

Commission to Study Residential Placement of Children

{House Bill 2334}

{Sponsored by Speaker Kiss and Delegates: Michael, Perdue, Amores, Brown and Palumbo}

Wednesday, January 18, 2006 (10:30 p.m. – 2:30 p.m.)

Building 3, Room 522

MINUTES

Commission Members Present:

Martha Yeager Walker, Chair, Department of Health and Human Resources (DHHR)
Margaret Waybright, Bureau for Children and Families, DHHR
Andrea Darr, WV Prosecuting Attorneys Institute
Philip W. Morrison II, WV Prosecuting Attorneys Institute
Mike Lacy, WV Supreme Court of Appeals
O.C. Spaulding, Circuit Court Judge, Putnam County
John A. Hutchison, Circuit Court Judge, Raleigh County
Jane Charnock Smallridge, Family Court Judge, Kanawha County
John E. Bianconi, Acting Commissioner, BHHF, DHHR
Lynn Boyer, Department of Education
Frank D. Andrews, Department of Education
Nancy Atkins, Commissioner, Bureau for Medical Services, DHHR
Jack Alsop, Circuit Court Judge, 14th Circuit
Gary Johnson, Circuit Court Judge, 28th Circuit (Nicholas County)
Cindy Largent-Hill, Division of Juvenile Services, MAPS

Staff and Guests Present:

Jerry Roueche, Secretary's Office, DHHR
Rocco Fucillo, General Counsel, DHHR
John Moses, Youth Services Center
Linda Watts, Mountain State Family Alliance
David Majic, Bureau for Behavioral Health and Health Facilities
Joe Thornton, Deputy Secretary, Department of Military Affairs and Public Safety
Denny Dodson, Division of Juvenile Services
Laurel Haught, Region II Family Network
Rhonda McCormick, Region II Family Network
Laurie Markert, Parent/Psychotherapist
Sue Hage, Bureau for Children and Families, DHHR

Call to Order – Secretary Martha Yeager Walker

Welcome/Introductions

Secretary Walker began the meeting by welcoming everyone. She said she hoped everyone had received a copy of the Commission's Progress Report which was distributed in December when she met with the Legislative Committee. She reported that the presentation went very well and there was positive response to the progress we are making as a Commission. She said she wanted to thank each of the members for the work to date.

She said the Legislative Select Committee B has indicated interest in continuing the Commission and being an oversight group to ensure we continue to make progress this year. She said she wanted to remind them to date the Commission has not approved any official recommendations. She said she appreciated all the work the Commission has done since the last meeting to review the recommendations and provide written comments back to the staff. She said she is sure that some of the members came today prepared to discuss the recommendations.

She said she hoped we could use our time wisely today to reach consensus on as many of the recommendations we wish to move forward. Some of these will be confirming what we have already have listed and some will be new ones.

She said Carl Hadsell and Sue Hage will be helping us keep pace today and ensuring everyone has many opportunities to voice ideas, concerns, etc.

There was a brief discussion regarding the upcoming clinical reviews of youth ages 16-21 who are in an out-of-state placement. The primary focus will be on the treatment needs of the youth, the progress they are making, and comments regarding discharge plans. This will be provided to the youth's DHHR caseworker to share with the youth's MDT. The same instrument will be used for all youth being reviewed. Once the review process has been completed, a report regarding the findings will be provided to Commissioner Waybright and the Commission.

Recommendation #1 - Develop comprehensive assessment and review protocols, oversight and designated uniform instruments to standardize an objective assessment of all youth at risk of or returning from out-of-state placement statewide.

A standardized process that is consistent across the state has to be developed that looks at the strengths and needs of the child and family. This is occurring in several areas of the state such as KidsCare in Region II that has been discussed in previous meetings. There is fiscal implications that will need to be identified.

Recommendation #2 - Secure provider(s) willingness and ability to provide services to meet identified need, service gaps and barriers via survey and assessment of youth in #1.

The Commission agreed that they need a better analysis of responses - do more accurate analysis - mental health centers and providers.

Recommendation #3 - Make the necessary changes in the West Virginia Certificate of Need Summary Review process to allow program reconfiguration and expansion to address WVDHHR identified needs, gaps and barriers.

A brief overview of the CON Summary Review process was given by Sue Hage. She also discussed the revisions to the current process has been drafted and we hope it will be in place soon. This will result in DHHR releasing Request for Information as it relates to the development or expansion of programs and services to reduce the reliance on placing children out-of-home. This process will be coordinated with the Department of Education. As needs are defined, input from the community, Juvenile Probation, etc., will be sought. The existing CON Summary Review Team will be the core team to evaluate the proposals received with additional program staff and regional staff being added as appropriate. Standards and expectations will be built into the process.

Recommendation #4 - Implement uniform statewide protocols for timely and appropriate pre-reunification and discharge services for all youth in out-of-state placement.

After a discussion surrounding the intent of recommendations #4 and 5, the Commission agreed to combine these two recommendations. Commissioner Waybright and Sue Hage will coordinate the specific roles and responsibilities of four regional coordinators with the Office of Behavioral Health Services.

Recommendation #6 - Increase statewide clinical service capacity in the area of sexually reactive youth, those with substance abuse, developmental disabilities and co-occurring disorders.

The Commission acknowledged support that expansion of resources within West Virginia would have a cost to it and that the expansion has to be based on identified needs.

