

AGENDA
State Executive Council for Children's Services
September 20, 2018

Virginia Department of Taxation
1957 Westmoreland St.
Richmond, VA 23230

- 9:30** **Introductions and Opening Remarks – Dr. Daniel Carey, Chair**
- Introduction of New Members
 - Hon. Willie Greene, Galax, VA (local government)
 - Karen Reilly-Jones, Chesterfield, VA (Chair, State and Local Advisory Team)
 - Amanda Stanley, Roanoke, VA (private provider)
 - Jessica Stern, Henrico, VA (parent)
 - **Action Item** – Approval of June 2018 Minutes
- 9:45** **Public Comment**
- 9:50** **Executive Director's Report – Scott Reiner**
- Summary of activity related to General Assembly actions related to CSA
 - Rate setting study for private day special education programs
 - Recommend (with DOE) outcome measures for private day special education programs
- 10:05** **Update on Utilization Management Ad Hoc Work Group – Mary Biggs**
- 10:15** **SLAT Report – Karen Reilly-Jones, SLAT Chair**
- 10:25** **Audit Repayment Plan – City of Hopewell – Scott Reiner**
- **Action Item** – Approval of Audit Repayment Plan
- 10:35** **Revision of SEC Policy 2.1.3 (Individual Participation in State Executive Council Meetings by Electronic Means) to conform with §2.2-3708.2, as amended by the 2018 General Assembly**
- **Action Item** – Approval of revised SEC Policy 2.1.3
- 10:45** **Proposed Policy 3.6 – Child and Adolescent Needs and Strengths (CANS)**
- **Review of Public Comment at Notice Stage**
 - **Review of Proposed Policy**
 - **Action Item** – Approval of Proposed Policy for 60-day Public Comment period
- 11:05** **Presentation: Redefining Success in Virginia's Medicaid Mental Health System, Ann Bevan, Director, Division of Developmental Disabilities and Behavioral Health DMAS**
- 11:25** **Public Comment II**
- 11:30** **Member Updates**
- 11:50** **Closing Remarks – Secretary Carey**
- 12:00** **Adjourn**

Remaining 2018 Meeting Schedule
December 13

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**STATE EXECUTIVE COUNCIL (SEC)
FOR CHILDREN'S SERVICES
Virginia Department of Taxation
1957 Westmoreland Street
Richmond, VA
Thursday, June 21, 2018**

SEC Members Present:

The Honorable Daniel Carey, M.D., Secretary of Health and Human Resources
The Honorable Richard "Dickie" Bell, Member, Virginia House of Delegates
The Honorable Mary Biggs, Member, Montgomery County Board of Supervisors
Sophia Booker, Service Recipient Representative
Patricia Haymes, for the Superintendent of Public Instruction, Virginia Department of Education
Bob Hicks for the Commissioner, Virginia Department of Health
The Honorable Catherine Hudgins, Member, Fairfax County Board of Supervisors
Sandra Karison for Karl Hade, Executive Secretary of the Supreme Court of Virginia
Jennifer Lee, M.D., Director, Department of Medical Assistance Services
Greg Peters, President and CEO, UMFS
R. Morgan Quicke, County Administrator, Richmond County
The Honorable Frank Somerville, Presiding Judge, 16th Judicial District, Juvenile and Domestic Relations District Court
Tamara Temoney, Ph.D., Chair, State and Local Advisory Team (SLAT)
Jeanette Troyer, Parent Representative

SEC Members Absent:

Andrew Block, Director, Department of Juvenile Justice
Courtney Gaskins, Ph.D., Director of Program Services, Youth for Tomorrow
Duke Storen, Commissioner, Virginia Department of Social Services
The Honorable Jennifer Wexton, Member, Senate of Virginia

Other Staff Present:

Marsha Mucha, Administrative Staff Assistant, OCS
Scott Reiner, Executive Director, OCS
Zandra Relaford, Assistant Executive Director, OCS
Eric Reynolds, Assistant Attorney General, Office of the Attorney General
Kristi Schabo, Program Consultant, OCS

Call to Order

Secretary Carey called the meeting to order at 10:35 a.m. and welcomed everyone. He thanked everyone for adjusting their schedule noting that he had just come from the Governor's announcement regarding reconstituting the Virginia Children's Cabinet.

Secretary Carey recognized two members for their tenure on the SEC. He acknowledged the commitment of Tamara Temoney to the State and Local Advisory Team (SLAT) and thanked her for

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her service as SLAT Chair. He also acknowledged Greg Peters whose term on the SEC expires June 30. He thanked Mr. Peters for his contributions as one of the private provider representatives to the SEC. Certificates were presented to both Dr. Temoney and Mr. Peters.

Secretary Carey reported that the City of Hopewell had withdrawn their appeal to the SEC of denial of funds. Mr. Reiner is in conversation with the Hopewell City Manager concerning a repayment schedule. He will report on the issue at the September SEC meeting.

Approval of Minutes

The minutes of the March 15, 2018 meeting were approved on a motion by Greg Peters, seconded by Mary Biggs and carried.

Public Comment

Secretary Carey explained that the SEC would have two public comment periods. The one traditionally held at the beginning of the meeting and one added shortly before adjournment. Adding a second public comment period near the end of the meeting will allow those in attendance to comment on matters discussed and actions taken during the meeting.

