



# THE JACKIE WALORSKI MATERNAL AND CHILD HOME VISITING REAUTHORIZATION ACT OF 2022

## Section-by-Section Summary

**Section 1. Short title.** This section titles the bill “The Jackie Walorski Maternal and Child Home Visiting Reauthorization Act of 2022.”

**Section 2. Outcomes dashboard.** This section requires the Secretary of Health and Human Services (“the Secretary”) to create an annually updated, publicly available website which reports certain information regarding individual and family outcomes on a state or territory basis, as well as providing appropriate information about tribally administered programs.

**Paragraph (1).** This paragraph changes the paragraph heading for Section 511(d)(1) to “Benchmark Areas Related to Individual Family Outcomes.”

**Paragraph (2).** This paragraph makes technical amendments in order to insert new provisions in the paragraph.

**Paragraph (3). Outcomes dashboards.** This paragraph requires the Secretary to establish and operate a website accessible to the public that includes annually updated and easy-to-understand information on outcomes achieved by state or territory Maternal, Infant, and Early Childhood Home Visiting (MIECHV) programs (including programs administered by nonprofit entities instead of the state). The Secretary may operate the website directly or via grants or contracts.

The reported outcomes in the dashboard must be related to statutory benchmarks:

- Improved maternal and newborn health;
- Prevention of child injuries, child abuse, and neglect or maltreatment, and reduction of emergency department visits;
- Improvement in school readiness and achievement;
- Reduction in crime or domestic violence;
- Improvement in family economic self-sufficiency; or
- Improvements in the coordination and referrals for other community resources and supports.

The dashboard must convey outcomes for states and territories (including those operated by a non-profit, i.e., “eligible entity”) using a template that includes:

- A profile for each entity showing outcome indicators and how they compare to the benchmarks established for those outcomes;
- Information on the outcome indicators and requisite outcome levels for each entity;
- Information on the evidence-based home visiting model(s) used by the entity and specific participant outcomes the model is intended to affect;
- The most recently available information reported in the report on performance improvement;
- An electronic link to the state needs assessment, which identifies high-need communities for MIECHV services; and



- Information regarding any penalty or other corrective action taken by the Secretary against an entity and, if the entity is operating under a corrective action plan, detailed information about the plan and progress toward improvement.

The section also requires the Secretary to provide similar information for tribal grantees, with adjustments to protect tribal sovereignty and data privacy, and to ensure the dashboard preserves confidentiality of participant families.

**Section 3. Funding.** This section provides five years of funding for MIECHV and describes how the funding is allocated.

**Subsection (a).** This subsection provides rules for allocating federal base and federal matching formula grants among states, territories, and non-profit entities operating programs on behalf of states and requires those entities to meet maintenance of effort requirements. Note that Tribal grantees receive funding under a different provision.

**Paragraph (1).** This paragraph explains how federal base and matching funds are calculated and allocated to states and territories.

***Federal base grants.*** Starting in fiscal year 2023, and each year through fiscal year 2027, every eligible entity qualifies for a federal base grant, which is calculated in fiscal year 2023 and remains the same in subsequent years. If the eligible entity changes during the 2023-2027 period (for example, a non-profit takes over from a state, or vice versa), the new eligible entity for that state or territory receives the same base grant as the previous entity established fiscal year 2023.

The federal base grant amount is calculated by first reducing the amount available for base grants to account for reserved amounts and any required sequester, and then allocating the remainder according through a formula. The remaining funding is allocated by determining each state or territory's share of children under age 5 in the U.S. and allocating a proportionate share of federal base funds, unless that would result in a more than 10 percent increase or decrease over the state or territory's fiscal year 2021 award. If that occurs, the Secretary is required to adjust the amount to stay within those guardrails, and any funds remaining after the guardrail adjustments are distributed to states and territories on a pro rata basis, with a minimum grant award of \$1 million.

***Federal matching grants.*** Starting in fiscal year 2024, and each year through fiscal year 2027, federal matching grant funds are made available to every eligible entity up to a specified allocation if the entity complies with statutory conditions.

The federal matching grant amount is calculated by first reducing the amount available for matching grants to account for reserved funding amounts and any required sequester, and then allocating the remainder through a formula. The remaining funding is allocated by first providing a minimum amount to each eligible entity, and then allocating the remaining funding according to the state or territory's share of children under 5 in the U.S. who are at or below the federal poverty level. The minimum grant award amount is as follows: \$776,000 in FY 2024; \$1 million in FY 2025; \$1.5 million in FY 2026; and \$2 million in FY 2027.

In order to draw down its full allotment of federal matching grant funds, an entity must provide non-federal funds above their maintenance of effort requirement such that 25 percent of the total spending consists of non-federal funds (i.e., matching funds are available at a 75 percent-25 percent rate such that for every \$4 dollars spent, \$3 dollars



is federal and \$1 dollar is non-federal). Eligible entities may draw down a proportionate share of federal matching funds up to their full allotment. The non-federal funds must be used to support home visiting that meets the MIECHV requirements related to individual and family outcomes, evidence, and providing targeted, intensive services.

Any unobligated federal matching funds in a fiscal year (i.e., matching fund allocations not awarded or not fully obligated by a state) may be redistributed to eligible entities willing to provide the required non-federal match. Those entities are required to notify the Secretary of their interest in reallocated funds at the beginning of the fiscal year in which the funds are originally appropriated. Those entities may receive a share of the reallocated funds proportionate to the state or territory's share of children under age 5 in the U.S. who are below the federal poverty level among the group of states that apply.