Recommendation #7 - Consistent certification and on-going training of clinical staff for working with special populations such as sexually reactive youth, those with substance abuse, developmental disabilities and co-occurring disorders.

There was discussion surrounding existing needs in West Virginia for such populations as children and youth who are sexually reactive, sex offenders and who may be exhibiting substance issues. This will be part of the needs analysis.

A suggestion was made to consider combining Recommendations #6 and 7.

Recommendation #8 and #18

Develop an effective, consistent, community-level, multi-disciplinary approach for child and family comprehensive assessment and planning statewide.

Recommendation #18

Continue to fully support the MDT concept and develop specific strategies to improve the MDT process in all areas of the state.

Recommendations #9 & #10 - Continue and expand capacity of the Region II Comprehensive System of Care for multi-system, multi-need children.

Both deal with System of Care. Need to sustain system of care in Region II and begin phasing in other regions of State. Adequate funding will have to be identified within DHHR. Commissioner Waybright and Commissioner Bianconi will work together regarding the funding issue.

Recommendation #11 - In accordance with a DHHR master plan identifying facilities needing on-grounds schools, request funding from the Legislature for the Office of Institutional Education Programs to initiate and maintain required education programs.

Recommend to the Legislature a funding mechanism(s) to support county school districts providing educational services for students in residential placements in the jurisdiction of the school district and a funding mechanism(s) to support education programs for non-exceptional students placed in out-of-state facilities.

The discussion focused on the development and implementation plan as it relates to the residential facilities growth. This has to be a coordinated effort between DHHR, WVDE, and DJS to ensure the finding can be planned for such growth by each agency involved.

Recommendation #12 - Endorse proposed legislation to increase the age that facilities in WV can continue to serve children in DHHR custody to age 21.

Commission supports proposed legislation that would allow youth in DHHR custody

Recommendation #13 - Conduct a feasibility study to look at start-up costs of developing or expanding facilities.

Sue - when this recommendation was made it was made from someone in the audience - came up with mechanism to allow start-up cost -- feasibility of state to do this. Philip Morrison - I recommend we continue that policy. Judge Hutchison - conduct feasibility study.

Secretary Walker - when state got into ICFMR process - cost reimbursement.

John Bianconi - we built group homes and least them out - extra reimbursement.

Judge Hutchison - As written, I recommend we delete it.

Gary Johnson - We will do needs study in Recommendation #1.

Recommendations #14 - Adequately fund Commission's Implementation Plan.

Carl - Build into narrative.

Secretary - I see this as a plan - it will be costly as we go forward - we could get supplemental appropriations.

Recommendation #15 - Ensure that all Memoranda of Understanding are current and support the Commission's Implementation Plan

Judge Hutchison - this needs to be in the narrative.

Recommendation #16 - Support the termination of the identification of non-IEP students as disabled by the out-of-state facility and require the WV LEA to conduct that evaluation.

Recommendation #17 - Require out-of-state placements be made only to providers meeting West Virginia standards of licensure, certifications and rules of operation.

Carl - we are now saying Judges you can't put them out there unless they meet our education requirements.

Sue - need to make sure they are accredited.

Secretary Walker - If they meet our education requirements, it would help judges sending kids to the facilities.

Lynn Boyer - Recommendations 16 and 17 become part of Recommendation #15.

Frank - There needs to be monitoring of those programs.

Sue - we would determine what standards we are using - rather they meet them or not.

Carl - Special education does do monitoring where children have been placed. We could take Recommendation #20 and have it as a sub-section of #1.

Judge Hutchison - We need to expand Recommendation #20 to say "you have to meet West Virginia standards."

Judge Hutchison - Expanding Recommendations #16, 17 and 20 to come up with method of monitoring and certifying.

Gary Johnson - Commission also made a recommendation that Legislature not interfere with judges making placements in doing what is in the best interest of the child.

Secretary Walker - Reality is that all kids will not be able to stay in West Virginia. Work with facilities to make it easier to keep kids in state.

Carl - So we will put Recommendations #16, 17, and 20 together.

Recommendation #19 - Develop a statewide "locality rule" that clearly defines what constitutes "out-of-state" placements compared to best placement (proximity) for the child.

Recommendation #21 - Establish a high-level, decision-makers, accountable, on-going duly appointed cross-agency group to track and monitor the Commission's Implementation Plan and be a ready group to address emerging issues and continue to provide process improvement for the system and ensure open communication among the stakeholders.

Commission has agreed to stay in tack as that body.

The group went over the handout - Task Statement: Developing Specific Recommendations

Judge Spaulding - He would like to see some consistency with how we are treating children.

Gary Johnson - We need adequate foster care - people don't want to do it.

Lynn Boyer talked about the Policy Academy - reduce out-of-state placements by 10% yearly.

Judge Alsop - Personally opposes putting numbers on this. Maximize use of regional facilities for placement of children - minimize disruption of child as much as possible.

Secretary Walker - You are right. It is not about numbers - system that benefits child. We are going about this the right way - we need to address the needs of the children.

Carl Hadsell - I plan to get these minutes out in draft form within the next couple of weeks.

Secretary Walker wanted to thank everyone for their time and participation in today's meeting. Everyone will be notified as to when the next meeting will be.

Meeting adjourned.