There was no public comment.

Executive Director's Report

Mr. Reiner reported on the following items:

- *OCS Assistant Executive Director* – Zandra Relaford the new OCS Assistant Executive Director was introduced. She joined OCS the end of March.
- *Annual CSA Conference* – This year's Conference was held May 1-2 at the Hotel Roanoke and Conference Center with 617 participants in attendance. The Conference keynote speaker was Pulitzer winning journalist and author, Ron Suskind.
- *FY18 OCS Expenditure Projections* – FY18 OCS expenditure reporting will close on September 30, 2018. Additional detail will be provided at the September SEC meeting.
- *Status Report on Administrative Memorandum #18-01* - The memo was issued earlier this year and brought to the attention of the SEC at its March meeting. The memorandum addresses parental consent for information sharing for CSA special education funding. The matter continues under review.
- *Summary of General Assembly Activity Related to CSA* – Mr. Reiner reported on the following activities:
 - Increasing the CSA base state pool appropriation by \$17M in FY19 and \$9M in FY20, which reflects a reduced rate of growth based on the 2% rate increase cap on private special education day programs effective July 1, 2019.
 - Conducting a rate setting study for private day special education programs due June 30, 2019.
 - Capping rate increases for private day special education programs at 2% effective July 2019.
 - Developing (with DOE and a designated list of entities) outcome measures for private day special education programs.

State and Local Advisory Team (SLAT) Report

Dr. Tamara Temoney, SLAT Chair provided the report. She reported that SLAT continues focusing on several areas of their work plan: congregate care and parent representation on the Family Assessment and Planning Team (FAPT) and CPMT.

Dr. Temoney presented nominees to serve as representatives on SLAT on behalf of the following groups/organizations:

- *Local CSA Coordinators:* Karen Reilly-Jones, Victor Evans, Mills Jones
- *Court Service Unit Directors (CSU) Association:* Martha Carroll, Kim Russo, Mike Mackey
- *Private Providers:* Shannon Updike, Kellie Evans, Mike Triggs

The recommendations were approved as presented. Karen Reilly-Jones and Shannon Updike were introduced as SLAT Chair and Vice-Chair, respectively, for the upcoming fiscal year.

FY18 OCS Training Report

Members were provided with a FY18 Training Progress Report. Over 3,000 persons have been provided training through conferences, specifically designed trainings, and/or on-line training modules on CSA.

FY19 Training Plan

Mr. Reiner presented the FY19 Training Plan for Council approval. He noted that the Training Plan serves as an umbrella plan and broad framework for training activities.

Discussion centered on how to evaluate the effectiveness of training and additional ways to provide training for families. OCS will explore family training opportunities through outreach to family associations/organizations/partnerships and report at the September SEC meeting. The Council approved the FY19 Training Plan.

Update on Utilization Management Ad Hoc Work Group

Zandra Relaford reported that the work group's first meeting had been held on June 1, 2018. She noted that the work group is considering ways to address utilization management at the local level. The work group was convened at the direction of the SEC after it was determined that utilization management procedures and practices by local CSA programs is one of the notable trends in audit findings.

The work group will be developing tools and guidance for localities with an anticipated completion date before the end of 2018. The next meeting will be held on July 13.

Notice of Intent to Develop Policy

Mr. Reiner presented a Notice of Intent to Develop Policy (SEC Policy 2.4). The Notice of Intent is in regards to developing policy, based on existing guidance, for the Child and Adolescent Needs and Strengths Assessment (CANS). The intent of the proposed policy would be to provide consolidated and comprehensive guidance to local CSA programs with regard to

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the requirements for the use of CANS. The proposed policy would replace all appropriate existing guidance documents.

The Council approved the Notice of Intent to Develop Policy for a 45-day public comment period, effective June 25, 2018.

The Family First Prevention Services Act

Carl Ayers, Director of Family Services at VDSS, presented on the federal Family First Prevention Services Act, which was enacted at the federal level in February and will become effective as early as October 2019. The Family First Prevention Services Act, reforms the federal child welfare financing streams, Title IV-E and Title IV-B of the Social Security Act, to provide services to families who are at risk of entering the child welfare system. He provided a basic overview of the Act and highlighted a number of provisions and changes that will affect the child welfare and CSA systems in Virginia.

Public Comment II

There was no public comment.

Member Updates

Secretary Carey asked members to report on activities within their agencies and organizations. Members reported on initiatives, programs and events. Members continue to work within their agencies, serve on workgroups and advocate through their associations for improvements to services and service delivery for the children, youth and families of Virginia.

Closing Remarks and Adjournment

Secretary Carey provided closing remarks on the opportunity to provide high value services by defining best practices. There being no further business, the meeting was adjourned at 12:50 p.m. The next meeting is scheduled for September 20, 2018 at the Virginia Department of Taxation.

