

**STATE EXECUTIVE COUNCIL (SEC)
FOR CHILDREN'S SERVICES
1604 Santa Rosa Road
Richmond/Henrico Rooms
Richmond, VA
Thursday, December 14, 2023**

SEC Members Present:

Leah Mills, Deputy Secretary of Health and Human Resources for The Honorable John Littel,
Secretary of Health and Human Resources (*SEC Chair*)
Carl Ayers for Danny Avula, M.D., Commissioner, Virginia Department of Social Services
The Honorable Carrie Coyner, Member, Virginia House of Delegates
The Honorable Christopher Faraldi, Member, Lynchburg City Council (*virtually*)
The Honorable Willie Greene, Mayor, City of Galax
Kathryn Hayfield, Commissioner, Department for Aging and Rehabilitative Services
Bob Hicks for Karen Shelton, MD, Commissioner, Virginia Department of Health
Samantha Hollins, Ph.D. for Lisa Coons, Superintendent of Public Instruction, Virginia Department of
Education
Michelle Johnson, County Administrator, Charles City County
Sandra Karison for Karl Hade, Executive Secretary of the Supreme Court of Virginia
The Honorable Chad Logan, Judge, 26th Judicial District, Juvenile and Domestic Relations
District Court
Jeff Lunardi for Cheryl Roberts, Director, Department of Medical Assistance Services
The Honorable T. Montgomery "Monty" Mason, Member, Senate of Virginia
Andrea McMahon for Amy Floriano, Director, Department of Juvenile Justice
The Honorable Dalia Palchik, Member, Fairfax County Board of Supervisors
Anahita Renner, Parent Representative
Melvin Roy, Founder and CEO of Foster-U, Service Recipient Representative
Nelson Smith, Commissioner, Virginia Department of Behavioral Health and Developmental Services
Rebecca Vinroot, Chair, State and Local Advisory Team (SLAT)

Other Staff Present:

Stephanie Bacote, Program Audit Manager, OCS
Mary Bell, Program Consultant, OCS
Marsha Mucha, Administrative Staff Assistant, OCS
Scott Reiner, Executive Director, OCS
Kristi Schabo, Senior Policy and Planning Specialist, OCS
Susan Whyte, Assistant Attorney General

Members Absent:

The Honorable Margaret Angela Franklin, Prince William County Board of Supervisors
Natalie Handy, VP of Government Affairs & Advocacy, Health Connect America, Private
Provider Representative
Nancy Robbins, Parent Representative
Ron Spears, CEO, Elk Hill, Private Provider Representative

Call to Order/Opening Remarks and Member Introductions

Leah Mills, Deputy Secretary of Health and Human Resources, called the meeting to order at 9:40 a.m. She welcomed everyone on behalf of Secretary Littel. Introductions were made. Mrs. Mills noted that later today, Governor Youngkin would unveil his youth mental health strategy. The announcement is on the first anniversary of the Right Help, Right Now Initiative. Several SEC members will need to leave the meeting early to attend the event and she asked that action items on today's agenda be considered first.

On a motion by Nelson Smith, seconded by Dalia Palchik, the SEC approved a request by Councilman Faraldi pursuant to §2.2.-3708.2 and SEC Policy 2.1.3 to participate virtually from his office due to a work commitment.

Upon Mr. Roy's arrival, he was welcomed and introduced as the newest member of the SEC.

Public Comment

The following individuals made public comments:

- Mary Ottinot, parent and member of the Virginia Behavioral Health Advisory Committee.
- Bill Elwood, Executive Director of the Virginia Coalition of Private Provider Associations (VCOPPA).

Brittany Whitworth (*virtually*), a parent.

Approval of Minutes

The September 14, 2023 meeting minutes were approved on a motion by Michelle Johnson, seconded by Jeff Lunardi, and carried. (Dalia Palchik abstained.)

