

STATE EXECUTIVE COUNCIL (SEC)
COMPREHENSIVE SERVICES ACT FOR AT RISK YOUTH AND FAMILIES
Dining Hall, UMFS
3900 West Broad Street
Richmond, VA
Wednesday, July 31, 2013

SEC Members Present:

The Honorable William A. (Bill) Hazel, Jr., M.D., Secretary of Health and Human Resources
Karin Addison, Deputy Secretary for Education and Children's Services
The Honorable Richard "Dickie" Bell, Member, Virginia House of Delegates
Lelia Hopper for Karl Hade, Executive Secretary of the Supreme Court of Virginia
John Pezzoli for Jim Stewart, Commissioner, Department of Behavioral Health
and Developmental Services
Michael Farley, CEO, Elk Hill, Inc.
Margaret Schultze, Commissioner, Virginia Department of Social Services
Cindi Jones, Director, Department of Medical Assistance Services
Greg Peters, CEO, UMFS
Martin Nohe, Parent Representative
Dr. Cynthia Cave for Superintendent Patricia Wright, Virginia Department of Education
Mark Gooch, Director, Department of Juvenile Justice
Dr. Marissa Levine for Dr. Cynthia Romero, Commissioner, Virginia Department of Health
The Honorable Patricia O'Bannon, Member, Henrico County Board of Supervisors
Mary Bunting, Hampton City Manager

SEC Members Absent:

The Honorable John Edwards, Member, Virginia Senate
Joseph Paxton, Rockingham County Administrator

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)
Stacie Fisher, Program Consultant, OCS
Carol Wilson, Program Consultant, OCS
Marsha Mucha, Administrative Staff Assistant, OCS

Call to Order and Approval of Minutes

Secretary Hazel called the meeting to order at 9:35 a.m. and he welcomed members and guests. Dr. Hazel discussed purposeful efforts within the Office of the Secretary of Health and Human Resources to provide localities with tools to maximize the effective management of services and utilization of resources.

The minutes of the April 30, 2013 meeting were approved without objection.

Executive Director's Report

Susan Clare reported on the following items:

- SAS Data Integration and Analysis – Collection of historical data has been completed (7/1/09-6/30/13) The data collected includes: CSA expenditures; Title IV-E foster care expenditures; Medicaid behavioral health services expenditures for those 18 and younger; OASIS, VEMAT and CANS.

The beta system is scheduled to be delivered to OCS by SAS the first of September with local quarterly reporting beginning for all localities as of October 15. For those localities without electronic data systems, a web-based data collection application is being developed and will be available to those localities as of August 15.

Raw data and test analyses have been provided to OCS by SAS. The raw data are being examined to identify and analyze differences across local systems (e.g. non-standard data elements). Rules are also being developed and refined to identify anomalies in the data.

- Performance Measures – Each SEC member was given a notebook of the OCS Executive Scorecard. Because of their relevance to CSA, two DSS measures are also included in the OCS Executive Scorecard. The Executive Scorecard will be posted to the OCS website.

Mrs. Clare indicated that identification of outcome measures for the OCS Executive Scorecard will continue and will be a focus of the SEC's Outcomes Committee. She noted that each agency in the Health and Human Resources Secretariat is working toward publishing Executive Scorecards.

- Advancing Virginia's System of Care – Areas of focus include assuring consistent, high quality services for all Virginia's at-risk youth and managing multiple services effectively.

SEC strategies for advancing Virginia's System of Care include: adopting Strategic Plan goals (e.g. to coordinate policies across agencies); identifying standards through the CSA Service Names and Levels of Treatment Foster Care workgroups; and, adopting policies (*the revised Intensive Care Coordination Policy adopted by the SEC in April and the proposed Use of State Pool Funds for Community-Based Behavioral Health Services before the SEC today*).

State agency strategies include: the 4-year federal System of Care Implementation Grant through DBHDS which includes: the Wraparound Center of Excellence at OCS; training for all providers of Intensive Care Coordination (ICC), CSA Coordinators, FAPTs and CPMTS through OCS; and, mini-grants through the DBHDS to communities to build/expand systems of care including ICC. Also, DMAS has just awarded the Behavioral Health Services Administrator (BHSA) contract to Magellan.

