

DFPS Rider 24 Report for Utilization of Appropriate Levels of Care in Foster Care December 2019

As required in Rider 24, Article II of The General Appropriations Act, 86th Texas Legislature, the Texas Department of Family and Protective Services (DFPS) shall, on December 1, 2019, submit a plan to ensure foster children are placed in the most appropriate level of care. “The plan shall address steps the department will take to avoid increased costs of foster care from children moving to more expensive levels when they become available or from higher than anticipated utilization of new levels including intense plus and treatment foster family rates. Additionally, the plan shall address reducing utilization of child-specific contracts when additional options for placement become available.”

Service Level Background

The purpose of the service level system is to ensure that children receive services in accordance with their level of need. There are five service levels in the Texas foster care system: basic, moderate, specialized, intense, and intense plus and two rates for specific programs: Treatment Foster Family Care and Intensive Psychiatric Transition Program.

DFPS contracts with a third-party, Youth for Tomorrow (YFT), to determine the authorized service level for children in Child Protective Services (CPS) custody who appear to have moderate or higher service needs. YFT authorizes the initial service level for children in foster care and re-authorizes service levels on a scheduled and non-scheduled basis. YFT authorizes moderate services for 12 months and specialized, intense, or intense plus services for three months. The DFPS Centralized Placement Unit (CPU) and the Residential Treatment Placement Coordinators (RTPC) seek appropriate placements based on the service level determined for a child.

YFT uses the service level definitions (basic, moderate, specialized, intense and intense plus) to determine a child's service needs. Clinically trained professionals from YFT use these definitions to synthesize their knowledge about a child's psychological and social functioning, any specialized medical needs the child may have, and then make a service authorization (basic, moderate, specialized, intense or intense plus) determination. The service authorization is determined in the context of a broad review of the clinical information submitted by the CPS caseworker about the child's social and medical history, symptomatology, behaviors at home or in alternate placements, behaviors in school, and interpersonal relationships with children and adults. In addition, providers may supply a current treatment plan, individual, group and/or family therapy records, daily charting, medical reports and charting, school reports, recreation charting, and incident reports to provide a well-rounded view of the child's behaviors, strengths, and areas of need. The service level determination process also considers the child's developmental and chronological age in relation to various risk behaviors.

While Treatment Foster Family Care and Intensive Psychiatric Transition Program are programs for which CPS determines eligibility, they are time limited programs with a review by YFT built into the process.

Service Levels of Care for Children and Youth in Foster Care

Service Level Rate Increase:

Effective fiscal year 2020, the Texas Legislature increased some service level reimbursement rates. Below is a chart with current and prior service level rates, as well as the amount and percent increase between the rates.

Rate Structure	FY 19 Rates	FY20 Rates	Amount of Increase
Basic CPA	\$48.47	\$49.54	\$1.07
Basic Foster Family	\$27.07	\$27.07	\$0.00
Basic Facility	\$45.19	\$45.19	\$0.00
Moderate CPA	\$85.46	\$87.36	\$1.90
Moderate Foster Family	\$47.37	\$47.37	\$0.00
Moderate Facility	\$103.03	\$108.18	\$5.15
Specialized CPA	\$109.08	\$110.10	\$1.02
Specialized Foster Family	\$57.86	\$57.86	\$0.00
Specialized Facility	\$197.69	\$197.69	\$0.00
Intense CPA	\$186.42	\$186.42	\$0.00
Intense Foster Family	\$92.43	\$92.43	\$0.00
Intense Facility	\$277.37	\$277.37	\$0.00
Intense Plus GRO-RTC	\$400.72	\$400.72	\$0.00
Emergency Care Services GRO-ECS	\$129.53	\$137.30	\$7.77
Intensive Psychiatric Transition Program (IPTP)	\$374.33	\$374.33	\$0.00
Treatment Foster Family Care	\$277.37	\$277.37	\$0.00

In fiscal year 2018, DFPS was appropriated funding for intense plus services. The intense plus rate of reimbursement is \$400.72 per day. Intense Plus services are designed to address chronically serious to severe emotional and/or behavioral management problems that interfere with the child's ability to function in a family, school, or community setting outside of a therapeutic environment. General Residential Operations offering Multiple Services and Residential Treatment Centers (GRO/RTCs) are the

only types of facilities that may provide intense plus services. Providers who wish to provide intense plus services must apply to YFT to be authorized to serve this population. As of November 7, 2019, two GRO-RTCs have been contracted to provide Intense Plus services and a third GRO-RTC was authorized to provide Intense Plus services with a focus on human trafficking; that contract should be in place by end of the calendar year.