Request for Waiver Related to SEC Policy 4.5.2 (Pool Fund Reimbursement)

Representatives from Fairfax County came before the SEC to request a waiver of a 2023 pool fund reimbursement (state share) of \$2.2 million for their June 2023 CSA expenditures. Fairfax County indicated that the expenditures were not submitted by the September 30, 2023, year-end filing deadline, due to extenuating circumstances.

Under oath, Mr. Reiner provided details on policies and procedures governing the year-end process for submission of reimbursements by localities. September 30 is the last day to submit reimbursements for the previous fiscal year. In this case, for the fiscal year ending June 30, 2023.

Under oath, representatives from Fairfax reported that the filing was missed because of a computer system outage that did not allow Fairfax to follow the checks and balances they had in place and would normally follow in assuring that their expenditures had been appropriately submitted to CSA.

During the discussion, Mr. Reiner explained that a technology fix has been implemented by CSA that would prevent a locality from submitting for reimbursement in the current month if the previous month has not been submitted.

A motion was made by Jeff Lunardi and seconded by Nelson Smith to approve the waiver request from Fairfax. SEC members further discussed revising SEC policy 3.4, Dispute Resolution Process, to update the appeal process.

The Statement of Facts as presented:

- Fairfax did not submit their June 30, 2023 request for pool fund reimbursement by September 30, 2023.
- Fairfax submitted a request for a waiver for the June 30, 2023 pool fund reimbursement.
- The SEC granted the waiver today.

On a motion by Carl Ayers, seconded by Senator Mason, the SEC accepted these Statement of Facts as presented.

The following SEC members abstained on all votes on this matter: Sandra Karison, Supervisor Palchik, and Anahita Renner.

Appeal Under SEC Policy 3.4 (Dispute Resolution)

The following appeals were made:

- **Essex County** was notified by an external audit that their May 2023 CSA pool fund reimbursement in the amount of \$155,759.84 had not been submitted before the September 30, 2023 deadline for the FY ended June 30, 2023.

Under oath, Mr. Reiner reported that Essex County had not offered or made him aware of any mitigating circumstances as to why the filing had not occurred.

Under oath, representatives from Essex County reported that in October 2023, when the county became aware of the issue, Mr. Reiner was contacted by the CPMT, Chair, Candace Mickelborough. The county followed the same procedure as always and had no idea that the May 2023 pool fund reimbursement was missing until contacted by county auditors. SEC members were assured that steps were being put in place by the Essex Director of Finance and County Administrator to prevent this from happening again.

The Statement of Facts as presented:

- Essex County followed the same procedures/process as always.
- Essex County CSA Fiscal Agent did not receive an email for final approval of the submission.

On a motion by Senator Mason, seconded by Supervisor Palchik, the SEC granted the appeal by Essex County to allow the filing of their May 2023 pool fund reimbursement request. Delegate Coyner voted no and Sandra Karison abstained.

- **Dinwiddie County** identified an oversight in submitting pool fund reimbursement requests for January 2023 and July 2023 (for fiscal year ending June 30, 2023) in the amounts of \$123,502.04

and 241,074.30, respectively. These reimbursement requests were not filed by the September 30, 2023 deadline and were identified by Dinwiddie after FY 2023 closed.

Under oath, Mr. Reiner reported that no requests from Dinwiddie County for mitigating circumstances had been provided.

Under oath, representatives on behalf of Dinwiddie County noted medical issues for the employee responsible for filing the pool fund reimbursement requests. Other mitigating circumstances were log-in issues and a local computer system conversion.

Closed Meeting

To discuss the employee's health records and receive legal counsel, the SEC voted to go into a closed meeting to receive legal advice, as permitted by Section 2.2-3711, subsection (A), paragraph 8 of the Code of Virginia.

The motion to convene in a closed meeting was made by Carl Ayers, seconded by Supervisor Palchik and carried.

Reconvene in Open Session

The SEC members reconvened in open session and certified that (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting.

