

**COORDINATING COMMITTEE FOR
INTERDEPARTMENTAL REGULATION OF
CHILDREN'S RESIDENTIAL FACILITIES
October 29, 2003**

Members Present:

Maurice Jones, DSS
Charles Finley, DOE
Ken Bailey for Jerrauld Jones, DJJ
Julie Stanley, DMHMRSAS

Staff Present

Charlene Vincent, Coordinator
Debra Powers, Administrative Staff Assistant

Visitors:

Gloria Dalton, DOE
Richard Martin, DSS
Ralph Sroufe, DMHMRSAS

Call to Order:

The meeting was called to order by Commissioner Jones. Introductions were made.

Public Comment

No comments were made during the public comment period.

Overview

Charlene Vincent gave an overview of the Interdepartmental Regulation program.

Inquiries/Applications - The number of inquiries from individuals wanting to open a children's residential facility received by the Office of Interdepartmental Regulation (OIR) per month, has remained consistent. August – 57, September – 49, to date in October – 41. Since August 2002 OIR has received 101 program descriptions. Currently, 27 applications for licensure are logged into CRF (Children's Residential Facility information system). The Department of Mental Health, Mental Retardation and Substance Abuse Services, DMHMRSAS, is working on additional applications that have not been logged into CRF. These statistics represent many hours of work. A little over half of the program descriptions need to be returned for more information or clarifications. Incomplete applications are received. Letters must be written asking for the missing information. Approximately 9 facilities have closed in the last 6 months.

Training – The Office of Interdepartmental Regulation will be holding Regulation Training on November 5 and 6. CPS Out of Family Investigation Training will be held on November 7. The CPS training will be held in Richmond and in Abingdon via video conferencing. All Richmond sessions are filled.

Standards Revision

NOIRA (Notice of Intended Regulatory Action) - The NOIRA was approved at the DSS Board meeting held on October 22, 2003. DOE's Board removed the NOIRA from their October 22 meeting agenda. A board member had made a request to have it removed until their November 19th meeting when he could attend. DMHMRSAS's board is meeting today. DJJ's board will be meeting on November 12.

Advisory Committee – The Advisory Committee approved the draft of the revision to go forward to the Coordinating Committee. In total, the committee said that the revision was a positive step forward to protect children. There was some discussion about how the requirements regarding the qualifications of staff and staff ratios would be interpreted, but most providers indicated they were already meeting the proposed requirements. A few adjustments were suggested in wording and some time frames were amended for training. The detention home representative asked that secure custody be excluded from the video and audio taping prohibition.

Ms. Vincent stated that it appeared that one provider group was confused about the promulgation procedure and thought during the NOIRA process the revision was being approved. It is hoped that this confusion has been clarified and that the group now understands the difference between the NOIRA process and the PROPOSED process. Public comment regarding the proposed draft will be welcomed during the proposed stage of the promulgation process.

Regulatory Overview – Richard Martin, the DSS and the OIR regulatory coordinator, gave an overview of the regulatory process. He reviewed the three phases of the regulatory process – NOIRA, proposed, and final adoption. Because the Interdepartmental Regulation program must receive the approval of 4 boards, a draft proposal needed to be developed early in the process in order to meet time frames once the NOIRA has been published. Mr. Martin gave a tentative time frame for the NOIRA. If the last Board approves the NOIRA on November 19, the NOIRA can be filed on November 20. It would be published in December and the public comment period would end in the middle of January. The proposed revision needs to be filed 180 days after the end of this public comment period. This means that the Attorney General's Office must have signed off on the draft; all four boards must have approved the draft; the Secretary of Health and Human Services must confer with the Secretaries of Education and Public Safety and approve the draft; and the Governor's office must approve the draft.

During the proposed stage there will be a 60 day public comment period and a public hearing. In the past, the Coordinating Committee and a board member from each of the agencies' boards, as well as the Liaison Committee, attended the public hearing to hear comments.

At the end of this public comment period a response to the public comment must be prepared. The proposed revision, with the changes made as a result of public comment, must go through the entire approval process again.

In order to comply with the Administrative Process Act, during the public comment period for the NOIRA, only public comment addressing the NOIRA will be accepted. Public comment addressing the draft revision must be resubmitted during the public comment period at the proposed stage.

Ms. Vincent reviewed the changes to the proposed draft that had been made since the Coordinating Committee last met. The Committee had some questions about health inspections at campsite programs. If the health department is not going to inspect the campsites the committee may consider keeping some of the standards that were deleted in this section.

The Coordinating Committee will review the campsite health inspection topic and any public comment received during the NOIRA process at their next meeting. This meeting date will be determined when the time frames for the NOIRA are known.

Other

Commissioner Jones answered questions regarding DSS's move to 7 North Eighth Street. The move is to be completed by December 20, 2003.

Adjournment

The meeting was adjourned by Commissioner Jones.