

Ben Eikey:

Welcome to Oversight Matters, a podcast that gives you a behind the scenes look at legislative investigations and the people involved. This is Ben Eikey, and I am your host. This podcast is brought to you by the Levin Center at Wayne Law in Detroit.

Ben Eikey:

On this episode of Oversight Matters, I am interviewing state Senator Sara Gelser Blouin from the Oregon state Senate. Senator Gelser Blouin is the recipient of the 2021 Carl Levin Award for Effective Oversight. Her legislative oversight efforts include investigations into child foster care services. These investigations resulted in the raising of disturbing facts about how vulnerable children were being treated in Oregon and across the country. Throughout her time in public service, Senator Gelser Blouin has led on reforms including Oregon's mandatory child abuse reporting law, child welfare fatality reviews, and legislation improving child abuse investigations across the state. Additionally, Senator Gelser Blouin and I have had the chance to work together on delivering workshops on oversight. She's a joy to work with and to learn from. I hope you all enjoy this conversation as much as I know I will. Senator Gelser Blouin, welcome to Oversight Matters.

Senator Sara Gelser Blouin:

Thanks for having me. It's good to see you again.

Ben Eikey:

It's so good to see you. How have you been?

Senator Sara Gelser Blouin:

Pretty good. It's been busy and the last two years of this pandemic, time seems so slow and so fast all at the same time, it's like a vortex.

Ben Eikey:

It's so strange. Especially the year 2021, I just feel like it just kind of came and went.

Senator Sara Gelser Blouin:

Yeah.

Ben Eikey:

It was so fast and we're creeping up on two years now since the start. We're two months away from two years.

Senator Sara Gelser Blouin:

We are. We move into our legislative session tomorrow and it was at the end of our session two years ago that this all started. And we haven't been together in person in committee rooms in two years, which is just a wild thing. We vote together on the floor, but otherwise we are completely separate from each other and I'm really missing my colleagues and the lobby and constituents and others.

Ben Eikey:

Yeah, certainly. Last week I had a great chance to testify in Senate Oversight. We were talking about some contract work and I was on my way home. And about an hour down the road, I got notified that the Speaker of the House decided to cancel session in all hearings for the remainder of the week, because there was an outbreak of COVID. And I thought, no, no, no. And so I got home and decided to do a little quarantine and did my testing and ended up being negative. Omicron was really kind of all over in Michigan and I'm just really looking forward to being able to slowly see things to start back up, especially in state legislatures. I miss seeing everybody.

Senator Sara Gelsner Blouin:

Yeah. It's important. It's important and a lot gets lost and we have a lot of rebuilding to do.

Ben Eikey:

No doubt. So I'm just really glad to see you again, and I'm glad things are going well.

Senator Sara Gelsner Blouin:

Likewise.

Ben Eikey:

So just got a couple of questions here and there that I just kind of sort of draft it up. One of the things that I was kind of thinking about was just reflection on the Carl Levin Oversight Award and being selected as the winner of this for 2021. Just wanting to get a chance to hear your thoughts a little bit more about just oversight and the role of it as a state legislator and just what it means to you being selected as a recipient for the Carl Levin Effective Oversight Award. We'd love to hear your thoughts.

Senator Sara Gelsner Blouin:

Well, first, thank you again. That was such an honor to be recognized in that way. And Carl Levin himself just such an extraordinary figure. So to have a chance to, in some way, be associated with that, I feel really lucky. I think what I feel even more excited about than the award and even more grateful for is that the Center exists and, really, that there is this work related to oversight. And I've been doing the legislature for a while now. I was sworn into the Oregon house in 2005 and we spent a lot of time trying to solve problems and writing laws. And often it seems confusing, like why do we need to write a bill to do this? And doesn't the law already require this?

Senator Sara Gelsner Blouin:

And I think the importance of oversight is that you can have perfect laws that say exactly what they need to say, but if they are not implemented appropriately, it doesn't really matter what the law says. And if there's not oversight, you don't get to that implementation and you also don't get to understand where sometimes legislation itself might be getting in the way of the outcomes that you want. So having the Levin Center there, focusing on this often overlooked responsibility of the legislative branch is exciting. When I first learned about the Center, I thought, oh my gosh, this is amazing. There's folks talking about this because sometimes executive branches are not really excited when legislators start exercising the oversight authority.

