

STATE EXECUTIVE COUNCIL (SEC)
THE CHILDREN'S SERVICES ACT
Virginia Department of Taxation
1957 Westmoreland Street
Richmond, VA
Thursday, September 17, 2015

SEC Members Present:

The Honorable William A. (Bill) Hazel, Jr., M.D., Secretary of Health and Human Resources
The Honorable Jennifer Wexton, Member, Senate of Virginia
The Honorable Mary Biggs, Vice-Chair, Montgomery County Board of Supervisors
The Honorable Richard "Dickie" Bell, Member, Virginia House of Delegates
Bob Hicks for Dr. Marissa Levine, Commissioner, Virginia Department of Health
Courtney Gaskins, Director of Program Services, Youth for Tomorrow
The Honorable Catherine Hudgins, Member, Fairfax County Board of Supervisors
The Honorable Robert "Rob" Coleman, Vice-Mayor, City of Newport News
Cindi Jones, Director, Department of Medical Assistance Services
Maurice Jones, City Manager, City of Charlottesville
Greg Peters, President and CEO, UMFS
Jeanette Troyer, Parent Representative
Andrew Block, Director, Department of Juvenile Justice
John Eisenberg for Steven Staples, Ed.D., Superintendent of Public Instruction, Virginia Department of Education
The Honorable Anita Filson, Juvenile and Domestic Relations District Court Judge, 25th Judicial District
Melissa Peacor, County Executive, Prince William County (*by conference call*)
Margaret Schultze, Commissioner, Virginia Department of Social Services

SEC Members Absent:

Lelia Hopper for Karl Hade, Executive Secretary of the Supreme Court of Virginia
Janice Schar, Parent Representative
Debra Ferguson, Ph.D., Commissioner, Department of Behavioral Health and Developmental Services

Other Staff/SLAT Members Present:

Eric Reynolds, Assistant Attorney General, Office of the Attorney General
Ron Belay, Chair, State and Local Advisory Team
Scott Reiner, Interim Executive Director, OCS
Stephanie Bacote, Program Audit Manager, OCS
Annette Larkin, Program Auditor, OCS
Brady Nemeyer, Program Consultant, OCS
Marsha Mucha, Administrative Staff Assistant, OCS

Call to Order and Approval of Minutes

Secretary Hazel called the meeting to order at 9:30 a.m., welcomed new members, and asked for introductions. A quorum was present. Dr. Hazel introduced Daniela Lewy, a Claude Moore Fellow, working with the Children's Cabinet on the Petersburg Schools project.

Secretary Hazel reported that Melissa Peacor, a new local government representative to the SEC, had made a request of the SEC that she be allowed to participate in today's meeting via phone call. She was not able to attend in person as she is recovering from surgery and could not drive to Richmond. If approved by the Council, she would be participating from her home. Her request to participate via phone call was approved without objection.

Secretary Hazel reported on the recent passing of Chris Spanos. A moment of silence was observed in memory of his passing.

The minutes of the June 18, 2015 meeting were approved without objection.

Secretary Hazel reported that 2015 has been one of the busiest years for Health and Human Resources. He asked members to provide brief updates on programs and activities within their agencies and on collaborations with other agencies both within the secretariat and with agencies in other secretariats.

Public Comments

Public comments were received from the following individuals:

- Bill Elwood representing the Virginia Coalition of Private Provider Associations (VCOPPA) and the Virginia Association of Independent Specialized Education Facilities (VAISEF)
- Amy Woolard representing Voices for Virginia's Children
- Cecelia Kirkman representing SEIU Healthcare

Executive Director's Report

Scott Reiner reported on the following items:

- *Projected FY15 final expenditures* – Projected final expenditures for FY15 are expected to increase by approximately \$24M over FY14. The number of children served has increased along with an increase in expenditures in special education private day placements.
- *Expected Budget Requests for CSA* – A number of budget requests will be proposed including additional support for local CSA administrative costs as recommended by the SEC; increasing the MEL and funding to add two auditor positions; and collaborative planning with DJJ to increase use of protected funds to provide greater intervention with certain at-risk populations by supporting evidence-based interventions and removing the local match requirements on those funds.
- *Final FY15 training summary* – The final report of OCS Training Activities was distributed covering OCS training activities for FY15. The total number of participants trained during FY15 was 2,052.