**Paragraph (2).** This paragraph provides rules regarding a “maintenance of effort,” or MOE, requirement that eligible entities maintain past levels of non-federal spending. Eligible entities are not eligible for federal base or matching grants if they fail to maintain non-federal expenditures for the MIECHV program at the same level as in state fiscal year 2019 or state fiscal year 2021, whichever was lower. Not later than June 30, 2023, the Secretary must publish those amounts. In exceptional circumstances, the Secretary may provide an eligible entity that fails to meet the MOE requirement with a grace period to come back into compliance and may provide technical assistance to the entity.

**Subsection (b).** This subsection reserves funds for purposes other than the state/territory grants described in subsection (a). The reservation percentages are applied equally to the total available base grant and matching grant funds provided in subsection (c) for each fiscal year. The reservations are:

- 6 percent of total funding for grants to Indian tribes (including consortia of tribes), tribal organizations, or urban Indian organizations;
- 2 percent for technical assistance to states, tribes, and territories;
- 2 percent for workforce support, retention, and case management; and
- 3 percent for HHS costs related to administering the program, research, and evaluation activities.

**Subsection (c).** This section provides five years of funding for MIECHV.

- FY 2023: \$500,000,000 for base grants
- FY 2024: \$500,000,000 for base grants, and \$50,000,000 for matching grants
- FY 2025: \$500,000,000 for base grants, and \$100,000,000 for matching grants
- FY 2026: \$500,000,000 for base grants, and \$150,000,000 for matching grants
- FY 2027: \$500,000,000 for base grants, and \$300,000,000 for matching grants

**Section 4. Requirement that home visiting programs be targeted and intensive.** This section clarifies that any home visiting program funded under Section 3 must provide or support targeted, intensive services to families determined to be at risk, to prevent diversion of funds from the program's core purpose.

**Section 5. Limitation on use of funds for administration.** This section limits states, territories, and administering non-profits to using no more than 10 percent of their federal funding for administrative costs, provides a narrow exception authority to the Secretary, and makes conforming changes.



**Subsection (a).** The subsection caps administrative costs at 10 percent and provides the Secretary with authority to grant exceptions of not more than 5 percentage points to programs that are new, in the process of expanding to new communities, or use state/territory administrative staff to coordinate services directly to families. The subsection also allows the Secretary to impose additional terms and conditions on entities to receive the waiver.

**Subsection (b).** This subsection strikes a provision which required the cap on administrative funding for MIECHV to be the same as the cap used for other programs in Title V of the Social Security Act.

**Section 6. Annual report to Congress.** This section requires the Secretary to report annually to Congress for oversight purposes.

**Subsection (a).** This subsection requires that no later than December 31, 2023, and each subsequent year, the Secretary must submit a written report on the grants funded in the previous year. The report must include:

- Information for all states and territories on the outcomes achieved and how they compare to applicable statutory benchmarks;
- Information regarding technical assistance provided to grantees;
- Information on the demographic makeup of families served;
- Information that states, territories, and non-profits report in their demonstration of improvement report to HHS, in the years in which that information is available;
- Information on the estimated share of the eligible population receiving home visiting from MIECHV;
- A description of the service delivery models funded in each state or territory and the share of grants used for each model;
- A description of non-federal funds used to meet match requirements;
- Information on uses of funds reserved for workforce support, retention, and case management;
- Information relating to tribal home visiting programs; and
- A list of data elements that HHS requires eligible entities to report, and the purpose and use of each element.

**Subsection (b).** This section renumbers other sections that were moved in order to insert these new provisions.

**Section 7. Reduction of administrative cost.** This section requires the Secretary to reduce the administrative burden of MIECHV data reporting and compliance with federal rules in a way that focuses more resources on families, while maintaining accountability. Under this section, the Secretary must review current data collection tools and procedures, conduct an analysis of the number of hours required to comply with federal paperwork, and explore ways to reduce hours spent by at least 15 percent. The Secretary must also work with tribal grantees to ensure that their requirements are appropriate and respect tribal sovereignty and consult state fiscal officials to ensure consistency with financial requirements in other federal formula grant programs.

The Secretary must include findings from the process in the Report to Congress described in the prior section and implement the findings within two years after the report.



**Section 8. Virtual home visiting authorization and restrictions.** This section authorizes the use of virtual visits and adds restrictions to their use.

**Subsection (a).** Virtual home visits. This subsection provides a state/territory option to provide additional information to the Secretary demonstrating that they have met specific conditions and then be allowed to utilize virtual visits in specific situations, under those conditions. It also adds a general requirement that service delivery models must include at least one in-person visit a year to qualify for federal funding. Entities that wish to provide limited virtual visits must provide the Secretary with:

- A description of limitations or constraints on virtual home visits, including–
  - A description of the plan of the eligible entity to encourage in-person home visits; and
  - A description of the considerations to be used in determining when a virtual home visit is appropriate, including client consent, client preference, geographic limitations, model fidelity, hazardous conditions including public health emergencies, weather events, health concerns for home visitors and client families, and other local issues.
- An assurance that virtual visits are implemented as a model enhancement or that the Secretary has identified the home visit as part of an effective model or model adaptation, based on an evidence of effectiveness review.
- An assurance to the Secretary that at least one in-person home visit shall be conducted each year, except during public health emergencies.

The subsection also requires that training provided to home visitors providing virtual visits be equivalent to training for in-person visits, defines certain terms used in the section, and requires the Secretary to provide technical assistance to eligible entities to ensure compliance.

**Subsection (b).** This subsection provides a transition rule for visits conducted before enactment of this subsection.

## **Section 9. Effective date.**

**Subsection (a).** This subsection makes all provisions in the Act except the virtual visit rules effective October 1, 2022.

**Subsection (b).** This subsection makes the provisions in Section 8 (virtual home visits) effective on October 1, 2023.