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SENATE BILL NO. 1054

Senate Amendments in [] — February 5, 2015

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

Patron Prior to Engrossment—Senator Hanger

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-2648 of the Code of Virginia is 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 one member of the House of Delegates to be appointed by the Speaker of the House and one member of the Senate to be appointed by the Senate Committee on Rules; the Commissioners of Health, of Behavioral Health and Developmental 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; a juvenile and domestic relations district court judge, to be appointed by the Governor and serve as an ex officio nonvoting member; five local government representatives chosen from members of a county board of supervisors or a city council and a county administrator or city manager, to be appointed by the Governor; two private provider representatives from facilities that maintain membership in an association of providers for children's or family services and receives funding as authorized by the Comprehensive Services Act for At-Risk Youth and Families (§ 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 two parent representatives. The parent representatives shall be appointed by the Governor for a term not to exceed three years and neither shall be an employee of any public or private program that serves children and families. The Governor's appointments shall be for a term not to exceed three years and shall be limited to no more than two consecutive terms, beginning with appointments after July 1, 2009. Legislative members and ex officio members of the Council shall serve terms coincident with their terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. Legislative members shall not be included for the purposes of constituting a quorum.

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. Legislative members shall receive compensation as provided in § 30-19.12 and nonlegislative citizen members shall receive compensation for their services as provided in §§ 2.2-2813 and 2.2-2825.

D. The Council shall ~~have the following~~ *be responsible for the administration of the Comprehensive Services for At-Risk Youth and Families program and shall promulgate such regulations pursuant to the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) and adopt such policies as may be necessary to carry out its powers and duties, which shall include provisions for:*

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

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

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

4. ~~Provide~~ *Providing* for a public participation process ~~for~~ in development of programmatic and fiscal guidelines policies and dispute resolution procedures developed for administrative actions that support the purposes of the Comprehensive Services Act for At-Risk Youth and Families (§ 2.2-5200 et seq.).

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60 The public participation process shall include, at a minimum, 60 days of public comment and the
61 distribution of these guidelines and procedures such policies to all interested parties;

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

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

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

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

73 9. ~~Provide~~ *Providing* administrative support and fiscal incentives for the establishment and operation
74 of local comprehensive service systems;

75 10. ~~Oversee coordination of~~ *Coordinating* early intervention programs to promote comprehensive,
76 coordinated service delivery, local interagency program management, and co-location of programs and
77 services in communities. Early intervention programs include state programs under the administrative
78 control of the state executive council member agencies;

79 11. ~~Oversee the development~~ *Developing* and ~~implementation of~~ *implementing* a mandatory uniform
80 assessment instrument and process to be used by all localities to identify levels of risk of
81 Comprehensive Services Act (CSA) youth;

82 12. ~~Oversee the development~~ *Developing* and ~~implementation of~~ *implementing* uniform guidelines to
83 include policies for initial intake and screening assessment, development and implementation of a plan
84 of care, service monitoring and periodic follow-up, and the formal review of the status of the youth and
85 the family;

86 13. ~~Oversee the development~~ *Developing* and ~~implementation of~~ *implementing* uniform guidelines
87 policies for documentation for CSA-funded services;

88 14. ~~Review~~ *Reviewing* and ~~approve a request by~~ *approving requests of* a CPMT to establish a
89 collaborative, multidisciplinary team process for referral and reviews of children and families pursuant to
90 § 2.2-5209;

91 15. ~~Oversee the development~~ *Developing* and ~~implementation of~~ *implementing* mandatory uniform
92 guidelines policies for utilization management; each locality receiving funds for activities under the
93 Comprehensive Services Act for At-Risk Youth and Families shall have a locally determined utilization
94 management plan following the guidelines or use of a process approved by the Council for utilization
95 management; covering all CSA-funded services;

96 16. ~~Oversee the development~~ *Developing* and ~~implementation of~~ *implementing* uniform data
97 collection standards and *overseeing* the collection of data, utilizing a secure electronic client-specific
98 database for CSA-funded services, which shall include, but not be limited to, the following client
99 specific information: (i) children served, including those placed out of state; (ii) individual characteristics
100 of youths and families being served; (iii) types of services provided; (iv) service utilization including
101 length of stay; (v) service expenditures; (vi) provider identification number for specific facilities and
102 programs identified by the state in which the child receives services; (vii) a data field indicating the
103 circumstances under which the child ends each service; and (viii) a data field indicating the
104 circumstances under which the child exits the Comprehensive Services Act program. All client-specific
105 information shall remain confidential and only non-identifying aggregate demographic, service, and
106 expenditure information shall be made available to the public;