- *Policy Manual for the Children's Services Act* - Several copies of the Policy Manual were available for SEC member review. The Manual is available on the CSA website. Individual copies will be available to members by request.
- *Plans for Integration of Local Reporting (data and expenditures)* – OCS has begun planning for this project with projected implementation in FY17.

Status of the OCS Audit Program

Stephanie Bacote, OCS Audit Program Manager reported. She presented a period assessment summary for FY13 – 15 along with the OCS Audit Plan for FY16. During her report, Mrs. Bacote noted that the three-year audit plan cycle was extremely ambitious given the limited resource allocations, the magnitude of audit coverage, and the overall complexity of the CSA program.

Mrs. Bacote further reported that the audit staff strives to create effective working relationships with state and local partners to identify potential areas of concern, develop recommendations to address those concerns, and to implement improvements in a timely manner. Feedback received from clients regarding the audit process and the quality of the audits has been consistently positive.

Report on Increasing Public Awareness of CSA and Access to Multidisciplinary Planning

Brady Nemeyer reported on behalf of the Work Group. He provided background information on the need for the work group and reported that the group's charge was to identify and recommend actions by which the SEC can improve family and public awareness about CSA on the local level, and to identify and recommend actions by which the SEC can ensure a coordinated, consistent, and timely point of entry to the public service system for families in every community across the Commonwealth.

The Work Group presented the following recommendations to the SEC:

- Use of Model Family Referral Policy (*as stated in Recommendation 1*) – Direct access for families to FAPT through CSA offices. Of note: the 2015 General Assembly requires local CPMTs to establish a process for parents to refer children to the local CSA teams. The Model Family Referral Policy is available to localities as an option in meeting this requirement.
- Improvement of public awareness of CSA – Local CSA offices should consider meeting with identified stakeholders in order to provide information on local processes for CSA and FAPT.
- Use of best practices – Use of protected funds; FAPT should be the entity determining CSA eligibility, use of written materials (brochures) to assist families in understanding the local CSA process.
- Suggested topics for localities to consider displaying on their website (i.e. contact information for local CSA office; information about CSA, CSA eligibility requirements and parental co-pay policy).

After hearing the report, SEC members accepted the report for distribution without objection.

State and Local Advisory Team (SLAT) Report

Ron Belay reported that he will continue to serve as Chair of SLAT for the upcoming fiscal year. Tamara Temoney will serve as Vice-Chair. He presented two items for SEC approval:

- Updated SLAT bylaws which incorporate statutory changes effective July 1, 2015.
- Nominations to SLAT – Kellie Evans and Shannon Updike to serve as private provider alternate representatives.

Both items were approved by the SEC without objection.

Update on SEC Governance Study

Secretary Hazel reported that the Work Group has met once and would be meeting again today after the SEC meeting. At the first meeting, Al Wilson from the Attorney General's Office made a presentation on supervisory boards versus policy boards. Some of the items currently being discussed include membership and composition of the SEC. The Performance Management Group at VCU is facilitating the meetings.

Update of SEC Bylaws

Mr. Reiner noted that members had a marked-up copy of proposed changes to the SEC bylaws. He further noted that the changes incorporate the change in name to the Children's Services Act and reflect other technical changes.

The updated SEC bylaws were approved without objection.

Electronic Participation Policy

Mr. Reiner reported that the SEC has previously not had a formal policy regarding individual participation in SEC meetings by electronic means. The proposed policy being presented today would meet that need. Several questions were raised specific to whether or not the member participating by electronic means would be considered part of the quorum and whether or not that person would be able to vote if they were not participating from a public place.