Information Brief on Denial of Funds - Hopewell, VA CSA Program

Special Review (CSA Audit Report 01-2016)

Background:

In June 2015, the Office of Children's Services (OCS) was contacted by the Department of Medical Assistance Services (DMAS) regarding a possible case of Medicaid fraud involving behavior health service providers in Hopewell, Virginia. Representatives from the Office of Licensure of the Department of Behavioral Health and Developmental Services, the Office of the Attorney General (MFCU) and Magellan of Virginia were also involved. Information emerged that children who were potentially subject to fraudulent Medicaid activity may also have been served through the Children's Services Act program in Hopewell. Many of the provider entities alleged in the Medicaid fraud matter, also provided services that would be billable under the CSA (e.g., mentoring).

Based on information provided, the OCS initiated a special review of the Hopewell CSA program to determine if fraudulent or otherwise inappropriate use of state CSA funds may have taken place. Several anonymous letters were also received by OCS and the Department of Juvenile Justice, alleging fraudulent activity in the Hopewell CSA program. Federal law enforcement authorities initiated an investigation of the potential Medicaid fraud and the Hopewell CSA Coordinator during the period in which the allegations centered was terminated from employment by the City.

Findings:

Based on the review by the OCS internal auditors (completed in August 2015), \$977,221.94 in disallowable CSA expenditures were found, of which \$836,499.46 represents the state share of those costs. These disallowed costs included services to children who were not eligible for CSA funding; inadequate documentation to support the obligation of funds and payment for services; payment for services for which no authorization by the properly designated CSA Community Policy and Management Team could be found; exceeding the established limit for the use of non-mandated, "protected" CSA funds; and other lesser violations of CSA statute and policy or basic fiscal risk management practices.

Due to the ongoing law enforcement investigation, OCS was asked to delay any action on these findings. In October 2017, OCS was given permission to proceed with the audit process after consultation with federal law enforcement authorities.

The findings were then presented in writing to the City of Hopewell Community Policy and Management Team and to the City Manager on November 3, 2017. The CPMT did not request an appeal.

CSA Audit Report 02-2017

As a result of this routine CSA Audit, a denial of funds in the amount of \$59,947.28 was issued on January 8, 2018. There were two major findings accounting for these disallowed costs. The Hopewell CPMT initially requested an appeal directly to the State Executive Council for Children's Services. This appeal was originally scheduled for June 21, 2018. The Hopewell CPMT withdrew the appeal and indicated a desire to enter into negotiations to establish a consolidated repayment plan for this finding as well as the findings of CSA Audit Report 01-2016.

Summary

The total amount of denied funds from the two audits is \$896,446.74. A proposed repayment schedule has been negotiated and agreed to by the City of Hopewell pending approval of the State Executive Council.

Agreement and Plan of Repayment

In accordance with Virginia Code § 2.2-2648(D)(19), this Agreement and Plan of Repayment is entered into between the OFFICE OF CHILDREN'S SERVICES ("OCS"), on behalf of and as the administrative entity of the STATE EXECUTIVE COUNCIL FOR THE CHILDREN'S SERVICES ACT ("SEC"), and the COMMUNITY POLICY AND MANAGEMENT TEAM FOR THE CITY OF HOPEWELL ("Hopewell CPMT").

WHEREAS, OCS issued an audit report dated September 12, 2017 of the Hopewell CPMT's implementation of the Children's Services Act ("CSA") program and found areas of noncompliance that warranted a denial of funds from the CSA State Pool of funds pursuant to Virginia Code § 2.2-2648(D)(20);

WHEREAS, OCS issued a written finding by letter to Hopewell CPMT on November 8, 2017 determining a denial of funds for noncompliance in the amount of \$836,499.46 (attached hereto and made a part hereof as Exhibit A);

WHEREAS, OCS issued a second written finding by letter to Hopewell CPMT on January 8, 2018 determining a denial of funds for noncompliance in the amount of \$59,947.28 (attached hereto and made a part hereof as Exhibit B); and

WHEREAS, the parties have negotiated a plan of repayment, the terms of which are memorialized herein and are subject to the approval of the SEC.

NOW, THEREFORE, the parties hereby agree as follows:

1. Hopewell CPMT shall repay OCS the amount of \$896,446.74, representing the total amount of CSA State Pool funds denied for noncompliance as described herein, in the following manner:
 - a) Ten annual payments in the amount of \$89,644.67 per year for ten (10) years, beginning _____, 2018, until the total amount is paid in full;
 - b) Annual payments will be effectuated by OCS by way of offsets in the amount of the annual payment from the Hopewell CPMT's annual disbursement of state funds from the CSA State Pool.
 - c) In the event the General Assembly fails to appropriate sufficient funds for the CSA State Pool from which the offsets are made for each annual payment, Hopewell CPMT shall pay such annual payments directly to OCS, due each year on _____ and made payable to the Treasurer of Virginia.
2. The Hopewell CPMT shall implement a quality improvement plan addressing all areas of noncompliance raised in the audit report issued by OCS.
3. The parties agree that this Agreement and Plan of Repayment is a final resolution of the findings and determinations of the denial of funds made by OCS and issued in its letters dated November 8, 2017 and January 8, 2018, as described herein, and do not constitute a resolution or settlement of any other findings or determinations by OCS with regard to the CSA program as implemented by the Hopewell CPMT made prior or subsequent thereto.
4. The parties acknowledge that this Agreement and Plan of Repayment is subject to the approval of the SEC, to be sought at the next meeting of the SEC occurring after the date of execution of this Agreement and Plan of Repayment by both parties.

