

**STATE EXECUTIVE COUNCIL (SEC)
COMPREHENSIVE SERVICES ACT FOR AT RISK YOUTH AND FAMILIES
Dining Hall, UMFS
3900 West Broad Street
Richmond, VA
Thursday, December 19, 2013**

SEC Members Present:

The Honorable William A. (Bill) Hazel, Jr., M.D., Secretary of Health and Human Resources
The Honorable Richard "Dickie" Bell, Member, Virginia House of Delegates
Joseph Paxton, Rockingham County Administrator
Lelia Hopper for Karl Hade, Executive Secretary of the Supreme Court of Virginia
Jim Stewart, Commissioner, Department of Behavioral Health and Developmental Services
Margaret Schultze, Commissioner, Virginia Department of Social Services
Cindi Jones, Director, Department of Medical Assistance Services
Greg Peters, CEO, UMFS
Mary Bunting, Hampton City Manager
Martin Nohe, Parent Representative
Dr. Cynthia Romero, Commissioner, Virginia Department of Health
The Honorable Patricia O'Bannon, Member, Henrico County Board of Supervisors

SEC Members Absent:

The Honorable John Edwards, Member, Virginia Senate
Mark Gooch, Director, Department of Juvenile Justice
Michael Farley, CEO, Elk Hill, Inc.
John Eisenberg for Superintendent Patricia Wright, Virginia Department of Education

Staff Members Present:

Matt Cobb, Deputy Secretary of Health and Human Resources
Eric Reynolds, Assistant Attorney General, Office of the Attorney General
Susan Cumbia Clare, Executive Director, Office of Comprehensive Services (OCS)
Scott Reiner, Assistant Director, OCS
Carol Wilson, Program Consultant, OCS
Preetha Agrawal, IT Manager, OCS
Marsha Mucha, Administrative Staff Assistant, OCS

Call to Order and Approval of Minutes

Secretary Hazel called the meeting to order at 9:30 a.m. A quorum was present. Dr. Hazel reported his reappointment as Secretary of Health and Human Resources by Governor-Elect, Terry McAuliffe.

The minutes of the September 19, 2013 meeting were approved on a motion by Cynthia Romero, seconded by Mary Bunting and carried.

SEC Member Comments

Dr. Hazel asked SEC members to provide updates on activities within their agencies/organizations:

- Alex Kamberis (VDSS) provided an update on the adoption initiative. (By the end of the meeting, the updated total number of adoptions reported was 1,003.)
- Margaret Schultze (VDSS) reported that the Three Branch team had recently met and submitted a project update to the national partners. Team members also received consultation from an expert in psychotropic medications.
- Cindi Jones (DMAS) reported that beginning January 1, 2014; children in foster care were eligible under Medicaid for medical care until the age of 26.
- Mrs. Jones also reported that the process of transitioning all foster care and adoptive children to managed care has been going smoothly. The roll out should be finished by June 2014.
- Mr. Stewart reported the formation of a Crisis Response Taskforce and he remarked briefly on the state's efforts to meet the needs of persons in mental health crises.

Executive Director's Report

Susan Clare reported on the following items:

- **Budget Items** – Included in the Governor's budget proposal:
 - Increase in funding for state foster care maintenance payments associated with a cost of living adjustment authorized by the Appropriation Act.
 - Continued funding for the SAS data collection and local financial interface system.
 - Decrease in funding (FY 16) for youth that are anticipated to be covered under Title IV-E after expanding the foster care program to young adults aged 18-21.

Budget requests submitted by OCS but not included in the Governor's budget proposal include:

- Implementation funding for the carve-out provision (\$2M)
 - Funding earmarked for non-mandated populations (\$5.3M)
- **SAS Update** – Mrs. Clare presented several examples of the types of data analyses/reporting that can be produced by SAS. Secretary Hazel noted that one of the challenges will be to develop a package of reports that can be used to facilitate dialogue between state and local policy makers.