After additional discussion, the proposed policy was tabled to address the questions raised and to add further clarification. The revised proposed policy will be on the agenda for a future SEC meeting.

Report to the General Assembly on Funding Educational Costs for Students Placed in Psychiatric or Residential Treatment Facilities for Non-Educational Reasons

Greg Peters reported on behalf of the Work Group. He noted that the report is required pursuant to Item 279 (N) of the Appropriation Act. Mr. Peters reported that, at the last SEC meeting, a small work group of SEC members was appointed to review the draft report before presentation at today's meeting.

Mr. Peters reported that the circumstances leading to this situation have evolved over the past 15 years as children have had access (through Medicaid) to psychiatric and/or residential treatment

facilities (PRTFs) without involvement of local CSA structures and processes. As a result, children have and are being placed in RTFs through Medicaid outside of the CSA process and without public funding to pay for educational services.

Both the General Assembly and the SEC have identified this issue as needing a resolution. Several task forces and work groups have attempted to address the issue over the past year. Public comment has also been solicited. The report presented today summarizes the consensus from this process and provides the following recommendations:

- Allocation of state general funds to cover the full cost (no local match) of educational services for children placed through Medicaid without CSA involvement in a PRTF. This should be a short-term solution while additional work is completed to fully integrate “Medicaid-only” placements into the CSA system or to determine another funding mechanism.
- Consideration of elimination or recalculation of the local Medicaid match requirements for children placed through CSA in PRTFs.
- Development and implementation of a practical, short-term data collection project that would provide necessary information about the process of accessing residential treatment.

At the conclusion of the report a motion was made by Greg Peters, seconded by Catherine Hudgins and carried to submit the report as required by the Appropriation Act.

Request for Multi-Disciplinary Teams

Mr. Reiner reported that two requests for multi-disciplinary teams had been received and vetted by OCS staff. The requests are being presented to the SEC today for their consideration and approval:

- *Chesterfield/Colonial Heights* MDT would serve as an intake/triage team with the intent to meet only once in regard to an individual child/family to make a determination of CSA eligibility and to recommend services while following all aspects of CSA policies.
- *Campbell County* MDT (referred to as the Truancy Review Team) would receive referrals when state law requires intervention by the school, upon an absence following the sixth unexcused absence.

Both MDT requests were approved by the SEC without objection.

Membership of SEC Committees

Secretary Hazel reported that, with the recent changes in membership to the SEC, the memberships to the standing committees needed to be updated. Currently the SEC has three committees: Executive Committee, Finance Committee and Outcomes Committee.

Secretary Hazel called for volunteers: Greg Peters, Rob Coleman, Cindi Jones (designee Karen Kimsey) were added to the Executive Committee to serve with existing members Secretary Hazel, Andy Block, Dickie Bell and Margaret Schultze. Maurice Jones and Courtney Gaskins were added to the Outcomes Committee to serve with existing members Jeanette Troyer and Rob Coleman.

Members were asked to contact Scott Reiner if they wish to serve on one of the committees.

Other Business

Margaret Schultze (Commissioner) and Carl Ayers (Director of the Division of Family Services), VDSS reported on Fostering Futures which, if approved by the General Assembly, would provide the Commonwealth the ability to draw-down federal funds to expand foster care services to youth up to age 21 . The expanded services would assist these youth with the transition to adulthood and help them become more self-sufficient.

A motion was made by Greg Peters, seconded by Catherine Hudgins and carried to provide a letter of support for the initiative from the SEC. SEC members will also be provided additional information on Fostering Futures.

Next Meeting and Adjournment

Secretary Hazel reported that he will not be available for the December 17 SEC meeting. An alternate date of December 3 was proposed. The meeting would be a joint meeting of the SEC and SLAT to work on the Biennial Plan.

There was no objection to the change in meeting date.

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