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## **POLICY MANUAL**

### **State Board of Behavioral Health and Developmental Services Department of Behavioral Health and Developmental Services**

## **POLICY 4018 (CSB) 86-9 Community Services Performance Contracts**

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**Authority** Board Minutes Date: October 22, 1986  
Effective Date: November 19, 1986  
Approved by Board Chairman: s/James C. Windsor

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**References** Report of the Commission on Mental Health and Mental Retardation, 1980  
Final Report on Core Services and Formula Funding, 1983  
§ 37.2-508 and § 37.2-608 of the Code of Virginia  
Current Core Services Taxonomy  
Current Community Services Performance Contract  
STATE BOARD POLICY 1030 (SYS) 90-3 Consistent Collection and Use of  
Data About Individuals and Services

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**Background** The Commission on Mental Health and Mental Retardation identified a need for increased accountability in the community services board system. In its Final Report on Core Services and Formula Funding, the Department proposed developing a performance contracting system to address this need. This system would be based on contractual arrangements between the Department and individual community services boards or the behavioral health authority, hereafter referred to as CSBs, within the core services framework. The General Assembly accepted this report in 1984.

The Department developed the first community services performance contract in 1983 with extensive participation from CSBs and piloted the implementation of performance contracts with some CSBs in 1985. The Department and the Virginia Association of Community Services Boards revised the first core services taxonomy and the first performance contract in 1988. These documents continue to evolve in response to the changing needs of individuals receiving services and the new priorities and directions of the services system.

An original purpose of this policy was the elimination of the program application then submitted by CSBs. This application was a detailed line item budget that focused on revenues and expenditures rather than on services and individuals receiving services. The 1990 review of this policy revealed that 26 CSBs had

eliminated dual submission of an application and a performance contract. By 1992, the Department no longer used the program application, greatly reducing paperwork for CSBs. The shift from a budget-focused program application to a performance contract focused on services and individuals receiving services was the first of three major developments in the evolution of increased CSB accountability.

The House Joint Resolution 240/225 Joint Subcommittee, chaired by Senator Joseph V. Gartlan, Jr. and Delegate Franklin P. Hall, studied the services system in the mid-1990s and rewrote most of Chapter 10 in Title 37.1 of the Code of Virginia, the CSB statute, in House Bill (HB) 428 (1998). This bill reflected the first comprehensive review and major revision of Chapter 10 since the original legislation was enacted in 1968. HB 428 formally recognized the performance contract as the primary accountability and funding mechanism between the Department and CSBs. The bill identified three types of CSBs, which clarified relationships and accountability between CSBs and their local governments. The bill also identified CSBs as the single points of entry into publicly funded mental health, developmental, and substance use disorder services. HB 428 was the second major development in the evolution of increased CSB accountability to the Department and to the local governments that established CSBs. In its 2005 session, the General Assembly recodified Title 37.1 and, in § 37.2-508 and § 37.2-608, continued its recognition of the performance contract as the primary accountability and funding mechanism between the Department and CSBs. In 2012 these code sections were amended by HB 552 and HB 1295. HB 552 was an omnibus bill that replaced terminology used to reference people with developmental disabilities throughout the Code of Virginia. HB 1295 modified requirements for contract renewal across multiple areas of the code from annual to at least annually.

The Joint Legislative Audit and Review Commission published a report in 2022 on CSB Behavioral Health Services, and the Behavioral Health Commission published a report in 2023 on STEP-VA Implementation and Performance Monitoring. Both reports included recommendations for modifying performance contract requirements. The General Assembly amended code requirements for performance contracts in § 37.2-508 and § 37.2-608 in the 2023 legislative session enhancing requirements for state oversight of services and contract enforcement. The General Assembly also established additional agency reporting requirements on performance contracts in the 2024-2026 biennial budget. These changes allow the Department to have consistent monitoring of CSB performance and enforcement of performance contract requirements.

The performance contract consists of three documents. The performance contract itself contains a standard contract body and numerous exhibits, including specific information about services provided and individuals receiving services through the contract and various continuous quality improvement performance expectations and measures. The Central Office, State Facility, and Community

Services Board Partnership Agreement, recognized and supported in STATE BOARD POLICY 1034 (SYS) 05-1, reflects the fundamental, positive evolution in the relationship between CSBs and the Department to a more collegial partnership. The CSB Administrative Requirements document contains externally imposed requirements and some long term, relatively unchanging Department requirements that CSBs and the Department must meet. The last two documents are incorporated into and made a part of the performance contract itself by reference.

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**Purpose**

Recognize the community services performance contract as the primary accountability mechanism between the Department and individual CSBs.

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**Policy**

It is the policy of the Board that the Department and each CSB shall enter into a community services performance contract for the purpose of funding services provided directly or contractually by the CSB in a manner that

- ensures accountability to the Department;
- assures quality of care for individuals receiving services;
- promotes a fully collaborative partnership process through which CSBs, the Department's central office, and state facilities make decisions and resolve problems at the level closest to the issue or situation whenever possible; and
- implements the vision, articulated in STATE BOARD POLICY 1036 (SYS) 05-3, of a system of quality recovery-oriented services and supports that respects the rights and values of individuals with mental illnesses, intellectual disability, other developmental disabilities who are eligible for or are receiving Medicaid developmental disability waiver services, or substance use disorders. The system is driven by individuals receiving services and promotes self-determination, empowerment, recovery, resilience, health and overall wellness, and the highest possible level of participation by individuals receiving services in all aspects of community life, including work, school, family, and other meaningful relationships.

It also is the policy of the Board that the performance contract shall be the primary accountability and funding mechanism for a CSB with the Department. The contract shall define the CSB's responsibilities and identify the core services the CSB will provide and their costs by the categories and subcategories of core services, defined in the current services taxonomy, for each program area (mental health, developmental, and substance use disorder services). The contract also shall include all of the funds that the CSB expects to receive for services.

Further, it is the policy of the Board that a CSB shall provide periodic reports to the Department on the accomplishment of its contract objectives, responsibilities, and requirements using the data mechanisms developed collaboratively by the Department and CSBs, as specified in the performance contract.

It also is the policy of the Board that the performance contract shall be the primary accountability and funding mechanism for the Department with a CSB. The contract shall define the Department's responsibilities and specify the amounts of funds the Department will provide to support the services shown in the performance contract.

Further, it is the policy of the Board that the Department shall monitor a CSB's accomplishment of its contract objectives, responsibilities, and requirements through periodic reports submitted by the CSB using the data reporting mechanisms developed collaboratively by the Department and CSBs, as specified in the performance contract.

Finally, it is the policy of the Board that the Department shall provide feedback to the CSB and its board of directors about the CSB's accomplishment of its contract objectives, responsibilities, and requirements.