5. Any modification of the terms of this Agreement and Plan of Repayment shall be made in writing upon the agreement of both parties and will be subject to approval by the SEC.
6. Any disputes over the performance by either party of the terms of this Agreement and Plan of Repayment shall be resolved by the SEC upon a request for a formal hearing. The decision of the SEC shall be final and not subject to further review, judicial or otherwise.

OFFICE OF CHILDREN'S SERVICES:

By: _____

SCOTT REINER, Executive Director
Office of Children's Services
1604 Santa Rosa Road, Suite 137
Richmond, Virginia 23229-5008

HOPEWELL CPMT:

By: _____

J. MARCH ALTMAN, City Manager
City of Hopewell
100 E. Broadway
Hopewell, Virginia 23860

By: _____

DIANE BARNES, CPMT Chair
City of Hopewell
20 W. Bank Street, Suite 5
Petersburg, VA 23803

Revisions to State Executive Council Policy 2.1.3

Individual Participation in State Executive Council Meetings by Electronic Means

Background:

This policy was adopted by the SEC in March 2016 to address requirements of the Code of Virginia (§2.2-3708.1) for individual members of the Council to participate by electronic means in meetings of the Council and any Council committees resulting from one of three enumerated reasons.

The 2018 General Assembly repealed §2.2-3708.1 and enacted, effective July 1, 20-18, §2.2-3708.2, which made minor changes to the statute. The proposed revisions to SEC Policy 2.1.3 update the policy to conform it to the new statute.

State Executive Council Policy 2.4 (Public Participation in Policy-making Actions) at Section 2.4.8.A.2. (Exemptions) provides that the usual SEC Policy-making requirements shall not apply if the “are necessary to conform to changes in Virginia statutory law or the appropriation action where no agency discretion is involved. However, notice of such policies shall be disseminated via public notice within ninety (90) days of the law’s effective date.”

Changes from Previous Policy:

The newly enacted statute, reflected in the revised policy, changes the reasons for which an individual member may participate electronically as follows:

- ~~1. an emergency or personal matter prevents the member from attending the meeting in person;~~
 - ~~2. a temporary or permanent disability or other medical condition prevents the member from attending the meeting in person; or~~
 - ~~3. the member's principal residence is more than 60 miles from the meeting location as identified in the public notice required for the meeting.~~
- a. Such member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member’s physical attendance; or
 - b. Such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter.

The policy has been reformatted for clarity and to include delineated sections including Scope, Authority Applicability, and Procedures. No substantive changes have be made in the reformatting process.

POLICY 2.1.3

INDIVIDUAL PARTICIPATION IN STATE EXECUTIVE COUNCIL MEETINGS BY ELECTRONIC MEANS

2.1.3.1 Scope

- A. This policy shall apply to the any individual member of the State Executive Council for Children's Services (SEC) without regard to the identity of the member requesting remote (electronic) participation or the matters that will be considered or voted on at the meeting.
- B. This policy shall apply to any public meeting of the SEC or of any committees established by the SEC.

2.1.3.2 Authority

§ 2.2-3708.2 of the *Code of Virginia*.

2.1.3.3 Applicability

An individual member may participate in a meeting of the SEC or a public meeting of any committee established by the SEC through electronic communication from a remote location for the following reasons:

- A. A temporary or permanent disability or other medical condition prevents the member from attending the meeting in person; or
- B. A personal matter prevents the member from attending the meeting in person.

2.1.3.4 Procedures

- A. *Notification*: The member requesting to participate through electronic communication from a remote location must notify the SEC chair or committee chair on or before the day of the meeting.
- B. *Quorum*: In order for any member to be approved to participate in a meeting of the SEC or a public meeting of any committees established by the SEC through electronic communication, a quorum of the SEC or a simple majority of the committee must be physically assembled at the primary or central meeting location identified in the public notice required for the meeting.
- C. *Technological requirement*: Arrangements shall be made for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

- D. *Documentation*: The reason the member is unable to attend the meeting and the remote location from which the member participates shall be recorded in the meeting minutes. The nature of the personal matter as provided in Section 2.1.3.3 shall also be included in the minutes.
- E. *Limitation*: Members may only participate through electronic communication due to personal matters pursuant to subsection B. of 2.1.3.2. above for no more than two meetings of the SEC or the committee each calendar year.
- F. *Approval Process*: Individual participation from a remote location shall be approved by the other members of the SEC or committee unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act (FOIA). If a member's participation from a remote location is challenged, then the other members of the SEC or committee shall vote whether to allow such participation. If the other members of the SEC or committee votes to disapprove of the member's participation because such participation would violate this policy, such disapproval will be recorded in the minutes with specificity.

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§ 2.2-3708.2. Meetings held through electronic communication means

A. The following provisions apply to all public bodies:

1. Subject to the requirements of subsection C, all public bodies may conduct any meeting wherein the public business is discussed or transacted through electronic communication means if, on or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that:

a. Such member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance; or

b. Such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Participation by a member pursuant to this subdivision is limited each calendar year to two meetings.