Public Comment

There was no public comment.

State and Local Advisory Team (SLAT) Report

Victor Evans, SLAT Chair, reported on two items and provided the SLAT recommendations for both items:

- **SEC Biennial Plan – Goal and Strategy:**

- GOAL: Support implementation of a singular, unified system of care that ensures equal access to services for at-risk youth across the Commonwealth.
- STRATEGY: Review and revise the policies of child serving agencies that govern the use of funds (e.g., CSA pool funds, Medicaid, Title IV-E, PSSF, VJCCCA, MH Initiative) to align service criteria, assessment, authorization, and utilization review.

Mr. Evans provided background information on how SLAT conducted the review. He thanked Janet Lung and Pam Fisher (DBHDS) for facilitating the SLAT discussion in concert with their SAMHSA grant requirements related to a strategic financing plan.

Mr. Evans reported that SLAT's review found that very little exists as misalignment of policies. The one that does exist is "payer of last resort" (example: Mental Health Initiative funds) relating to resources vying to be the last one used after all other resources have been exhausted.

SLAT recommended that, unless there is a requirement in law that a funding stream must be the "payer of last resort", the CPMT should decide which funding stream is appropriate to use in each case.

Mr. Evans also noted that SLAT made the following observations during the review process:

- Lack of familiarity with all possible resources and services
- Continuity of care for transitional services when clients are aging-out of the CSA system
- The impact of making the distinction of clients as sum-sufficient and targeted but not sum-sufficient

After Mr. Evans' presentation, members discussed next steps. The Executive Committee will discuss further at their next meeting.

- **SLAT Review of the Proposed Dispute Resolution Policy:**

Mr. Evans reported that SLAT supports the need for the proposed policy with the following recommendations:

- Clarity on type of "days" – all days should be qualified as business or calendar days
- Time needed for CPMT to submit request for reconsideration – 60 calendar days (many CPMTs meet only monthly and many CPMTs are multi-jurisdictional)
- Allowing for location of formal hearings and meetings to be determined by a joint agreement rather than all formal hearings and meetings being held in the Richmond area.
- Deleting the statement "The burden of proof shall be upon the CPMT." There should not be an assumption that a "fault" exists.
- Proposed policy indicates that it is the CPMTs responsibility to inform OCS if no decision is rendered within 30 days of the formal hearing. SLAT recommends that, if there is a need to allow for more than 30 calendar days to render a

decision, the SEC provide the CPMT with written notice of the need for additional time not to exceed another 30 calendar days of when the decision is due. If the SEC does not render a decision within the established timeframes, the decision is deemed to be in favor of the CPMT.

Dr. Hazel thanked Mr. Evans for his report and noted that SLAT's recommendations on the revised proposed Dispute Resolution Policy would be taken under advisement during discussion of the revised proposed policy which was the next agenda item.

Proposed Dispute Resolution Policy (revised)

Mrs. Clare presented the revised proposed Dispute Resolution Policy. She noted that the SEC's Executive Committee recommended the revisions based on public comments received during the 60- day public comment period.

Before consideration of adoption by the members, Secretary Hazel asked if members had any additional revisions or comments they would like to make. During discussion the following revisions were adopted as follows:

- Except where delineated as "business days", the term "calendar days" should be used (adopted without objection)
- Request for reconsideration changed from 30 calendar days to 45 calendar days (adopted on a motion by Joe Paxton, seconded by Greg Peters and carried)
- Removal of sentence regarding timetable of responsibility that the CPMT may provide written notice to OCS that a decision is due from the SEC (adopted on a motion by Joe Paxton, seconded by Martin Nohe and carried)

Other revisions discussed but no action taken included:

- SLAT recommendation on meeting location (motion by Martin Nohe, seconded by Greg Peters) after further discussion, the motion was withdrawn.
- Discussion concerning burden of proof – no motion
- Reinstatement of SEC panel to hear appeals (motion by Cindi Jones, seconded by Cynthia Romero). During further discussion, it was noted that significant public comment had been received on this issue in favor of the SEC as a whole hearing appeals. The question was called by Greg Peters, seconded by Joe Paxton with the motion not being carried.

