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SENATE BILL NO. 658

Offered January 9, 2008

A BILL to amend and reenact §§ 2.2-2648, 2.2-5206, and 2.2-5208 of the Code of Virginia, relating to Comprehensive Services Act Program; case management and residential care plans.

Patron—Howell

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2648, 2.2-5206, and 2.2-5208 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 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 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. Appointments of legislative members shall be for terms coincident with their terms of office. 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 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

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59 Services for At-Risk Youth and Families, Community Policy and Management Teams (CPMTs), local
60 governments, providers and parents;

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

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

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

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

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

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

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

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

84 16. *Oversee the development and implementation of mandatory uniform guidelines for case*
85 *management for residential services. Such guidelines shall include provisions for development of a*
86 *residential services plan for each youth placed in residential care, which shall (i) identify goals for*
87 *residential care, (ii) provide for regular monitoring and review of the plan, and evaluation of progress*
88 *towards identified goals while the youth is in residential care, and (iii) establish a plan for returning the*
89 *youth to his home or community at the earliest appropriate time. Each locality receiving funds for*
90 *activities under the Comprehensive Services Act shall establish a case management program for*
91 *residential services, in conformity with the guidelines;*

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

97 ~~17-18.~~ Establish and oversee the operation of an informal review and negotiation process with the
98 Director of the Office of Comprehensive Services and a formal dispute resolution procedure before the
99 State Executive Council, which include formal notice and an appeals process, should the Director or
100 Council find, upon a formal written finding, that a CPMT failed to comply with any provision of this
101 Act. "Formal notice" means the Director or Council provides a letter of notification, which
102 communicates the Director's or the Council's finding, explains the effect of the finding, and describes the
103 appeal process, to the chief administrative officer of the local government with a copy to the chair of
104 the CPMT. The dispute resolution procedure shall also include provisions for remediation by the CPMT
105 that shall include a plan of correction recommended by the Council and submitted to the CPMT. If the
106 Council denies reimbursement from the state pool of funds, the Council and the locality shall develop a
107 plan of repayment;

108 ~~18-19.~~ Deny state funding to a locality where the CPMT fails to provide services that comply with
109 the Comprehensive Services Act (§ 2.2-5200 et seq.), in accordance with subdivision 17; and

110 ~~19-20.~~ Biennially publish and disseminate to members of the General Assembly and community
111 policy and management teams a state progress report on comprehensive services to children, youth and
112 families and a plan for such services for the next succeeding biennium. The state plan shall:

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

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

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

120 d. 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.

§ 2.2-2649. Office of Comprehensive Services for At-Risk Youth and Families established; powers and duties.

A. The Office of Comprehensive Services for At-Risk Youth and Families is hereby established to serve as the administrative entity of the Council and to ensure that the decisions of the council are implemented. The director shall be hired by and subject to the direction and supervision of the Council pursuant to § 2.2-2648.

B. The director of the Office of Comprehensive Services for At-Risk Youth and Families shall:

1. Develop and recommend to the state executive council programs and fiscal policies that promote and support cooperation and collaboration in the provision of services to troubled and at-risk youths and their families at the state and local levels;

2. Develop and recommend to the Council state interagency policies governing the use, distribution and monitoring of moneys in the state pool of funds and the state trust fund;

3. Develop and provide for the consistent oversight for program administration and compliance with state policies and procedures;

4. Provide for training and technical assistance to localities in the provision of efficient and effective services that are responsive to the strengths and needs of troubled and at-risk youths and their families;

5. Serve as liaison to the participating state agencies that administratively support the Office and that provide other necessary services;

6. Provide an informal review and negotiation process pursuant to subdivision D 4718 of § 2.2-2648;

7. Implement, in collaboration with participating state agencies, policies, guidelines and procedures adopted by the State Executive Council;

8. Consult regularly with the Virginia Municipal League and the Virginia Association of Counties about implementation and operation of the Comprehensive Services Act (§ 2.2-5200 et seq.);

9. Hire appropriate staff as approved by the Council; and

10. Perform such other duties as may be assigned by the State Executive Council.

C. The director of the Office of Comprehensive Services, in order to provide support and assistance to the Comprehensive Policy and Management Teams (CPMTs) and Family Assessment and Planning Teams (FAPTs) established pursuant to the Comprehensive Services Act for At-Risk Youth and Families (§ 2.2-5200 et seq.), shall:

1. Develop and maintain a web-based statewide automated database, with support from the Department of Information Technology or its successor agency, of the authorized vendors of the Comprehensive Services Act (CSA) services to include verification of a vendor's licensure status, a listing of each discrete CSA service offered by the vendor, and the discrete CSA service's rate determined in accordance with § 2.2-5214; and

2. Develop, in consultation with the Department of General Services, CPMTs, and vendors, a standardized purchase of services contract, which in addition to general contract provisions when utilizing state pool funds will enable localities to specify the discrete service or services they are purchasing for the specified client, the required reporting of the client's service data, including types and numbers of disabilities, mental health and mental retardation diagnoses, or delinquent behaviors for which the purchased services are intended to address, the expected outcomes resulting from these services and the performance timeframes mutually agreed to when the services are purchased.

§ 2.2-5206. Community policy and management teams; powers and duties.