DFPS maintains regular outreach and communication to the residential providers about Intense Plus services. In June 2019, DFPS again revised the Intense Plus program requirements based on provider feedback with the hope of increasing the number of providers offering the service. Since the initial implementation of Intense Plus services 22 providers demonstrated interest in providing the service. Of those 22 providers, 3 were approved for the service, 15 opted not to implement the service, 2 are pending the submission of their policies and procedures to YFT, and 2 remain interested but have not submitted their policies and procedures for review.

Additionally, in fiscal year 2018, the Department was appropriated funding for Treatment Foster Family Care services with a reimbursement rate of \$277.37 per day. Treatment Foster Family Care Services (TFFC) is a time-limited service by which providers are held accountable for reducing the child's acuity needs and facilitating placements into a less restrictive, more family-like setting. DFPS awarded three contracts for services across the state for Treatment Foster Family Care Services effective September 1, 2018. Each contractor has a capacity growth plan with targeted milestones for both the number of foster family homes certified to offer the service and the number of children served under each contract. The three contractors report that training and preparing foster families takes longer than anticipated and that the model works best with one rather than two children in the home receiving the service, thus the programs did not grow as quickly as initially anticipated. As of November 7, 2019, there are 64 children currently receiving Treatment Family Foster Care services. To date, 93 children in total received services through the TFFC program.

Plan to Ensure Utilization of Appropriate Levels of Care for Children and Youth in Foster Care

DFPS has developed a multifaceted plan to ensure children and youth receive services in the most appropriate service level while in conservatorship.

- DFPS will continue to evaluate the procedures for requesting service level reviews, the timeframes for scheduled reviews, and the coverage periods, and will make modifications to the contract as necessary.
- CPS will continue working with child care providers to develop needed capacity for children in foster care based upon the annual Texas Foster Care Needs Assessment.
- CPS will continue its collaboration with the Health and Human Services Commission to refer children to the YES waiver, an intensive wraparound model that provides in-home supports and services to children with high needs, thus creating opportunities for children to reside in foster homes or with kinship families.

- DFPS will continue to prioritize kinship placements. Kinship payments authorized by the 85th Legislature provide meaningful support to families who may otherwise not have been able to consider caring for a relative child.
- CPS placement staff will continue providing technical assistance to caseworkers and stakeholders when there are requests to extend a placement beyond the authorized service level period, particularly when the request is to maintain a child in a residential treatment center.
- CPS will continue to develop best practices for transitioning youth from placement when a least restrictive option is more appropriate.

Improved Service Array

To mitigate placement disruptions and improve outcomes for children with high needs, the 85th Legislature in fiscal year 2018 expanded the foster care service array to include two additional services, Treatment Foster Family Care and Intense Plus services. Successful implementation of these services are expected to reduce the cost of foster care over time. The objective of Treatment Foster Care is to provide high-intensity, community-based services to younger children in care, in an effort to avoid longer-term more costly care and reduce the overall time to permanency for this population.

Intense Plus services are similar to some of the services the state is currently purchasing using individual child agreements known as child specific contracts. The development of these contracts are extremely resource intense and result in a per diem rate that is negotiated between the state and the vendor. Generally, rates paid under a child specific contract are not eligible for federal financial participation and must be paid using only general revenue dollars. The incorporation of Intense Plus services and rate not only allows for a more efficient manner of contracting but permits the state to draw down federal funds for services it is already purchasing.

