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# VIRGINIA STATE BUDGET

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2000 Session

## Budget Bill - SB29 (Introduced)

Bill Order » Office of Education » Item 151

Comprehensive Services for At-Risk Youth and Families

Item 151 (Not set out)	First Year - FY1999	Second Year - FY2000
<b>Protective Services (45300)</b>	<b>\$119,272,676</b>	<b><del>\$125,359,398</del> \$138,200,491</b>
Financial Assistance for Child and Youth Services (45303)	\$119,272,676	<del>\$125,359,398</del> \$138,200,491
Fund Sources:		
General	\$104,005,644	<del>\$93,468,737</del> \$106,309,830
Federal Trust	\$15,267,032	\$31,890,661

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Authority: Title 2.1, Chapter 46, Code of Virginia.

A. Out of this appropriation, \$859,257 the first year and \$1,064,245 the second year from the general fund shall be paid into the trust fund on the books of the State Comptroller, designated as "Community Services Trust Fund for Youth and Families." The general fund balance in the Fund shall not revert to the general fund at the end of the fiscal year, but shall be reappropriated for expenditure in the succeeding fiscal year.

B. The Department of Education shall serve as fiscal agent to administer funds cited in paragraphs A and C. The Director of the Department of Planning and Budget shall have authority to transfer the amounts cited in each of these paragraphs to the Department of Education.

C.1.a. Out of this appropriation, \$82,229,223 from the general fund and \$14,267,032 from nongeneral funds in the first year and \$68,460,751 from the general fund and \$30,890,661 from nongeneral funds in the second year, shall be used for the state pool of funds, pursuant to § 2.1-757, Code of Virginia. This appropriation shall consist of a Medicaid pool allocation, and a non-Medicaid pool allocation.

b. The Medicaid state pool allocation shall consist of \$13,094,376 from the general fund and \$22,470,663 from nongeneral funds in the second year. The Office of Comprehensive Services will transfer these funds to the Department of Medical Assistance Services as they are needed to pay Medicaid provider claims.

c.1) Revenue derived from local governments for the local match share of Medicaid provider payments, when collected by the Office of Comprehensive Services on behalf of the Department of Medical Assistance Services, shall be paid into a special fund on the books of the State Comptroller, designated as "Comprehensive Services Act Local Match Fund." Revenues in the Comprehensive Services Act Local Match Fund shall be transferred by the Office of Comprehensive Services to the Department of Medical Assistance Services, in the form of a general fund appropriation, as needed for reimbursement of the local match share of Medicaid provider claims.

2) Revenues in the Comprehensive Services Act Local Match Fund shall not revert to the general fund at the end of the fiscal year, but shall be reappropriated for expenditure in the succeeding fiscal year.

d. The non-Medicaid state pool allocation shall consist of \$78,821,969 from the general fund and \$8,419,998 in

nongeneral funds in the first year and \$55,366,375 from the general fund and \$8,419,998 in nongeneral funds in the second year. The nongeneral funds shall be transferred from the Department of Social Services.

e. The Office of Comprehensive Services, with the concurrence of the Department of Planning and Budget, shall have the authority to transfer the general fund allocation between the Medicaid and non-Medicaid state pools in the event that a shortage should exist in either of the funding pools at the end of the fiscal year.

f. Effective July 1, 1999, the State Executive Council shall deny state pool funding to any locality not in compliance with federal and state requirements pertaining to the provision of special education and foster care services funded in accordance with § 2.1-757, Code of Virginia. The State Executive Council shall oversee the establishment of a dispute resolution procedure, which includes a notice and an appeals process, should the State Executive Council find, upon a formal finding, that a Community Policy and Management Team (CPMT) has failed to comply with federal and state requirements pertaining to the provision of special education and foster care services funded in accordance with § 2.1-757, Code of Virginia, and the procedure shall also include provisions for remediation by the CPMT. Funding shall not be available until the locality has demonstrated compliance with these federal and state requirements.

g. The Office of Comprehensive Services shall revise allocations to localities in the second year, using general funds in the supplemental pool. For purposes of revised allocations, the Office shall assume that coverage of therapeutic foster care services and residential services under the Medicaid program shall begin January 1, 2000.