The proposed Dispute Resolution Policy, with revisions addressed above, was adopted by the SEC without objection.

Workgroup Report: Standardizing Levels of TFC

Phyllis Savides, Assistant Director of the Albemarle County DSS, reported on behalf of the workgroup. Ms. Savides provided background information on the formation and charter for the workgroup. Specifically the Standardizing Levels of TFC workgroup was to address two issues identified by the original TFC Workgroup (2011 Appropriation Act): Those issues were:

- A need for private child placing agencies to offer basic level, i.e., non-treatment, foster care services.
- A need for greater uniformity across private child placing agencies in the offered levels of treatment foster care.

In addition, the workgroup was asked to examine DMAS regulations and provider requirements for TFC-CM and licensing requirements of VDSS for Licensed Child Placing Agencies and to provide recommendations to ensure clarity and consistency across agency requirements.

Representatives from a broad range of stakeholders participated as members of the workgroup. The workgroup developed proposed “Guidelines for Determining Levels of Care for Foster Care Services with Licensed Child Placement Agencies” with the following recommendations being made to the SEC for consideration:

- Request feedback from TFC workgroup members regarding any potential revisions to the proposed guidelines that may result from public comments received.
- Approve the proposed guidelines after receiving public comment.
- Adopt a policy statement regarding implementation of the guidelines after receiving public comment.

Proposed Policy: Purchase of Foster Care Services from Licensed Child Placing Agencies
In conjunction with the report presented by the Standardizing Levels of Care in Treatment Foster Care Workgroup, Mrs. Clare presented the proposed policy – “Purchase of Foster Care Services from Licensed Child Placing Agencies.” OCS recommends that both the proposed policy and guidelines be distributed for a 60-day public comment period.

After hearing the workgroup report and further discussion, a motion was made by Greg Peters, seconded by Patricia O’Bannon and carried to post the proposed policy and guidelines for a 60-day public comment period.

SEC Outcomes Committee Report

Mary Bunting reported on behalf of the committee. The committee has had one organizational meeting where Committee members agreed to a general endorsement of the charter for the purpose of:

- Establishing meaningful performance measures for CSA that will reflect whether the CSA is achieving its core mission;
- Reviewing existing performance measures as provided in the OCS Executive Scorecard, identifying specific targets where needed and recommending changes to those existing measures; and
- Identifying additional CSA performance measures that may be included in the Executive Scorecard or used for other purposes, such as the benchmarking of local CSA performance.

Other ideas discussed by the Committee included engaging communities by exploring development of a System of Care Self-Assessment and/or Peer Assessment process and identifying/providing incentives to high performing communities.

Change in DMAS Regulation: Mental Health Support Services

Mrs. Clare presented SEC members with a fact sheet from DMAS on the change in regulations to mental health support services. She noted that Mental Health Support Services has been redefined and renamed as Mental Health Skill-Building Services (MHSB). The name change reflects that MHSB is a training service and not a mental health clinical service, a preventative service, social welfare, nor crisis service. The service is designed to enable (train) individuals with significant mental illness to achieve and maintain community stability and independence in the most appropriate, least restrictive environment.

The new criteria for the service will now be used by CSA under the “Community-Based Behavioral Health Services” policy adopted by the SEC. The fact sheet has been distributed to CPMT chairs and CSA coordinators.

Draft Reports to the General Assembly

Ms. Clare reported that members received copies of the draft reports to the General Assembly with their meeting materials. She noted changes from prior years to the reporting format. The reports will be finalized and posted in accordance with statute and the Appropriation Act.

Adjournment

There being no further business the meeting was adjourned at 12:05 p.m.