As demonstrated in the last quarterly Rider 24 (formerly Rider 37) report submitted in September 2019, there have been no major changes in the distribution of levels of care since the implementation of the new levels of Treatment Foster Family Care Services and Intense Plus. The programs are still relatively new and residential providers continue developing resources and programming to support implementation. As the capacity in Treatment Foster Family Care program continues to grow and additional providers add Intense Plus Services to the array, DFPS should realize the impact of the increased services.

Reduction of Utilization of Child Specific Contracts

DFPS enters into a child specific contract when a standard contracted provider cannot be located and/or cannot meet the unique needs of the child or youth. DFPS pursues child specific contracts with non-contracted placements for several reasons. Some examples include: to place a child or youth with extremely high needs into a specialized program for which DFPS does not contract; to place a child or youth with extremely high needs when there is a capacity shortage in contracted placements; to place a child or youth into a specific placement when a court orders it; to expedite placement into a Home and

Community Services (HCS) Waiver program prior to the child receiving his or her HCS waiver for services; or to place a child out of state to support the child's permanency plan.

When entering into a child specific contract, DFPS always begins the rate negotiation process by offering the provider the appropriate FY20 rate from the standard rate table based on the child's current service level and/or unique needs. Additionally, DFPS encourages all non-contracted providers to enter into a standard contract with the agency and directs them to the Electronic State Business Daily or eGrants websites to view the residential child care procurement.

DFPS has developed several strategies to reduce the number of children and youth in child specific contracts.

- **Oversight of the child's progress at the placement.** Anytime a child or youth is placed in a residential child care operation through a child specific contract, CPS placement staff facilitate quarterly meetings with the region to develop a plan to transition the child or youth into a standard contracted placement, a kinship home, or back to the child's home.
- **Ongoing recruitment for capacity for placements for children and youth with high needs.** This recruitment includes outreach to providers currently under child specific contracts to determine if there is an interest in entering a standard contract. The placement staff works closely with the CPS capacity building program specialist to identify potential resources for recruitment.
- **Ongoing implementation of the intense plus rate.** This includes targeted outreach to current providers who specialize in serving high needs children through the standard residential contract or through the Intensive Psychiatric Treatment Program contract to encourage Intense Plus service delivery.
- **Ongoing implementation of Treatment Foster Family Care.** This service is available to children who are at risk of, or have experienced, a residential treatment center placement or psychiatric hospitalization with the goal of serving the youth in a foster home with a full time professional foster parent. It is a time-limited service with the goal of stabilizing the child's behaviors and transitioning the child to a more permanent, family-like setting.
- **Texas Foster Care Needs Assessment.** In 2018, each region developed a strategic plan with provider stakeholders to determine how they would develop capacity targeting the region's biggest identified need. Each region has worked with provider stakeholders again this year to update and develop strategic plans for this year. DFPS State Office received and reviewed each region's strategic plan in November 2019. In addition, regions continue to hold regular provider meetings around capacity building.
- **DFPS Behavioral Health Services Division.** In December 2018, DFPS formed the Behavioral Health Services Division. This division includes a CPS Mental Health Program Specialist whose role includes assisting staff in obtaining YES waivers for children and youth in foster care as well as attending placement and field meetings for children and youth with complex mental health needs. The YES waiver program helps children and youth with serious mental, emotional, and behavioral difficulties by providing intensive services within a strengths based team planning

process called wraparound. The program aims to reduce the amount of time children are out of their home and community because of a mental health need in addition to expand available mental health services and supports and improve the lives of children and youth. According to HHSC as of November 8, 2019, there are 87 children and youth in foster care being served around the state by the YES waiver program.

- **Psychiatric Hospital Workers (PHW).** Since November 2018, DFPS formed a team of psychiatric hospital workers within the CPS Master Conservatorship Program to assist with the coordination and communication around services and placement needs for children who admitted to psychiatric hospitals. These positions play a vital role in ensuring that caseworkers have current information regarding a child's needs, which is used to determine what type of placement is needed after the child's discharge from the hospital.