2.a. Out of this appropriation, \$20,163,615 from the general fund and \$1,000,000 from nongeneral funds in the first year and \$25,910,343 from the general fund and \$1,000,000 from nongeneral funds in the second year shall be set aside to pay for the state share of supplemental requests from localities that have exceeded their state allocation for mandated services. The nongeneral funds shall be transferred from the Department of Social Services.

b. Localities requesting funding from the set aside in paragraph 2 a must demonstrate that their request is based upon an increase in the number of mandated children or that the treatment costs have increased due to the service needs of the children. Localities must also demonstrate they are in compliance with all the provisions of the Comprehensive Services Act, including uniform assessment, family assessment team reviews, and data collection.

3. Each locality receiving funds for activities under the Comprehensive Services Act (CSA) shall have a utilization management process, approved by the State Executive Council, covering all CSA services, and beginning July 1, 1998, shall provide information as required by the Office of Comprehensive Services, to include, but not be limited to expenditures, number of youth served in specific CSA activities, length of stay for residents in core licensed residential facilities, and proportion of youth placed in treatment settings suggested by a uniform assessment instrument.

4. The Secretary of Health and Human Resources, in consultation with the Secretaries of Education and Public Safety, shall direct the actions for the Departments of Social Services, Education, Juvenile Justice, Medical Assistance Services, Health, and Mental Health, Mental Retardation and Substance Abuse Services, to implement, as part of ongoing information systems development and refinement, changes necessary for state and local agencies to fulfill CSA reporting needs.

5. The State Executive Council shall provide localities with technical assistance on ways to control costs and on opportunities for alternative funding sources beyond funds available through the state pool.

6. Out of this appropriation, \$50,000 from the general fund each year is provided for a combination of regional and statewide meetings for technical assistance to local community policy and management teams, family assessment and planning teams, and local fiscal agents. Training shall include, but not be limited to, cost containment measures, utilization management, use of alternate revenue sources, and administrative and fiscal issues. A state-supported institution of higher education, in cooperation with the Virginia Association of Counties, the Virginia

Municipal League, and the State Executive Council, may assist in the provisions of this paragraph. Any funds unexpended for this purpose in the first year shall be reappropriated for the same use in the second year.

7. The State Executive Council shall work with the Department of Medical Assistance Services' existing preauthorization and utilization management contract with a qualified medical review organization, in order to provide utilization management of residential placements provided to youth under the Comprehensive Services Act that are not Medicaid eligible. A payment of \$175,000 each year from the general fund shall be transferred to the Department of Medical Assistance Services for such utilization management services. The Department of Medical Assistance Services, in cooperation with representatives of the Virginia Association of Counties, the Virginia Municipal League, and the State Executive Council shall develop the criteria and guidelines to be followed by the utilization management provider.

8. The State Executive Council shall implement a uniform assessment instrument, by July 1, 1998, consistent with the recommendations of the Joint Legislative Audit and Review Commission's findings from its review of the Comprehensive Services Act. The Council shall report by January 1, 1999, to the Chairmen of the House Appropriations and Senate Finance Committees, on the instrument selected and its effectiveness in determining the needs of families for wraparound services.

9. The Office of Comprehensive Services shall determine a mechanism for reporting children served by the program, that will allow for data to be collected on the number of foster care children receiving only maintenance payments, and the amount paid for these children.

10. Under the direction of the State Executive Council, the Office of the Executive Secretary of the Supreme Court of Virginia, in collaboration with the Department of Juvenile Justice, shall conduct a study to estimate the cost and number of juveniles who would meet acute and severe risk criteria, but do not currently receive services under the Comprehensive Services Act. The study shall determine the number of children meeting the criteria for acute and severe risk by assessing juveniles who come before selected courts on status offenses or delinquency petitions using a uniform assessment instrument adopted by the State Executive Council for the Comprehensive Services Act. The Office of the Secretary shall select juveniles from a representative sample of urban, suburban and rural courts to derive the estimate. The Executive Secretary of the Supreme Court and the Director of the Department of Juvenile Justice shall provide an estimate on the number of juveniles meeting the criteria, the type of services the juveniles would require, and an estimated cost for these services to the Chairmen of the Senate Finance and House Appropriations Committees by December 30, 1998.