Behavioral Health Services Administrator (BHSA) Overview

As reported earlier Magellan has been awarded the contract from DMAS as the BHSA for Virginia. Magellan provided an overview of their company and the contract they will oversee in Virginia as the BHSA.

For a complete copy of today's presentation, please visit the Magellan of Virginia website at www.MagellanofVirginia.com.

Public Comment

Shawn Rozier – *League of Social Services Executives/ Henrico DSS*

Mr. Rozier stated that he served on the Joint Workgroup of the SEC Executive Committee and the SLAT Executive Committee regarding the Use of State Pool Funds for Community-Based Behavioral Health Services. He thanked the SEC for his being able to serve and participate on that group.

Mr. Rozier made the following comments on the proposed policy on use of CSA funds for Medicaid eligible services: *(He stated that he had not seen the final report until today.)*

- Noted a correction to *Appendix A – Membership of the Workgroup*. He represents the League of Social Services Executives on SLAT rather than as a CPMT/Local Department of Social Services (LDSS) representative as listed in the appendix.
- Regarding *Appendix C – Draft Implementation Guidelines, VI, Change in DMAS Regulations*. He asked that a review process be included in the policy for any new/proposed DMAS regulations.
- He thanked SEC members for the additional time proposed in the draft policy for implementation of the policy.

Catherine Pemberton – *League of Social Services Executives/ Powhatan DSS*

Ms. Pemberton thanked SEC members for the opportunity to comment on behalf of the League. She made the following comments on the proposed policy on use of CSA funds for Medicaid eligible services:

- The League still does not support the proposed policy.
- They do appreciate the additional time for implementation.
- Places CSA under DMAS.
- DMAS regulations will apply to non-Medicaid children.
- DMAS policy changes will automatically apply to CSA.
- One single agency will direct policies.
- Once work of Service Definitions Workgroup is completed, may have a better understanding of the proposed policy.
- Asked that any policy waiver be accommodated as soon as possible.

Jim Gillespie – Fairfax/Falls Church CSA Coordinator

Mr. Gillespie endorsed Cristy Gallagher for the SLAT parent representative position, noting that she is a Fairfax County resident who runs a NAMI support group and is on the Fairfax/Falls Church CPMT.

Mr. Gillespie made the following comments on the proposed policy on use of CSA funds for Medicaid eligible services:

- Supported the decision not to include residential and treatment foster care in the new policy.
- Supported the inclusion of an exception policy, but expressed concern about OCS's capacity to respond to exception requests on timely basis.
- Noted that while Fairfax/Falls Church won't have difficulty with the requirement for an assessment by a licensed clinician, other localities may.
- Supported change to a July 1, 2014 implementation date for possible denial of funds.
- Suggested that the new policy be evaluated for impact on state and local processes and youth and family outcomes, not just expenditures.
- Questioned whether when purchasing intensive in-home services through CSA localities would be responsible for overseeing providers' compliance with DMAS regulations regarding provision of intensive in-home services.

Report on the Three Branch Institute

Margaret Schultze reported on Virginia's Three Branch strategies. She provided background information on the National Governors Association (NGA) Center for Best Practices' Request for Proposal (RFP) and Virginia's successful application process. The RFP required the coordination and collaboration of the state's executive, legislative and judicial branches of government. The goal was to develop a state-specific plan to measure and improve social and emotional well-being of children and youth receiving foster care services through the state's child welfare system. States receive customized technical assistance from national partners.

A short question and answer period followed the presentation. Dr. Hazel remarked that the issue of numerous forms DSS must complete for a foster care child was brought to his attention. Mrs. Schultze noted that DSS is working with the League to review forms/processes as part of health care reform and will seek assistance from other agencies/stakeholders as needed to identify and implement solutions.

Greg Peters inquired as to the possibility of including a private provider on the Leadership Team.



