

# 2004 SESSION

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## HOUSE BILL NO. 527

Offered January 14, 2004

Prefiled January 13, 2004

A *BILL to amend and reenact §§ 2.2-2648 and 2.2-5201 of the Code of Virginia, relating to Comprehensive Services for At-Risk Youth and Families.*

Patron—Hogan

Referred to Committee on General Laws

### Be it enacted by the General Assembly of Virginia:

#### 1. That §§ 2.2-2648 and 2.2-5201 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2648. State Executive Council for Comprehensive Services for At-Risk Youth and Families; membership; meetings; powers and duties.

A. The State Executive Council for Comprehensive Services for At-Risk Youth and Families (the Council) is established as a supervisory council, within the meaning of § 2.2-2100, in the executive branch of state government.

B. The Council shall consist of the Commissioners of Health, of Mental Health, Mental Retardation and Substance Abuse Services, and of Social Services; the Superintendent of Public Instruction; the Executive Secretary of the Virginia Supreme Court; the Director of the Department of Juvenile Justice; the Director of the Department of Medical Assistance Services; *the chairman of the state and local advisory team established pursuant to § 2.2-5202*; two local government representatives to include a member of a county board of supervisors or a city council and a county administrator or city manager, to be appointed by the Governor; a private provider representative from a facility that maintains membership in an association of providers for children's or family services and receives funding as authorized by the Comprehensive Services Act (§ 2.2-5200 et seq.), to be appointed by the Governor, who may appoint from nominees recommended by the Virginia Coalition of Private Provider Associations; and a parent representative. The parent representative shall be appointed by the Governor for a term not to exceed three years and shall not be an employee of any public or private program that serves children and families.

C. The Council shall be chaired by the Secretary of Health and Human Resources or a designated deputy who shall be responsible for convening the council. The Council shall meet, at a minimum, quarterly, to oversee the administration of this article and make such decisions as may be necessary to carry out its purposes.

D. The Council shall have the following powers and duties:

1. Hire and supervise a director of the Office of Comprehensive Services for At-Risk Youth and Families;

2. Appoint the members of the state and local advisory team in accordance with the requirements of § 2.2-5201;

3. Provide for the establishment of interagency programmatic and fiscal policies developed by the Office of Comprehensive Services for At-Risk Youth and Families, which support the purposes of the Comprehensive Services Act (§ 2.2-5200 et seq.), through the promulgation of regulations by the participating state boards or by administrative action, as appropriate;

4. Provide for a public participation process for programmatic and fiscal guidelines and dispute resolution procedures developed for administrative actions that support the purposes of the Comprehensive Services Act (§ 2.2-5200 et seq.). The public participation process shall include, at a minimum, 60 days of public comment and the distribution of these guidelines and procedures to all interested parties;

5. Oversee the administration of and consult with the Virginia Municipal League and the Virginia Association of Counties about state policies governing the use, distribution and monitoring of moneys in the state pool of funds and the state trust fund;

6. Provide for the administration of necessary functions that support the work of the Office of Comprehensive Services for At-Risk Youth and Families;

7. Review and take appropriate action on issues brought before it by the Office of Comprehensive Services for At-Risk Youth and Families, Community Policy and Management Teams (CPMTs), local governments, providers and parents;

8. Advise the Governor and appropriate Cabinet Secretaries on proposed policy and operational changes that facilitate interagency service development and implementation, communication and cooperation;

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59 9. Provide administrative support and fiscal incentives for the establishment and operation of local  
60 comprehensive service systems;

61 10. Oversee coordination of early intervention programs to promote comprehensive, coordinated  
62 service delivery, local interagency program management, and co-location of programs and services in  
63 communities. Early intervention programs include state programs under the administrative control of the  
64 state executive council member agencies;

65 11. Oversee the development and implementation of a mandatory uniform assessment instrument and  
66 process to be used by all localities to identify levels of risk of Comprehensive Services Act (CSA)  
67 youth;

68 12. Oversee the development and implementation of uniform guidelines to include initial intake and  
69 screening assessment, development and implementation of a plan of care, service monitoring and  
70 periodic follow-up, and the formal review of the status of the youth and the family;