D. The funding formula to carry out the provisions of the Comprehensive Services Act for At-Risk Youth and Families is as follows:

1. Allocations. The allocations for the Medicaid and non-Medicaid pools shall be the amounts specified in paragraphs C 1 b and C 1 d in this Item. The non-Medicaid pool funds shall be allocated to each locality based on each locality's percentage of actual 1997 Comprehensive Services Act program expenditures to total 1997 program expenditures.

2. Local Match. All localities are required to appropriate a local match for the base year funding consisting of the actual aggregate local match rate based on actual total 1997 program expenditures for the Comprehensive Services Act for At-Risk Youth and Families. This local match rate shall also apply to all reimbursements under this Item, including trust fund reimbursements under paragraph A in this Item as well as administrative reimbursements under paragraph D 3 in this Item. Revenue derived from local governments for the local match share of Medicaid provider payments, when collected by the Office of Comprehensive Services on behalf of the Department of Medical Assistance Services, shall be paid into a special fund on the books of the State Comptroller, designated as "Comprehensive Services Act Local Match Fund." Revenues in the Comprehensive Services Act Local Match Fund shall be transferred by the Office of Comprehensive Services to the Department of Medical Assistance Services as needed for reimbursement of the local match share of Medicaid provider claims. Revenues in the Comprehensive

Services Act Local Match Fund shall not revert to the general fund at the end of the fiscal year, but shall be reappropriated for expenditure in the succeeding fiscal year.

3. Local Administrative Costs. Out of this appropriation, an amount not to exceed \$638,549 in state funds the first year and \$1,466,398 in state funds the second year shall be allocated among all localities for administrative costs. Every locality shall be required to appropriate a local match based on the local match contribution in paragraph D 2 of this Item. Inclusive of the state allocation and local matching funds, every locality shall receive the larger of \$12,500 or an amount equal to one percent of the total pool allocation. No locality shall receive more than \$50,000, inclusive of the state allocation and local matching funds. Localities are encouraged to use administrative funding to hire a full-time or part-time local coordinator for the Comprehensive Services Act program. Localities may pool this administrative funding to hire regional coordinators.

4. Definition. For purposes of the funding formula in the Comprehensive Services Act for At-Risk Youth and Families, "locality" means city or county.

E. Any unexpended general fund balance in this Item on June 30 each year shall not revert to the general fund but shall be reappropriated for expenditure in the succeeding year.

F. The State Executive Council shall assist the joint legislative subcommittee and executive commission, which are reviewing the public system of care for mentally disabled persons, in studying the use of state-operated facilities by Community Policy and Management teams for the provision of services under the Comprehensive Services Act.

*G. The Department of Social Services (DSS) and the State Executive Council (SEC) of the Comprehensive Services Act (CSA) shall negotiate a Memorandum of Understanding (MOU) regarding Title IV-E coverage of services for Title IV-E eligible children that were previously funded under the Comprehensive Services Act. In developing the MOU, the SEC and DSS shall consult the Department of Medical Assistance Services regarding the impact of the MOU on Medicaid coverage of such services. The Department of Planning and Budget shall approve the terms of the Memorandum of Understanding to assure they are precise enough to govern any transfer of appropriation from CSA to DSS. Pursuant to the MOU, funds may be transferred to the Department of Social Services from the Comprehensive Services Act appropriation, upon documentation that demonstrates reduction in CSA costs and transfer of charges to DSS for such services. If DPB determines that savings result from the difference between the state matching ratio required for Title IV-E and the state share of CSA expenditures, DPB shall unallot the appropriate amount of general fund savings. Such unallotted funds shall be made available only if needed to fund unavoidable deficits in either CSA or DSS foster care.*