Three Branch
Institute

SLAT Report

Victor Evans, SLAT Chair, highlighted the following SLAT activities:

- SLAT continues to focus on training as a major area of work. They are working to help OCS identify, promote and collaborate on trainings across agencies. Currently the Training Committee is outlining training needs for CPMTs based on their statutory responsibilities.
- SLAT continues to address the SEC's Strategic Plan strategies assigned by the SEC. SLAT is focused on policies that govern use of funds and has received detailed presentations from DJJ and OCS. At the SLAT meeting tomorrow, presentations will be made by DBHDS and DMAS. Janet Lung and Pam Fisher from DBHDS have coordinated these discussions and are using the information gleaned to coordinate with the SAMHSA grant requirement for development of a fiscal plan for system of care.
- Election of officers has been held with Victor Evans elected to serve another term as SLAT Chair. Scott Reiner (DJJ) will serve as Vice-Chair. Terms began July 1.
- Next SLAT meeting is tomorrow, August 1.

Nominations to the State and Local Advisory Team

The SEC approved the following nominations to SLAT for the term July 1, 2013 through June 30, 2016 on a motion by Greg Peters, seconded by Michael Farley and carried:

- Cristy Gallagher – parent representative
- Angela Neely – CPMT representative – schools (northern region)
- The Honorable Anita Filson – juvenile and domestic relations district court judge representative

Report to the SEC from the Joint SEC/SLAT Executive Committee Workgroup

Secretary Hazel reported that the workgroup was established to examine the proposed policy regarding the use of state pool funds for community-based behavioral health services. The workgroup met on May 8 and June 5. The Workgroup recommended edits to the proposed policy and developed draft guidelines for implementation of the policy. Secretary Hazel further reported that the Workgroup recommended an implementation date of October 1 but localities would be held “harmless” until July 1, 2014.

Included in the draft implementation guidelines is an appeal process should OCS deny a locality's request for an exception to the policy. Subsequent to the final meeting of the workgroup, questions were raised about the efficacy of establishing an appeal process specific to the policy and external to the dispute resolution process adopted by the SEC in accordance with Code. Members of the workgroup were apprised of the question and asked to provide feedback. A majority of workgroup members expressed support for its removal from the guidelines.

Based on the above considerations, the workgroup recommended adoption by the SEC of the revised proposed policy Use of State Pool Funds for Community-Based Behavioral Health Services and the accompanying draft implementation guidelines.

Proposed Policy: Use of State Pool Funds for Community Based Behavioral Health Services and Proposed Implementation Guidelines

During the discussion, Secretary Hazel addressed concerns raised during the public comment period. Additional questions and discussion centered on the implementation timeframe. With an implementation date of October 1, concern was expressed that technically localities would be out of compliance as of that date even though they would be held “harmless” until July 1, 2014. Others thought that it would be important to monitor implementation and requests for waivers. As a point of clarification during the discussion, Mrs. Clare explained that the draft policy would not prevent a locality from providing appropriate services to a child. The draft policy addresses three DMAS-regulated services: Intensive In-Home; Therapeutic Day Treatment and Mental Health Support Services, and does not prevent the use of crisis/emergency services or other services.

At the end of discussion the following revisions were made to the draft policy:

- The policy shall be effective October 1, 2013 for new ISFPs; existing ISFPs will be transitioned by July 1, 2014. Denial of funds policies shall be applicable for failure to apply with this policy after July 1, 2014. *(Motion by Mary Bunting, seconded by Margaret Schultze and carried.)*
- Insert language from Number IV – Exceptional Circumstances, Implementation Guidelines into the policy to ensure clarity of circumstances under which the CPMT may request and exception. *(Motion by Mary Bunting, seconded by Margaret Schultze and carried.)*
- Delete Number V – Appeal to the State Executive Council, Implementation Guidelines *(Motion by Cindi Jones, seconded by Cynthia Cave and carried.)*
- Insert language into VI (will become Number V) – Change in DMAS Regulations, Implementation Guidelines that directs OCS to monitor implementation and requests for exemptions and to report that information to the SEC’s Executive Committee. *(Motion by Pat O’Bannon seconded by Margaret Schultze and carried.)*

Delegate Bell moved the question and without objection the SEC voted to adopt the policy and guidelines. *(Lelia Hopper and Greg Peters abstained.)*

First Reading of Revised Dispute Resolution Policy

Susan Clare presented a draft of a revised Dispute Resolution Policy for its first reading. She explained that revisions to the policy are needed because the current dispute resolution process lacks detail regarding how informal and formal proceedings shall be conducted, representation by counsel, and timelines for decisions.

Adjournment

There being no further business the meeting was adjourned at 12:40 p.m.