Ben Eikey:

I really appreciate your thoughts on that. So, it's a joy to be a part of the Levin Center and to be able to do this podcast. And again, just kind of raise the importance of oversight and what legislatures really do have the power to be able to. And one of those things, I think that a lot of listeners would be really kind of interested in hearing a little bit more about just some of this oversight that you did, particularly looking at child welfare services. Can we get a brief summary, just so we can get everybody kind of up this speed on just what exactly were we looking at in Oregon that sort of led you to take the actions you took?

Senator Sara Gelser Blouin:

Sure. So when I came to the legislature in 2005, I'm just going to go backwards a little bit because it all builds on itself. I was pretty connected in my community. I've always been very concerned about children. And shortly after I was sworn in, there was a murder in my community of a little girl named Karly, who was nearly three years old. And a friend of mine was the prosecutor in that case, Joan Demarest, she's now a circuit court judge in this area. And I didn't understand how this girl could have died because there were so many reports about her to child welfare. And the dad had been trying to get intervention and support for a while. She was killed by her mother's boyfriend. And when I went to DHS as a new lawmaker to ask about how this happened, I was told that all the policies had been followed correctly. And then I asked the next question, which was, well, then are our policies right? How would we address this?

Ben Eikey:

If true, then what?

Senator Sara Gelser Blouin:

Yeah. So that really gave me the opportunity to start digging in the child welfare world and to learn more about how things work and how policy feeds into practice in a big system like this and what we ended up doing in that case, we passed something called Karly's Law. A number of other states have copied that law now. And it just requires that when you encounter a child who is the subject of a child abuse investigation, and they have suspicious injuries, and we define what those things are like scars and burns and bruising of certain types at different ages, they need to see a physician that is specially trained in child abuse injuries. And then things go from there. You record that information. In Karly's case, that would have saved her life. And that really substantially changed the way we do child abuse investigations in Oregon and it introduced me to a lot of people in child welfare.

Senator Sara Gelser Blouin:

So fast forward about 10 years to when I went over to the Senate and I began chairing the Senate human services committee. And I again was hearing from people that had concerns about placement in foster care, kids being moved a lot. The agency removing kids too quickly. The agency removing kids too slowly. And it's hard, it's hard work, child welfare. And then I got a call from a reporter telling me about a program in Portland where kids were being pretty significantly abused. And the story he told me was so wild, I thought that can't possibly be the case. So I started looking it up and I was able to find records that substantiated a lot of what he said. And I started following his articles, and on my own, tracking down staff and kids that had been there and I brought them into a hearing to share their stories and share their information and that-

Ben Eikey:

How did you find the information? Did you just directly go and ask? Where would one find these sort of things?

Senator Sara Gelser Blouin:

So all kinds of things. I went to licensing reports, I went to police reports. I went to abuse reports that I could find. I found a mechanism to be able to get access to substantiated allegations of abuse within the facilities. And then this reporter was writing about it, so I started reading the comments in the articles from people that had close knowledge and just starting piecing clues together to try to figure out who these people were, and I kind of track some of them down through social media. And that's how I ended up finding one of the women that worked for the program. And she was able to talk about the kids having to dry off with paper towels, of not enough food, kids being locked out.

Senator Sara Gelser Blouin:

There was just a lot that was there. And in that process, I ended up requesting thousands of pages of public records to try to figure out not just was this a company that was so good at doing bad things, that they were able to hide it. And if so, how do we stop it? Or was this a situation of the agency not acting when there were problems? And it turned out to be more of the second, except for that we hadn't given the department the authority to act. And we had all of these rules, but it wasn't clear when the agency could act. So we worked to make substantial changes to our laws as they related to congregate care of children, and that was in 2016.

Senator Sara Gelser Blouin:

By 2019, that was being implemented and then we learned that we had kids that were being sent to these out-of-state facilities. And I wanted to know if they were meeting the same standards that we had worked so hard to create in Oregon. And if the agency had the same authority that we worked so hard to give them to keep these kids safe when they cross state lines. And it turned out they didn't. It turned out that most of our kids were placed in a program called Sequel Youth and Family Services that had residential programs in multiple states across the country, that they were poorly regulated, had a long history of abuse and inappropriate restraint.

Senator Sara Gelser Blouin:

Again, I went through thousands of pages of public records, worked closely with a great reporter, Lauren Dake of OPB. And we just kept pushing. And I held hearings every week, just really digging into what was happening for these kids. I made charts of each kid to try to track them down and a lot happened in the middle, but that all started in March of 2019. And by the end of June of 2020, we stopped the practice of sending children out of the state of Oregon through our child welfare program, which I'm really proud of. And many of the Sequel programs have since shut down, some of which as a result of some of the things that we started here in Oregon. So I'm proud of how Oregon contributed to the downfall of this company, although they just basically changed their name. They're now Vivant and they will do the same thing.