The community policy and management team shall manage the cooperative effort in each community to better serve the needs of troubled and at-risk youths and their families and to maximize the use of state and community resources. Every such team shall:

1. Develop interagency policies and procedures to govern the provision of services to children and families in its community;

2. Develop interagency fiscal policies governing access to the state pool of funds by the eligible populations including immediate access to funds for emergency services and shelter care;

3. Establish policies to assess the ability of parents or legal guardians to contribute financially to the cost of services to be provided and, when not specifically prohibited by federal or state law or regulation, provide for appropriate parental or legal guardian financial contribution, utilizing a standard sliding fee scale based upon ability to pay;

4. Coordinate long-range, community-wide planning that ensures the development of resources and services needed by children and families in its community including consultation on the development of a community-based system of services established under § 16.1-309.3;

5. Establish policies governing referrals and reviews of children and families to the family assessment and planning teams or a collaborative, multidisciplinary team process approved by the Council and a process to review the teams' recommendations and requests for funding;

182 6. Establish quality assurance and accountability procedures for program utilization and funds
183 management;
184 7. Establish procedures for obtaining bids on the development of new services;
185 8. Manage funds in the interagency budget allocated to the community from the state pool of funds,
186 the trust fund, and any other source;
187 9. Authorize and monitor the expenditure of funds by each family assessment and planning team or a
188 collaborative, multidisciplinary team process approved by the Council;
189 10. Submit grant proposals that benefit its community to the state trust fund and enter into contracts
190 for the provision or operation of services upon approval of the participating governing bodies;
191 11. Serve as its community's liaison to the Office of Comprehensive Services for At-Risk Youth and
192 Families, reporting on its programmatic and fiscal operations and on its recommendations for improving
193 the service system, including consideration of realignment of geographical boundaries for providing
194 human services;
195 12. Collect and provide uniform data to the Council on, but not limited to, expenditures, number of
196 youth served in specific CSA activities, length of stay for residents in core licensed residential facilities,
197 and proportion of youth placed in treatment settings suggested by a uniform assessment instrument for
198 CSA-funded services;
199 13. Administer funds pursuant to § 16.1-309.3;
200 14. Have authority, upon approval of the participating governing bodies, to enter into a contract with
201 another community policy and management team to purchase coordination services provided that funds
202 described as the state pool of funds under § 2.2-5211 are not used; ~~and~~
203 15. Submit to the Department of Mental Health, Mental Retardation and Substance Abuse Services
204 information on children under the age of 14 and adolescents ages 14 through 17 for whom an admission
205 to an acute care psychiatric or residential treatment facility licensed pursuant to Article 2 (§ 37.2-403 et
206 seq.) of Chapter 4 of Title 37.2, exclusive of group homes, was sought but was unable to be obtained
207 by the reporting entities. Such information shall be gathered from the family assessment and planning
208 team or participating community agencies authorized in § 2.2-5207. Information to be submitted shall
209 include:
210 a. The child or adolescent's date of birth;
211 b. Date admission was attempted; and
212 c. Reason the patient could not be admitted into the hospital or facility; *and*
213 16. *Review residential care plans developed pursuant to subsection D 16 of § 2.2-2648 and submitted*
214 *by the family assessment and planning team.*
215 § 2.2-5208. Family assessment and planning team; powers and duties.
216 The family assessment and planning team, in accordance with § 2.2-2648, shall assess the strengths
217 and needs of troubled youths and families who are approved for referral to the team and identify and
218 determine the complement of services required to meet these unique needs.
219 Every such team, in accordance with policies developed by the community policy and management
220 team, shall:
221 1. Review referrals of youths and families to the team;
222 2. Provide for family participation in all aspects of assessment, planning and implementation of
223 services;
224 3. Provide for the participation of foster parents in the assessment, planning and implementation of
225 services when a child has a program goal of permanent foster care or is in a long-term foster care
226 placement. The case manager shall notify the foster parents of a troubled youth of the time and place of
227 all assessment and planning meetings related to such youth. Such foster parents shall be given the
228 opportunity to speak at the meeting or submit written testimony if the foster parents are unable to
229 attend. The opinions of the foster parents shall be considered by the family assessment and planning
230 team in its deliberations;
231 4. Develop an individual family services plan for youths and families reviewed by the team that
232 provides for appropriate and cost-effective services;
233 5. *Develop residential care plans for youth placed in residential care. Such plans shall (i) identify*
234 *goals for residential care, (ii) provide for regular monitoring and review of the plan, and evaluation of*
235 *progress towards identified goals while the youth is in residential care, and (iii) establish a plan for*
236 *returning the youth to his home or community at the earliest appropriate time.*
237 6. Where parental or legal guardian financial contribution is not specifically prohibited by federal or
238 state law or regulation, or has not been ordered by the court or by the Division of Child Support
239 Enforcement, assess the ability of parents or legal guardians, utilizing a standard sliding fee scale, based
240 upon ability to pay, to contribute financially to the cost of services to be provided and provide for
241 appropriate financial contribution from parents or legal guardians in the individual family services plan;
242 6.7. Refer the youth and family to community agencies and resources in accordance with the
243 individual family services plan;

244 7.8. Recommend to the community policy and management team expenditures from the local
245 allocation of the state pool of funds; and
246 8.9. Designate a person who is responsible for monitoring and reporting, as appropriate, on the
247 progress being made in fulfilling the individual family services plan developed for each youth and
248 family, such reports to be made to the team or the responsible local agencies.