2. If participation by a member through electronic communication means is approved pursuant to subdivision 1, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public. If participation is approved pursuant to subdivision 1 a, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to a temporary or permanent disability or other medical condition that prevented the member's physical attendance. If participation is approved pursuant to subdivision 1 b, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location pursuant to subdivision 1 b is disapproved because such participation would violate the policy adopted pursuant to subsection C, such disapproval shall be recorded in the minutes with specificity.

3. Any public body may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address the emergency. The public body convening a meeting in accordance with this subdivision shall:

a. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body conducting the meeting;

b. Make arrangements for public access to such meeting; and

c. Otherwise comply with the provisions of this section.

The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be

stated in the minutes.

B. The following provisions apply to regional public bodies:

1. Subject to the requirements in subsection C, regional public bodies may also conduct any meeting wherein the public business is discussed or transacted through electronic communication means if, on the day of a meeting, a member of a regional public body notifies the chair of the public body that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting.
2. If participation by a member through electronic communication means is approved pursuant to this subsection, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public.

If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection C, such disapproval shall be recorded in the minutes with specificity.

C. Participation by a member of a public body in a meeting through electronic communication means pursuant to subsections A and B shall be authorized only if the following conditions are met:

1. The public body has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation, subject to the express limitations imposed by this section. Once adopted, the policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting;
2. A quorum of the public body is physically assembled at one primary or central meeting location; and
3. The public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

D. The following provisions apply to state public bodies:

1. Except as provided in subsection D of § 2.2-3707.01, state public bodies may also conduct any meeting wherein the public business is discussed or transacted through electronic communication means, provided that (i) a quorum of the public body is physically assembled at one primary or central meeting location, (ii) notice of the meeting has been given in accordance with subdivision 2, and (iii) members of the public are provided a substantially equivalent electronic communication means through which to witness the meeting. For the purposes of this subsection, "witness" means observe or listen.

If a state public body holds a meeting through electronic communication means pursuant to this subsection, it shall also hold at least one meeting annually where members in attendance at the meeting are physically assembled at one location and where no members participate by electronic communication means.

2. Notice of any regular meeting held pursuant to this subsection shall be provided at least three

working days in advance of the date scheduled for the meeting. Notice, reasonable under the circumstance, of special, emergency, or continued meetings held pursuant to this section shall be given contemporaneously with the notice provided to members of the public body conducting the meeting. For the purposes of this subsection, "continued meeting" means a meeting that is continued to address an emergency or to conclude the agenda of a meeting for which proper notice was given.

The notice shall include the date, time, place, and purpose for the meeting; shall identify the primary or central meeting location and any remote locations that are open to the public pursuant to subdivision 4; shall include notice as to the electronic communication means by which members of the public may witness the meeting; and shall include a telephone number that may be used to notify the primary or central meeting location of any interruption in the telephonic or video broadcast of the meeting. Any interruption in the telephonic or video broadcast of the meeting shall result in the suspension of action at the meeting until repairs are made and public access is restored.

3. A copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body conducting the meeting.

4. Public access to the remote locations from which additional members of the public body participate through electronic communication means shall be encouraged but not required. However, if three or more members are gathered at the same remote location, then such remote location shall be open to the public.

5. If access to remote locations is afforded, (i) all persons attending the meeting at any of the remote locations shall be afforded the same opportunity to address the public body as persons attending at the primary or central location and (ii) a copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed to members of the public body for the meeting shall be made available for inspection by members of the public attending the meeting at any of the remote locations at the time of the meeting.

6. The public body shall make available to the public at any meeting conducted in accordance with this subsection a public comment form prepared by the Virginia Freedom of Information Advisory Council in accordance with § 30-179.

7. Minutes of all meetings held by electronic communication means shall be recorded as required by § 2.2-3707. Votes taken during any meeting conducted through electronic communication means shall be recorded by name in roll-call fashion and included in the minutes. For emergency meetings held by electronic communication means, the nature of the emergency shall be stated in the minutes.

8. Any authorized state public body that meets by electronic communication means pursuant to this subsection shall make a written report of the following to the Virginia Freedom of Information Advisory Council by December 15 of each year:

a. The total number of meetings held that year in which there was participation through electronic communication means;

b. The dates and purposes of each such meeting;

- c. A copy of the agenda for each such meeting;
- d. The primary or central meeting location of each such meeting;
- e. The types of electronic communication means by which each meeting was held;
- f. If possible, the number of members of the public who witnessed each meeting through electronic communication means;
- g. The identity of the members of the public body recorded as present at each meeting, and whether each member was present at the primary or central meeting location or participated through electronic communication means;
- h. The identity of any members of the public body who were recorded as absent at each meeting and any members who were recorded as absent at a meeting but who monitored the meeting through electronic communication means;
- i. If members of the public were granted access to a remote location from which a member participated in a meeting through electronic communication means, the number of members of the public at each such remote location;
- j. A summary of any public comment received about the process of conducting a meeting through electronic communication means; and
- k. A written summary of the public body's experience conducting meetings through electronic communication means, including its logistical and technical experience.

E. Nothing in this section shall be construed to prohibit the use of interactive audio or video means to expand public participation.

2018, cc. 55, 56.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.