Ben Eikey:

I just think it needs to be said, I just really admire your diligence and just sticking on this and just going after the truth and finding the facts and working with the group of people. I'm glad you mentioned the reporter because a lot of great oversight really does start in some ways when there's an investigation that breaks. When going through these processes and finding these facts and uncovering all this

information, I think one thing that's also worth thinking about was the role of bipartisanship. I believe you had a Republican partner that was able to sort of help you quite a bit along the way to really kind of build this up, saying this, isn't just some sort of a partisan thing, this is a true crisis that we have in our hands. And we're trying to just find the facts and get the inform to make sure that what is happening doesn't happen again. Do you mind saying a little bit about that?

Senator Sara Gelser Blouin:

Sure. No, there was a great response from Republicans on the specific issue of the out-of-state placements and really deep engagement in the process. We had House Republicans that came over to the Senate to participate in some of the hearings that we were having. I think one of the other things that happened around this is that this is a pretty powerful issue. It's a very emotional issue that, politically could be used in pretty effective ways to score political points without really helping kids. And I went to one of the member who had a staffer, a communications person who's really good at communicating things and asked if she would partner with me and hold off on just kind of the public blow the top off of the thing so that we could work on how to actually resolve the problem, that it wasn't about protecting anybody. It was really about what do we need to do to able to solve the problems.

Senator Sara Gelser Blouin:

And she was just as committed to that as I was. And I was really grateful to my colleagues on the other side of the aisle for continuing to work through this in a way that was focused on how do we make this better rather than how do we point a finger. Going all the way back to 2015, my friend, Representative Wayne Stark, who's more rural part of Oregon, a little south of me, Republican, long time foster parent, just all around one of the best people I've ever known in my life. He and I have worked side by side on child welfare related issues for years, and have found that it is much more effective when you have a House member and a Senate member, a Republican and a Democrat going together to express a concern. I think it takes some of that, oh, they're just out to get us kind of sting out of it. And these things are hard. It's hard to be on the receiving end of these questions, especially in a very public way.

Ben Eikey:

No, certainly. So when we were deciding between a lot of very wonderful potential candidates for the Oversight award from Carl, one of your Republican counterparts did contact us and just had wonderful, glowing things to say. And it was a really nice moment when we were all kind of talking. He said, yes, we got this great phone call, just talking about all the process and just how wonderful it was to work with you. And that was just really encouraging, really looked up to that. So you briefly brought up that you're on the human services committee. I kind of want to think now, because we've talked quite a bit about the oversight that's already happened. I want to kind of talk about the future, talk about tomorrow during the rest of this year, the rest of this session and what are some of your priorities that you're looking at going into this, 2022 with the human services committee, what are we starting to look at here?

Senator Sara Gelser Blouin:

We have a short session coming up that is really short. We do these not quite six week sessions in the even number years, starts tomorrow. And we have a bill that is really looking at transparency within our developmental disabilities system and the kinds of contracts that we put out for services for those. We had an issue two years ago, the US Senate health committee did an investigation on a program called

Mentor Services. And that was also a bipartisan investigation and Mentor is a private equity backed multi-state corporation that does both adult DD services and child foster care. There were a lot of problems. We had them in our state, resulted in at least one death and some pretty significant abuse. But the state didn't really have the tools to address a company of this size because most of our providers are very, very small.

Senator Sara Gelsner Blouin:

So we asked the department to go away and come back with some recommendations about how they might address that. And for me, it was not just about Mentor or about this one circumstance, but the entire human services sector and the way that private equity backed firms are coming in to start to take over. And so if we can start looking at this in a relatively small pool, like the developmental disability services program, how can we look at applying that to senior care and other types of things? So we'll have a build a session that requires transparent reporting of finance, abuse history. We'll allow the department to consider the behavior and performance of applicants in other states before they've come to us, both at licensure and re-licensure. And I think it's really important because we see the same thing, it really is the same thing that we saw happening with Sequel and these out-of-state placements.

Senator Sara Gelsner Blouin:

It's a really big issue in long term care, memory care, and skilled nursing facilities where you've got some great actors out there for an important service and you've got some folks that are really, really bad actors. So that, I think, really is the goal moving forward is how do we put more light on these programs and make sure that the funds that we have are getting to the clients that need them and that those services are provided in a way that is dignified. Because right now, there is so much regulatory capture that the contractors call all the shots because we're afraid they'll walk away.