71 13. Oversee the development and implementation of uniform guidelines for documentation for  
72 CSA-funded services;

73 14. Review and approve a request by a CPMT to establish a collaborative, multidisciplinary team  
74 process for referral and reviews of children and families pursuant to § 2.2-5209;

75 15. Oversee the development and implementation of mandatory uniform guidelines for utilization  
76 management; each locality receiving funds for activities under the Comprehensive Services Act shall  
77 have a locally determined utilization management plan following the guidelines or use of a process  
78 approved by the Council for utilization management, covering all CSA-funded services;

79 16. Oversee the development, implementation, and collection of uniform data collection standards,  
80 and the development of outcome measures; including, but not limited to, expenditures, number of youth  
81 served in specific CSA activities, length of stay for residents in core licensed residential facilities, and  
82 proportion of youth placed in treatment settings suggested by a uniform assessment instrument for  
83 CSA-funded services;

84 17. Establish and oversee the operation of an informal review and negotiation process with the  
85 Director of the Office of Comprehensive Services and a formal dispute resolution procedure before the  
86 State Executive Council, which include formal notice and an appeals process, should the Director or  
87 Council find, upon a formal written finding, that a CPMT failed to comply with any provision of this  
88 Act. "Formal notice" means the Director or Council provides a letter of notification, which  
89 communicates the Director's or the Council's finding, explains the effect of the finding, and describes the  
90 appeal process, to the chief administrative officer of the local government with a copy to the chair of  
91 the CPMT. The dispute resolution procedure shall also include provisions for remediation by the CPMT  
92 that shall include a plan of correction recommended by the Council and submitted to the CPMT. If the  
93 Council denies reimbursement from the state pool of funds, the Council and the locality shall develop a  
94 plan of repayment;

95 18. Deny state funding to a locality where the CPMT fails to provide services that comply with the  
96 Comprehensive Services Act (§ 2.2-5200 et seq.), in accordance with subdivision 17; and

97 19. Biennially publish and disseminate to members of the General Assembly and community policy  
98 and management teams a state progress report on comprehensive services to children, youth and families  
99 and a plan for such services for the next succeeding biennium. The state plan shall:

100 a. Provide a fiscal profile of current and previous years' federal and state expenditures for a  
101 comprehensive service system for children, youth and families;

102 b. Incorporate information and recommendations from local comprehensive service systems with  
103 responsibility for planning and delivering services to children, youth and families;

104 c. Identify and establish goals for comprehensive services and the estimated costs of implementing  
105 these goals, report progress toward previously identified goals and establish priorities for the coming  
106 biennium; and

107 d. Include such other information or recommendations as may be necessary and appropriate for the  
108 improvement and coordinated development of the state's comprehensive services system.

109 § 2.2-5201. State and local advisory team; appointment; membership.

110 The state and local advisory team is established to better serve the needs of troubled and at-risk  
111 youths and their families by advising the Council by managing cooperative efforts at the state level and  
112 providing support to community efforts. The team shall be appointed by and be responsible to the  
113 Council. The team shall include one representative from each of the following state agencies: the  
114 Department of Health, Department of Juvenile Justice, Department of Social Services, Department of  
115 Mental Health, Mental Retardation and Substance Abuse Services, *the Department of Medical Assistance*  
116 *Services*, and the Department of Education. The team shall also include a parent representative who is  
117 not an employee of any public or private program which serves children and families; a representative  
118 of a private organization or association of providers for children's or family services; a local  
119 Comprehensive Services Act coordinator or program manager; a juvenile and domestic relations district  
120 court judge; and one member from each of five different geographical areas of the Commonwealth and

121 who serves on and is representative of the different participants of community policy and management  
122 teams. The nonstate agency members shall serve staggered terms of not more than three years, such  
123 terms to be determined by the Council.

124 The team shall annually elect a chairman from among the local government representatives who shall  
125 be responsible for convening the team. The team shall develop and adopt bylaws to govern its  
126 operations that shall be subject to approval by the Council. Any person serving on such team who does  
127 not represent a public agency shall file a statement of economic interests as set out in § 2.2-3117 of the  
128 State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). Persons representing public  
129 agencies shall file such statements if required to do so pursuant to the State and Local Government  
130 Conflict of Interests Act.