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# VIRGINIA STATE BUDGET

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2004 Session

## Budget Bill - HB29 (Chapter 943)

Bill Order » Office of Health and Human Resources » Item 299

Comprehensive Services for At-Risk Youth and Families

Item 299	First Year - FY2003	Second Year - FY2004
<b>Protective Services (45300)</b>	<b>\$196,320,165</b>	<b><del>\$203,399,398</del> \$204,799,398</b>
Financial Assistance for Child and Youth Services (45303)	\$196,320,165	<del>\$203,399,398</del> \$204,799,398
Fund Sources:		
General	\$162,288,068	<del>\$168,998,120</del> \$167,893,870
Federal Trust	\$34,032,097	<del>\$34,401,278</del> \$36,905,528

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Authority: Title 2.2, Chapter 52, Code of Virginia.

A. Out of the federal TANF Grant, \$1,064,245 the first year and \$1,064,245 the second year shall be designated for the "Community Services Trust Fund for Youth and Families." The Office of Comprehensive Services shall assist the Department of Social Services in developing procedures to support these activities.

B. The Department of Education shall serve as fiscal agent to administer funds cited in paragraphs C and D. 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, \$77,678,804 from the general fund and \$33,032,097 from nongeneral funds the first year and \$103,401,854 from the general fund and \$33,401,278 from nongeneral funds the second year, shall be used for the state pool of funds, pursuant to § 2.2-5211, 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 \$14,573,180 from the general fund and \$24,612,099 from nongeneral funds the first year and ~~\$14,791,777~~ \$13,687,527 from the general fund and ~~\$24,981,280~~ \$27,485,530 from nongeneral funds 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. The non-Medicaid state pool allocation shall consist of \$63,105,624 from the general fund and \$8,419,998 in nongeneral funds the first year and \$88,610,077 from the general fund and \$8,419,998 in nongeneral funds the second year. The nongeneral funds shall be transferred from the Department of Social Services.

d. 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.

e. 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 § 2.2-5211, Code of Virginia.

- 2.a. Out of this appropriation, \$82,814,264 from the general fund and \$1,000,000 from nongeneral funds the first year and \$63,811,084 from the general fund and \$1,000,000 from nongeneral funds 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. In each year, the director of the Office of Comprehensive Services for At-Risk Youth and Families may approve and obligate supplemental funding requests in excess of the amount in 2 a above, for mandated pool fund expenditures up to 10 percent of the total general fund appropriation authority in C1a in this Item.
- c. Localities requesting funding from the set aside in paragraphs 2a and 2 b 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 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 who 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. Out of this appropriation, \$70,000 the first year and \$70,000 the second year from the general fund is provided for the Office of Comprehensive Services to contract for the development of a uniform Web-based system for CSA reporting requirements.
9. The State Executive Council shall implement a uniform assessment instrument consistent with the

recommendations of the Joint Legislative Audit and Review Commission's findings from its review of the Comprehensive Services Act.

10. The Office of Comprehensive Services, in conjunction with the Department of Social Services, shall determine a mechanism for reporting Temporary Assistance for Needy Families Maintenance of Effort eligible costs incurred by the Commonwealth and local governments for the Comprehensive Services Act for At-Risk Youth and Families.

11. For purposes of defining cases involving only the payment of foster care maintenance, pursuant to § 2.2-5209, Code of Virginia, the definition of foster care maintenance used by the Virginia Department of Social Services for federal Title IV-E shall be used.

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 c in this Item. These funds shall be distributed to each locality in each year of the biennium based on the greater of that locality's percentage of actual 1997 Comprehensive Services Act pool fund program expenditures to total 1997 pool fund program expenditures or the latest available three-year average of actual pool fund program expenditures as reported to the state fiscal agent.

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 from the state pool of funds in this Item and carryforward expenditures submitted prior to September 30 each year for the preceding fiscal year, including trust fund reimbursements under paragraph A in this Item as well as administrative reimbursements under paragraph D 3 in this Item.

3. Local Administrative Costs. Out of this appropriation, an amount equal to two percent of the fiscal year 1997 pool fund allocations, not to exceed \$1,500,000 from the general fund the first year and \$1,500,000 from the general fund 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 two 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 State Executive Council, in conjunction with the Department of Planning and Budget, shall develop performance standards to include, but not be limited to, use of federal funds for state and local support of the Comprehensive Services Act. The performance standards shall be implemented no later than September 30, 2002. Effective July 1, 2003, reimbursements from paragraph C 2 a in this item, shall be contingent upon meeting minimum performance standards.

H. Funding under the Comprehensive Services Act shall only be used for residential placement through a non-custodial foster care agreement that results from court involvement if the court has ordered and received a family assessment that indicates therapeutic services in a residential placement are necessary for the child, or a founded Child Protective Service investigation indicates that the parents have been unable or unwilling to provide the necessary services to ensure the safety and well-being of the child.

I. Contingent upon approval by the Centers for Medicare and Medicaid (CMS), the Department of Medical Assistance Services (DMAS) shall implement coverage of case management services that are currently funded by 100% Comprehensive Services Act funds. The state match will be obtained from funds appropriated for the Comprehensive Services Act. DMAS shall promulgate emergency regulations to become effective within 280 days or less from the enactment date of this act. DMAS shall implement these necessary regulatory changes to be consistent with federal approval of the state plan amendment.

J. Contingent upon approval by the Centers for Medicare and Medicaid (CMS), the Department of Medical Assistance Services (DMAS) shall implement coverage for an additional level of Residential Treatment for Children and Adolescents. The state match will be obtained from funds appropriated for the Comprehensive Services Act. DMAS shall promulgate emergency regulations to become effective within 280 days or less from the enactment date of this act. DMAS shall implement these necessary regulatory changes to be consistent with federal approval of the state plan amendment.

K. Community Policy and Management Teams shall use Medicaid-funded services whenever they are available for the appropriate treatment of children and youth receiving services under the Comprehensive Services Act for At-Risk Children and Youth.