Ben Eikey:

I'm glad you brought up contractors. So in the Levin Center, we've been prioritizing contract oversight and different ways in which legislatures can be able to leverage their power of their office to be able to help to just conduct better contracts from the word go. And we have been doing research on this topic and just thinking of different ways to be able to prioritize contract oversight, assign it to specific committees, or require certain types of audit reviews. Thinking broadly about contract oversight in Oregon, is there any kind of approach in particular that you've kind of noticed that you think has been kind of a particularly effective, or is that an area that could use additional enhancement in Oregon?

Senator Sara Gelsner Blouin:

I think like most states, it could probably use additional enhancement with thought towards how it's done in an effective way and not one that creates more process. That's one of the things that we're working on with this bill related to the developmental disability services. It's one thing to ask for information to be submitted, but if we have not built up the infrastructure and capacity at the agency level for them to actually review and use that information, then it's been pointless. And if we haven't given them that, it's also not fair for the legislature to hold agencies accountable for not doing what we want them to. And I think that is a big piece of the oversight. And when looking at, how do we put these mechanisms in place? The legislature is often very complicit in this because regulation and oversight is not sexy. It's not fun. It's not something fun to talk about. Nobody really wants to talk about it when you're at a [crosstalk 00:18:55]

Ben Eikey:

Hey, I think our listeners will disagree.

Senator Sara Gelser Blouin:

Your listeners will disagree, but there aren't great big rallies about let's have more regulators.

Ben Eikey:

Maybe not.

Senator Sara Gelser Blouin:

And because that influences things, we, as legislators, tend to not respond until there's some big story that breaks. Whereas if we do things in a more proactive, collaborative way, we can avoid the big, bad things from happening that cause the big stories to break.

Ben Eikey:

So I think that's kind of most of the questions that I had at the moment. Is there anything in particular you'd like to say about just the name of the podcast is Oversight Matters, and so I guess the question I always ask to wrap things up is, so Senator Gelser Blouin, why does oversight matter?

Senator Sara Gelser Blouin:

Oversight is what is needed to make sure that laws are implemented in the way that we expect them to. Oversight allows us to ground truth allegations and rumors about government services that show up and that can help increase confidence in government. And oversight helps us understand how laws can be improved and how we can better support the executive branch in building our communities out in the way our constituents want to see them. So it's like checking your work, you have to check your work. You have to be open to constant change. You have to be open to constant improvement. When you try something, there's always a way to get better and oversight helps us do that.

Senator Sara Gelser Blouin:

And lastly, I see the use of public resources as a very sacred trust, especially around issues like health and human services. If funds in cash-strapped systems for vulnerable people are misspent in other places, that's not just a waste of money, that is a moral failure because every dollar misspent is a dollar that's not getting to someone that is suffering for a lack of resources. So we have an obligation to do everything that we can to make the best and highest use of every penny that comes into our state coffers.

Ben Eikey:

Thank you again for joining, it's just been wonderful to get a chance to catch up this afternoon. I guess morning over in Oregon, but still, thank you.

Senator Sara Gelser Blouin:

Well, thanks for having me and I look forward to continuing to work with you. So thank you so much for the work that your organization does. And again, for the honor and the beautiful plaque, I just feel really lucky to be included in that way in your work.

Ben Eikey:

That was a beautiful moment. So for the listeners, with our advisory board, we had a very nice presentation for the award. With today's virtual world, we did it, of course, on Zoom and it was just a great moment. I actually have a couple of screenshots saved from the moment where the Senator, she had the plaque and she was smiling and everyone else was smiling. It was just a great moment.

Senator Sara Gelsler Blouin:

Well, and it got me a little weepy because you read some of the comments from some of my colleagues, especially on the other side of the aisle. And I think that's the last thing that I would say. We started this talking about the pandemic and not being in person. And during this two years, we've not only been separated from each other, but the political rhetoric, the way that people engage with each other socially, as we're physically distanced, I think has really deteriorated. And we get good things done when we disagree on ideas, but we respect each other as people. And we can have friendships across party lines or across interest lines, and I worry very much that we're losing that. We're all in this, or at least most of us, I think, never say never and never say always, but the vast majority of people that are serving in our legislatures or executive branches are there because they want better communities. We just disagree on how to get there. And I hope that we can refocus on how we can build relationships so that we trust each other as people, even when we don't agree on the ideas, because that's when the best work can get done.

Ben Eikey:

Thanks again, Senator Gelsler Blouin. Always fun to catch up and to share more on the power of legislative oversight. Again, my name is Ben Eikey, and this podcast is brought to you by the Levin Center at Wayne Law in Detroit. Thanks for listening.