COMMONWEALTH of VIRGINIA

Scott Reiner, M.S.
Executive Director

OFFICE OF CHILDREN'S SERVICES
Administering the Children's Services Act

MEMORANDUM

TO: State Executive Council for Children's Services

FROM: Scott Reiner, Executive Director
Office of Children's Services

RE: SEC Policy 3.6 (Mandatory Uniform Assessment Instrument) –
Request for Proposed Stage

DATE: September 20, 2018

I. Action Requested

The State Executive Council for Children's Services (SEC) is requested to approve the proposed SEC Policy 3.6, Mandatory Uniform Assessment Instrument, for advancement to the Proposed Stage of policy making pursuant to SEC Policy 2.4, Public Participation in Policy-making Actions.

If advanced, during the Proposed Stage, the proposed policy will be (i) open for a public comment period of not less than 60 days, (ii) analyzed for its fiscal impact, and (iii) reviewed by the Office of the Attorney General to ensure statutory authority for the proposed policy-making action.

II. Background

Current SEC Policy 3.6 simply states that "the Child and Adolescent Needs and Strengths (CANS) shall be the mandatory uniform assessment instrument for children and youth receiving services funded through the (CSA) state pool." Other guidance for local CSA programs with regard to the use of the CANS (e.g., required frequency of administration, training requirements, use of the on-line CSANS data system) have been scattered into various guidance documents issued by the Office of Children's Services.

The intent of the proposed SEC Policy 3.6 is to update and consolidate all policy with regard to the utilization of the CANS as the CSA mandatory uniform assessment

instrument. The proposed policy established minimum requirements for local CSA program to be deemed in compliance with the statutory authorities regarding the CANS. Individual local CSA programs may establish more stringent requirements that exceed those found in this policy at their discretion. Qualitative aspects of the use of the CANS (e.g., use on developing service plans, use in evaluating service outcomes) are not addressed in the proposed policy.

A work group of local CSA program staff, local CANS “experts”, and local government representatives met and developed the substance of the proposed policy.

III. Public Comment

In accordance with SEC Policy 2.4.7.B, a public comment period at the Notice Stage was open from June 25, 2018, through August 10, 2018. Below is a summary of the public comments received.

#	Commenter	Summary of Comments	OCS Response
1	<p>Maria Terbea New Kent DSS</p>	<p>1. “The (CANVaS) system doesn’t allow you to skip, or even better...prevent you from not completing certain areas, when these areas do not apply...A example would be-if the identified caretaker is a foster parent-the system forces you to answer all questions, even the ones that have to do with the alleged abuse/neglect that the biological parent are responsible for. Another example: if the child doesn’t live in a residential facility the last questions shouldn’t even be available to answer. If the system can be programmed to gray out certain questions based on the answers from the previous questions it would make this tool much (sic) efficient.</p>	<p>1. Commenter was contacted directly and provided the existing guidance offered by OCS on how to rate the caregiver section in CANVaS 2.0. The option of N/A is not possible because it was inappropriately used in CANVaS 1.0. There are sections of the assessment which “collapse” if not needed and are not visible.</p> <p>The proposed CANS policy is not intended to deal with the structure of the CANVaS website, but will address the areas of frequency of administration of the CANS, certification to administer the CANS and access and account management in CANVaS.</p>
2	<p>Greg Winge Franklin County CSA</p>	<p>1. “Maybe we should develop one standard for the frequency of the CANS administration? If...DMAS is going to require a new CANS assessment every ninety days for the TFC case management and residential services...maybe the same standard should be adopted. More frequent CANS assessments would also help with populating the new CANS reports that were made available to us last December. However, I do believe an exception should be made for those children eligible for special education receiving only the private day or residential EDU placement called for in their...IEP.”</p>	<p>1. The current minimal standard is administration of the Comprehensive version of the CANS, initially, yearly thereafter, and at discharge from all CSA services. The CANS Policy Workgroup has discussed the advantages and disadvantages of requiring the Reassessment version to be administered more frequently (e.g. every 3 months, 6 months) as many localities currently do CANS every 3 months. However, imposing such a standard could be burdensome. In keeping with the intent of the CSA to allow local autonomy to create practice which best meets individual local needs, OCS suggests that only the current minimal standard be maintained for CSA. If a local CPMT wishes to require the CANS be administered more frequently, a local policy could be implemented.</p>

