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HOUSE JOINT RESOLUTION NO. 60

Offered January 11, 2006

Prefiled January 10, 2006

Directing the Joint Legislative Audit and Review Commission to study the interdepartmental regulation of and Comprehensive Services Program reimbursement for placements in certain children's facilities. Report.

 Patron—Nixon

Referred to Committee on Rules

WHEREAS, the Joint Subcommittee Studying Youth and Single Family Group Homes in the Commonwealth (HJR 685 (2005)) has studied the regulation of and zoning and siting issues, services, and reimbursement for group homes in the Commonwealth; and

WHEREAS, the Joint Subcommittee has recommended legislative actions to increase accountability and improve regulatory authority for disciplinary actions in egregious situations; and

WHEREAS, the Joint Subcommittee has received comprehensive data on the regulatory programs for group homes, particularly the interdepartmental regulation of children's facilities through the Departments of Education; Juvenile Justice; Mental Health, Mental Retardation and Substance Abuse Services; and Social Services and the regulation of adult group homes by the Department of Mental Health, Mental Retardation and Substance Abuse Services; and

WHEREAS, although the Joint Subcommittee believes that redundant and duplicative regulatory requirements are unnecessary, the members were disconcerted by the failure of the interdepartmental program to take steps to develop regulations to implement requirements enacted by House Bill 2461 and Senate Bill 1304 in 2005 and concerned about the bureaucratic weight caused by requiring four regulatory boards and their departments to "cooperate" in setting and enforcing facility standards; and

WHEREAS, in addition, the Joint Subcommittee received voluminous data on the costs and statistics of placements through the Comprehensive Services Act (CSA) that only served to emphasize the gaps in statewide data on the rates being paid by localities for group home reimbursement of CSA children, the glaring fact that many children are placed out of their home jurisdictions into such group homes, and the apparent lack of monitoring of placements across jurisdictional lines by the responsible parties; and

WHEREAS, the Joint Subcommittee believes that a detailed examination of the rates paid for, efficacy of, and the accountability for Comprehensive Services Act placements must be conducted as well as an analysis of the interdepartmental regulatory program to determine whether stricter standards, rate setting, and perhaps other measures should be taken to ensure the safety of the vulnerable children placed in group homes; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to study the interdepartmental regulation of and Comprehensive Services Program reimbursement for placements in certain children's facilities.

In conducting its study, the Joint legislative Audit and Review Commission shall:

1. Evaluate the regulatory scheme and implementation of the Standards for Interdepartmental Regulation of Children's Residential Facilities to determine if the interdepartmental program should be continued or whether more accountability and assurances for the safety, health, and welfare of the children placed in residential facilities would be obtained by returning the responsibility for regulation of the various categories of facilities to the specific agency having the relevant expertise;

2. Collect data on and analyze the services purchased for CSA children to ascertain whether the Commonwealth and localities are receiving quality services for the money paid and whether rates for group homes and campus facility placements of CSA children are being set in a rational and cost effective manner;

3. Identify the impact on local jurisdictions of placements across jurisdictional line of CSA children, including, but not limited to, possible costly services that are not reimbursed through CSA, such as law enforcement, fire protection, mental health services, and education, and determine any steps that should be taken to improve placements in home jurisdictions and any factors providing adverse incentives for placements across jurisdictional lines;

4. Identify the impact on CSA children when placed across jurisdictional lines away from their families, communities and potential support networks;

5. Determine the impact on delivery of appropriate case management and quality assurance by the funding jurisdiction when CSA children are placed across jurisdictional lines to determine whether such children are receiving appropriate care, case management, education, and supervision; and

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59 6. Determine the regulatory and fiscal steps that are necessary, if any, to control costs, obtain quality
60 services, ensure accountability for services, and protect the health, safety and welfare of the children
61 placed in residential facilities, particularly when they are placed across jurisdictional lines.

62 All agencies of the Commonwealth shall provide assistance to the Joint Legislative Audit and Review
63 Commission for this study, upon request.

64 The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by
65 November 30, 2006, and for the second year by November 30, 2007, and the Director shall submit to
66 the Division of Legislative Automated Systems an executive summary of its findings and
67 recommendations no later than the first day of the next Regular Session of the General Assembly for
68 each year. Each executive summary shall state whether the Joint Legislative Audit and Review
69 Commission intends to submit to the General Assembly and the Governor a report of its findings and
70 recommendations for publication as a House or Senate document. The executive summaries and reports
71 shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for
72 the processing of legislative documents and reports and shall be posted on the General Assembly's
73 website.