The Statement of Facts as presented:

- The Dinwiddie County employee responsible for the pool fund reimbursement submissions had several health issues that were mitigating circumstances and outside the control of the Dinwiddie CPMT.
- Dinwiddie was undergoing a computer system conversion during this timeframe.

On a motion by Senator Mason, seconded by Rebecca Vinroot, the SEC granted the appeal of Dinwiddie County to allow the filing of their January 2023 and July 2023 pool fund reimbursement requests in the amounts \$123,502.04 and 241,074.30, respectively. Delegate Coyner voted no and Sandra Karison abstained.

Biennial Report on the CSA and 2024-2025 SEC Strategic Plan

Mr. Reiner reported that members received a copy of the revised draft of the Biennial Report and Strategic Plan for their final review with the meeting materials. If adopted today as presented, the Biennial Report and Strategic Plan will be submitted to the General Assembly as required.

On a motion by Delegate Coyner, seconded by Kathryn Hayfield, the SEC adopted the Biennial Report and Strategic Plan as presented.

SEC Policy Manual

Mr. Reiner reported that at the September 14, 2023 meeting, three draft revised SEC policies were presented and approved for a 45-day public comment period. One comment was received on Policy 2.4, Public Participation in Policy-Making Actions. Members received a copy of that comment with their meeting materials.

Mr. Reiner presented a draft of revised SEC policies: Policy 2.4 (Public Participation in Policy-Making Actions) and Policy 3.4 (Dispute Resolution Process) for the SEC's consideration. The next step is to disseminate the revised draft policies for a 60-day public comment period. On a motion by Delegate Coyner, seconded by Nelson Smith, the dissemination of draft Policy 2.4 and 3.4 was approved for a 60-day public comment period.

Mr. Reiner further reported that the third draft revised SEC policy 4.2 (Payment for Services and Change of Legal Residence) had been revised since the draft was presented at the SEC's September 14, 2023 meeting. Section 4.2.6, Change of Legal Residence – Private Special Education Placements, has been added and reviewed by the Attorney General's Office.

On a motion by Carl Ayers, seconded by Senator Mason, the dissemination of draft revised SEC policy, 4.2, Payment for Services and Change of Legal Residence, was approved for a 60-day public comment period

SEC Bylaws

Mr. Reiner presented the proposed revised SEC bylaws, noting that members received a copy with their meeting materials. On a motion by Kathryn Hayfield, seconded by Delegate Coyner, the revised SEC bylaws were approved.

OCS Executive Director's Report

In consideration of time constraints, Mr. Reiner noted that members had received several documents for their review with their meeting materials: a summary of FY 2023 CSA data, copies of five reports to the General Assembly, and an Evidence-Based Programs Bench Card (a suggestion of Judge Logan).

Mr. Reiner also reported that a workgroup will be convened to review parental agreement guidelines. He asked members to let him know if they would like to serve on the workgroup.

State and Local Advisory Team (SLAT) Report

Rebecca Vinroot, SLAT Chair, provided the update. She noted that today would be her last meeting and that Mills Jones, CSA Coordinator, Goochland County, the SLAT Vice-Chair, would serve as SLAT Chair in the interim.

- SLAT last met on November 2, 2023 and approved their revised bylaws.
- SLAT also discussed the Universal Referral Form, one of the products developed by the Safe and Sound Task Force and is a universal referral form to be used for congregate placement requests as a “first glance.”

In closing her report, Mrs. Vinroot thanked the SEC for elevating the voice of SLAT. Mrs. Mills thanked Mrs. Vinroot for her service on SLAT and the members wished her well.

Closing Remarks and Adjournment

Mrs. Mills thanked Senator Mason for his work and commitment to the SEC and to the Commonwealth. The members thanked him and wished him well. There being no further business, the meeting adjourned at 1:30 p.m. on a motion by Sam Hollins, seconded by Melvin Roy and carried.

The next meeting is scheduled for March 14, 2024.