<p>3</p> <p>Scott Zeiter Grafton Integrated Health Network</p>	<p>1. “We believe that the use of a single comprehensive instrument such as the CANS is essential to demonstrate the impact of services. We have some concerns however about current implementation. We often experience multiple individuals from a child’s home locality completing sometimes multiple versions of the instrument in order to meet the deadline for submission, causing us to wonder about data validity and reliability. We believe that when a child is in a congregate setting, the private provider organization should be empowered to complete the CANS for review by the home locality as we are most aware of the current functioning of the child and family.”</p> <p>2. “We believe that the rich database created by the universal implementation of the CANS should be available to private providers so that we gauge our own efficacy...could it be possible to obtain releases from families that allow us access to child-specific CANS scores prior to placement and post discharge?... At this time, we have no access to any CANS scores after a child leaves our care...it is essential that we have access to long term outcomes to improve our services. It is difficult to get compliance with follow up surveys and phone calls-access to the CANS database would be helpful.”</p>	<p>1. OCS agrees that the residential provider is likely in a position to know more about the child’s day to day functioning than the agency case manager. However, there are multiple reasons why private provider completion of the CANS is not advisable or permitted. The local agency holding case management responsibility is the one entity who consistently is involved with the child over time whereas children often move from provider to provider. The Code of Virginia (§2.2-5210) requires that the local government be responsible for submission of the “client specific information from the mandatory uniform assessment instrument.”</p> <p>2. The Code of Virginia (§2.2-2648 17.) does not permit access to the data collected in CANVaS unless such data is aggregated and non-identifying. However, with the proper releases signed, CANS assessments completed prior to or after discharge of a child could be made available to a private provider.</p>
<p>4</p> <p>Janet Bessmer Fairfax-Falls Church CSA</p>	<p>“We respectfully request the following issues are considered as new policy is developed:</p> <ol style="list-style-type: none"> 1. that localities remain able to establish the frequency of CANS administration....rather than the state impose a standard 	<p>1. Please see response to Commenter #2.</p>

		<ol style="list-style-type: none">2. that the annual training and re-certification requirement be re-visited; it exceeds that of other instruments and is very time-consuming for staff3. that the state convene a workgroup and/or solicit feedback from stakeholders about the type of analyses that should be conducted and reports made available; this vast database appears underutilized4. that the state clarify under what conditions a starting and ending CANS are not necessary...”	<ol style="list-style-type: none">2. Annual re-certification to administer the CANS is a requirement of the developer, John Lyons, Ph.D. and the Praed Foundation, which holds the copyright to the CANS. However, OCS can certainly ask again if there is any flexibility. Training is not required on an annual basis if the recertification exam is completed in a timely manner.3. OCS is willing to facilitate such an endeavor.4. The CANS Policy Workgroup has drafted policy regarding when an Initial CANS and a Discharge CANS are necessary.
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IV. Conclusion

The proposed SEC Policy 3.6 is intended to provide clarity to local CSA programs regarding minimum requirements for utilization of the mandatory uniform assessment instrument, the CANS.

The SEC is requested to approve the proposed SEC Policy 3.6, Mandatory Uniform Assessment Instrument, for advancement to the Proposed Stage of policy making pursuant to SEC Policy 2.4, Public Participation in Policy-making Actions.

POLICY 3.6

MANDATORY UNIFORM ASSESSMENT INSTRUMENT

3.6.1 Purpose

To provide consolidated guidance to local Children’s Services Act (CSA) programs regarding the requirements for the utilization of the Child and Adolescent Needs and Strengths (CANS), the mandatory uniform assessment instrument used with all children and families receiving services through the CSA.

The specifications in this policy represent the minimum state CSA requirements for use of the CANS. Individual localities may adopt, through local policy, additional requirements at their discretion.

3.6.2 Authority

- A. Section 2.2-2648.D.11 of the Code of Virginia (COV) requires “a mandatory uniform assessment instrument and process to be used by all localities to identify levels of risk of Children’s Services Act youth.”
- B. Section 2.2-5210 of the COV specifies “utilizing a secure electronic database, the CPMT and the family assessment and planning team shall provide the Office of Children’s Services with client specific information from the mandatory uniform assessment and information in accordance with subdivision D 11 of § 2.2-2648.”
- C. Section 2.2-5212 A of the COV states “in order to be eligible for funding for services through the state pool of funds, a youth, or family with a child, ... shall be determined through the use of a uniform assessment instrument and process by the policies of the community policy and management team to have access to these funds.”
- D. The 2018 Appropriation Act (Chapter 2, Item 282 B 8) states “The State Executive Council shall require a uniform assessment instrument.”
- E. State Executive Council Policy 3.6 (adopted in December 2007 and updated in May 2008) establishes: “The Child and Adolescent Needs and Strengths Assessment (CANS) shall be the uniform assessment instrument for children and youth receiving services funded through the state pool. Use of the CANS shall be effective July 1, 2009.”

3.6.3 Definitions

"Child and Adolescent Needs and Strengths (CANS)" means the Virginia versions of the Child and Adolescent Needs and Strengths assessment instrument, developed by John S. Lyons, Ph.D., as modified for CSA use. The Virginia CSA versions include the Standard and DSS-Enhanced CANS, each having two age versions (Birth to Four and Ages 5+) and each having a Comprehensive Version and a Reassessment version.

"CANVaS 2.0" means the online software application for the Virginia CANS created in accordance with COV §2.2-5210 to permit local governments to submit data from the mandatory uniform assessment to OCS.

"CANS Certification" means completion of the CANS training requirements, passing a certification examination and subsequent granting of a certificate on any CSA Virginia version of the CANS as required by the Praed Foundation.

"Comprehensive CANS" means a CANS full assessment, including the four child functioning domains, caregiver domain(s) and eight modules. The modules are rated only if prompted by a rating on specific trigger items.

"Designated Super User / Report Administrator (DSU/RA)" means a local staff person designated to serve as the Local Administrator for the CANVaS 2.0 system. DSU/RAs may be trained Super Users who are designated to serve in the role or other staff as determined by the locality. DSU/RAs serve as gatekeepers to CANVaS, have access to local CANS data including reports and are the locality's primary contact with OCS regarding CANS.

