consideration shall be given in such planning to the possibility of utilizing foster homes and group homes for adults.

A BILL to amend and reenact § 19.2-159.1, as amended, of the Code of Virginia, relating to interrogation and investigation of indigency statement of person accused of felony.

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-159.1 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-159.1. Same; interrogation by court; filing; change in circumstances; investigation by Commonwealth's attorney.—A. The court shall thoroughly interrogate any person making the statement of indigency required in § 19.2-159 as to his means of livelihood, the amount of his wages, if any, location of bank accounts, real and personal property owned by such person, and any other income or assets accruing or owned by him. The court shall further advise such person of the penalty which might result from false swearing, as provided in § 19.2-161.

B. The statement and oath of the defendant shall be filed with the papers in the case, and shall follow and be in effect at all stages of the proceedings against him without further oath. In the event the defendant undergoes a change of circumstances so that he is no longer indigent, the burden shall be upon him to so advise the court, at which time, appointed counsel shall be relieved of further responsibility, and the defendant shall obtain private counsel. The court shall grant reasonable continuance to allow counsel to be obtained and to prepare for trial.

C. It shall be the duty of the Commonwealth's attorney of the county or city in which such statement and oath was made to make an investigation as to the indigency of the defendant, or of any other person making such statement. The Commonwealth's attorney is authorized to delegate the responsibility for such investigation to any subordinate in his office , ~~or to any agency, State or local, which possesses the facilities to quickly make such investigation~~ . Such investigation shall be reduced to writing and forwarded to the court in which the statement and oath was made within fourteen days after such statement was made. Such report shall be placed with the papers in the case.

SENATE JOINT RESOLUTION NO. ...

Directing the Secretary of Human Affairs to evaluate human service integration projects and report his findings to the Senate Committee on Rehabilitation and Social Services and the House of Delegates Committee on Health, Welfare and Institutions.

WHEREAS, human services are provided through a wide variety of uncoordinated, and sometimes conflicting, programs at both the State and local levels; and

WHEREAS, the successful integration of human service delivery components would result in more effective and efficient provision of services, which would be advantageous to both clients and the Commonwealth; and

WHEREAS, the Governor, pursuant to §§ 63.1-291 through 63.1-198 of the Code of Virginia, has authorized the conducting, by certain counties and cities, of pilot projects designed to test various aspects of human service integration; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Secretary of Human Affairs is directed to conduct an evaluation of the human service integration pilot projects at the end of their first year of operation and report his findings to the Senate Committee on Rehabilitation and Social Services and the House of Delegates Committee on Health, Welfare and Institutions. The evaluation shall include, but not necessarily be limited to, the feasibility of alternative integration approaches, the cost effectiveness of the integration approach, and the improvements in quality and efficiency of services rendered.

The Secretary shall submit his report, together with suggested legislation regarding changes in the State's role in human service management, planning and delivery, to the Committee no later than October one, nineteen hundred seventy-six.