107 17. ~~Oversee the development~~ *Developing* and ~~implementation of~~ *implementing* uniform set of
108 performance measures for evaluating the Comprehensive Services Act program, including, but not
109 limited to, the number of youths served in their homes, schools, and communities. Performance
110 measures shall be based on information: (i) collected in the client-specific database referenced in
111 subdivision 16, (ii) from the mandatory uniform assessment instrument referenced in subdivision 11, and
112 (iii) from available and appropriate client outcome data that is not prohibited from being shared under
113 federal law and is routinely collected by the state child-serving agencies that serve on the Council. If
114 provided client-specific information, state child serving agencies shall report available and appropriate
115 outcome data in clause (iii) to the Office of Comprehensive Services for At-Risk Youth and Families.
116 Outcome data submitted to the Office of Comprehensive Services for At-Risk Youth and Families shall
117 be used solely for the administration of the Comprehensive Services Act program. Applicable client
118 outcome data shall include, but not be limited to: (a) permanency outcomes by the Virginia Department
119 of Social Services, (b) recidivism outcomes by the Virginia Department of Juvenile Justice, and (c)
120 educational outcomes by the Virginia Department of Education. All client-specific information shall
121 remain confidential and only non-identifying aggregate outcome information shall be made available to

the public;

18. ~~Oversee the development~~ *Developing* and ~~distribution of distributing~~ management reports that provide information to the public and CPMTs to help evaluate child and family outcomes and public and private provider performance in the provision of services to children and families through the Comprehensive Services Act program. Management reports shall include total expenditures on children served through the Comprehensive Services Act program as reported to the Office of Comprehensive Services for At-Risk Youth and Families by state child-serving agencies on the Council and shall include, but not be limited to: (i) client-specific payments for inpatient and outpatient mental health services, treatment foster care services and residential services made through the Medicaid program and reported by the Virginia Department of Medical Assistance Services and (ii) client-specific payments made through the Title IV-E foster care program reported by the Virginia Department of Social Services. The Office of Comprehensive Services shall provide client-specific information to the state agencies for the sole purpose of the administration of the Comprehensive Services Act program. All client-specific information shall remain confidential and only non-identifying aggregate demographic, service, expenditure, and outcome information shall be made available to the public;

19. ~~Establish~~ *Establishing* and ~~oversee~~ *overseeing* the operation of an informal review and negotiation process with the Director of the Office of Comprehensive Services and a formal dispute resolution procedure before the State Executive Council, which include formal notice and an appeals process, should the Director or Council find, upon a formal written finding, that a CPMT failed to comply with any provision of ~~this the Comprehensive Services Act for At-Risk Youth and Families~~ (§ 2.2-5200 et seq.). "Formal notice" means the Director or Council provides a letter of notification, which communicates the Director's or the Council's finding, explains the effect of the finding, and describes the appeal process, to the chief administrative officer of the local government with a copy to the chair of the CPMT. The dispute resolution procedure shall also include provisions for remediation by the CPMT that shall include a plan of correction recommended by the Council and submitted to the CPMT. If the Council denies reimbursement from the state pool of funds, the Council and the locality shall develop a plan of repayment;

20. ~~Deny~~ *Denying* state funding to a locality, in accordance with subdivision 19, where the CPMT fails to provide services that comply with the Comprehensive Services Act *for At-Risk Youth and Families* (§ 2.2-5200 et seq.), any other state law or policy, or any federal law pertaining to the provision of any service funded in accordance with § 2.2-5211;

21. Biennially ~~publish~~ *publishing* and ~~disseminate~~ *disseminating* to members of the General Assembly and community policy and management teams a state progress report on comprehensive services to children, youth, and families and a plan for such services for the next succeeding biennium. The state plan shall:

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

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

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

d. Report and analyze expenditures associated with children who do not receive pool funding and have emotional and behavioral problems;

e. Identify funding streams used to purchase services in addition to pooled, Medicaid, and Title IV-E funding; and

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

22. ~~Oversee the development~~ *Developing* and ~~implementation of implementing~~ mandatory uniform ~~guidelines policies~~ for intensive care coordination services for children who are at risk of entering, or are placed in, residential care through the Comprehensive Services Act program. The ~~guidelines policies~~ shall: (i) take into account differences among localities, (ii) specify children and circumstances appropriate for intensive care coordination services, (iii) define intensive care coordination services, and (iv) distinguish intensive care coordination services from the regular case management services provided within the normal scope of responsibility for the child-serving agencies, including the community services board, the local school division, local social services agency, court service unit, and Department of Juvenile Justice. Such ~~guidelines policies~~ shall address: (a) identifying the strengths and needs of the child and his family through conducting or reviewing comprehensive assessments including, but not limited to, information gathered through the mandatory uniform assessment instrument; (b) identifying specific services and supports necessary to meet the identified needs of the child and his family, building upon the identified strengths; (c) implementing a plan for returning the youth to his home,

183 relative's home, family-like setting, or community at the earliest appropriate time that addresses his
184 needs, including identification of public or private community-based services to support the youth and
185 his family during transition to community-based care; and (d) implementing a plan for regular
186 monitoring and utilization review of the services and residential placement for the child to determine
187 whether the services and placement continue to provide the most appropriate and effective services for
188 the child and his family.
189 [2. That the provisions of this act shall not become effective unless an appropriation effectuating
190 the purposes of this act is included in a general appropriation act passed in 2015 by the General
191 Assembly that becomes law.]