"Discharge CANS" means a Comprehensive version of the CANS, denoted as a "Discharge CANS" in the CANVaS 2.0. system, completed within 90 days prior to, at the time of, or 90 days following either the child and family's exit from CSA funded services or a final review by the Family Assessment and Planning Team (FAPT).

"DSS-Enhanced CANS" means the version of the Virginia CANS modified to include additional features for local Department of Social Services (DSS) use, including the ability to rate multiple caregivers and a Child Welfare module.

"Initial CANS" means a Comprehensive version of the Virginia CANS completed to determine eligibility for CSA-funded services in accordance with COV §2.2-5212.

"Reassessment CANS" means a Reassessment version of the Virginia CANS completed at regularly defined intervals as determined by local requirements, but no less than annually, for a child and family served by CSA. The Reassessment version does not contain the eight modules found in the Comprehensive version.

"Standard CANS" means the version of the Virginia CANS which does not include the additional features developed for the DSS-Enhanced CANS and is appropriate for use by public agency staff other than local DSS when administering the assessment.

"User Agreement" means the online document outlining the requirements for access and use of the CANVaS 2.0 site. Users shall indicate that they accept and honor these requirements.

3.6.4 CANS as the Mandatory Uniform Assessment Instrument

- A. The Child and Adolescent Needs and Strengths assessment (CANS) shall be the uniform assessment instrument for children and youth receiving services funded through the state pool.
- B. All children receiving CSA state pool funded services shall have CANS assessments completed in accordance with the parameters specified in this policy.

3.6.5 Frequency of CANS Administration

- A. Any child and family receiving CSA funded services shall be administered the CANS assessment.
- B. The Initial Comprehensive CANS is required to determine and/or support the child's eligibility for CSA consistent with the statutory requirement in COV §2.2-5212.
- C. The Initial CANS must be completed prior to the initiation of CSA-funded services described on a service plan (e.g., Individual Family Service Plan, Individualized Education Program, or Foster Care Plan), with an exception (14 days) for emergency services and placements as provided for in §2.2-5209.
- D. The CANS assessment is required annually. "Annually" is defined as within 60 calendar days of the anniversary date of the Initial CANS or subsequent Annual CANS, meaning the reassessment may fall 60 days prior to, on the date of, or 60 calendar days subsequent to the anniversary of the previous annual assessment date.
- E. The Reassessment version of the CANS may be used for the Annual assessment. Local governments shall have the discretion to use either the Comprehensive version or the Reassessment version of the CANS for the Annual assessment.
- F. The CANS completed within the time frame noted in D. above shall be referred to as the "Annual CANS."
- G. Local policy adopted by the Community Policy and Management Team (CPMT) shall direct the frequency of reassessment of the CANS between the one year intervals of required Annual CANS unless otherwise required by another funding source (e.g. Medicaid).

H. The Discharge CANS shall be the Comprehensive version of the CANS.

- (1) Discharge CANS are required only when a child's CSA case is closed. A CPMT may opt to complete a Discharge CANS when transferring a case to another locality according to local written policy.
- (2) The Discharge CANS may be done 90 days prior to, at the time of, or within 90 days following either the completion of all CSA-funded services, or final FAPT review.
- (3) A Discharge CANS is not required in any of the following situations:
 - i. when a child and family receive CSA-funded services for less than 30 calendar days. An Initial CANS is required in such instances.
 - ii. at the time of transfer of services from one locality to another. The receiving locality will complete CANS as required per their local schedule.
 - iii. when one service ends, but the child and/or family continue to receive other CSA-funded services.

3.6.6 Use of the CANVaS 2.0 On-line Data System

- A. Only employees of local government agencies (local department of social services, court services units, school divisions, community services boards/behavioral health authorities, and CSA offices) may create accounts in CANVaS 2.0 to carry out their job responsibilities in working with children and families.
- B. Prior to account creation, all users requesting access shall agree to the terms of the User Agreement required to access the CANVaS 2.0 site. The agreement addresses access, security and confidentiality, and closure (completion) of assessments within a specified time frame.

3.6.7 Required Certification by All CANS Assessors

- A. Any individual who administers the CANS shall be appropriately certified on the use of the assessment. "Appropriately certified" means the individual has:
 - (1) completed one or more of the Virginia CSA training courses offered on the Praed Foundation CANS training and certification site;
 - (2) attained a score of 70 percent or higher on the certification exam;
 - (3) received a certificate granted by the Praed Foundation for the approved time frame of one year from date of certification; and
 - (4) administers the CANS only during the approved time frame of his or her certification.

- B. CANS completed by individuals who are not appropriately certified are not valid and shall not be used for any purpose, including service planning.
- C. Paper CANS score sheets may only be used if the individual administering the CANS is
 - (1) appropriately certified, and
 - (2) the information from the score sheet is entered into CANVaS within 60 days by the assessor or an authorized data entry person.
- D. Sharing of specific information such as ratings of items on a certification vignette to enable another individual to pass the certification exam is prohibited. Individuals who share or receive such information may lose access to CANVaS 2.0 at the discretion of the Office of Children's Services.

3.6.8 Policy Review

This policy will be subject to periodic review by the State Executive Council for Children's Services.