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| LOCAL COMMISSIONERS MEMORANDUM |
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Transmittal No: 92 LCM-33

Date: February 20, 1992

Division: Family & Children
Services

TO: Local District Commissioners

SUBJECT: Purchase of Preventive Services from Public Agencies

ATTACHMENTS: Attachment A, 1991-1993 CSP Plan Amendment for Purchase of Preventive Services from Public Agencies, is available on-line

The purpose of this memorandum is to transmit simplified procedures for obtaining Department approval for purchase of preventive services from a public agency as required under 18 NYCRR 423.2. These simplified procedures will help to reduce the administrative burden on local districts while still providing minimum information to monitor expenditure of preventive services funding in the public sector. This memorandum supersedes my January 22, 1985 letter to Commissioners which outlined extensive criteria for obtaining such approval. These simplified procedures will also be included in an upcoming update to the Preventive Services Program Manual.

Within the current fiscal environment, local government agencies, including social services districts, are taking active steps to maintain service delivery levels. One of the strategies being explored is an increased reliance on other public agencies to provide preventive services. Interagency planning and cooperation in providing needed preventive services is encouraged. However, the social services district must ensure that preventive services funding is not utilized to refinance activities of other public agencies for which other funding is available.

Districts that wish to enter into a contractual agreement with a public agency to provide preventive services must now seek Department approval through the Consolidated Services Plan (CSP) process. Since most districts have submitted the 1992 Annual Implementation Report (AIR) to the CSP, a plan amendment will be sufficient to begin the approval process. A suggested format is attached to this memorandum. Guidelines for future AIR or CSP submissions will be revised to integrate the simplified procedures into the requirements for the Preventive Services for Children component.

A Plan Amendment must be submitted for any new public purchase contract. Any mid-cycle changes to the identified information for previously approved public purchase of preventive services must also be submitted for approval. Approved Plan Amendments will be in effect through the remainder of the current CSP cycle, 1991-1993. Any previously approved public purchase of preventive services will likewise be considered approved for the remainder of the three-year cycle as long as there are no substantive changes to the agreement.

As with any CSP amendments, districts must submit the required information, in either the pre-print format or narrative, to the NYS Commissioner of Social Services with a copy to the appropriate regional office. Pursuant to 18 NYCRR 407.10, if the contract represents a reduction in preventive services, a change in eligibility or in fees, the Plan Amendment must first be published for public comment and presented to the local advisory board for review. Approval of the Plan Amendment will constitute notification of the approval for public purchase of preventive services.

Districts are reminded that preventive services reimbursement can be claimed only for those services defined as preventive services in 18 NYCRR 423.2(b) and only on behalf of children and families who have been found eligible for preventive services, subject to the program category of mandated or non-mandated preventive services. Under the provisions of 18 NYCRR 423.5(j) local districts are also required to utilize, where appropriate, other services and funding sources, such as EAF and MA, prior to authorizing and claiming a service as a preventive service. A local district may not receive reimbursement under preventive services funding for any activities which the contract public agency is statutorily required to provide and for which the agency is eligible to receive reimbursement under other funding source(s). Any local district contract for the purchase of preventive services from a public agency must address these requirements.

The following describes the content of the attached Plan Amendment for public purchase of preventive services. Either this format or a narrative which includes the same information will constitute the necessary request for Department approval.

1. Enter the name of the social services district and the public agency with which the district is contracting. Indicate whether the requested approval is for a new contract or changes to an existing contract.
2. Indicate if the case planning function as defined in 18 NYCRR 423.2(b)(2) is the responsibility of the public agency. Identify what specific services or single service is provided by the public agency as a component of the district's preventive services program.
3. Indicate whether the preventive services are being provided as mandated or non-mandated services.
4. Identify the specific target population of the preventive service contract and estimated number of families to be served during the year.

5. Identify the planned duration of the contract.
6. Assurances: The signature of the Commissioner signifies that the district's provision of preventive services under this contract follows Department regulations and guidelines with special attention to the following issues which are outlined in the assurances portion of the plan amendment:
 1. The social services district must ensure that the preventive services funding stream is not utilized to refinance activities of other public agencies. Reimbursement under preventive services funding should be sought only after the local district has established that no other public funding source available to the public agency (e.g. OMH, DSAS, OMRDD) is available for the provision of services. Additionally, client eligibility and availability of services funded by other DSS administered programs, such as EAF and MA, must also be explored to maximize the use of federal funding sources.
 2. Local districts are reminded that contracts for the provision of preventive services, including those for the public purchase of such services, must comply with the purchase of services contract requirements in 18NYCRR Part 405 and 18NYCRR 423.4(f), including a clear description of what services are to be purchased and the cost basis for the purchase.
 3. The contract should clearly state whether the public agency will be responsible for the case planning activities. Local districts are reminded that the case management function may not be delegated and remains the responsibility of the social services district.

Page 3 of the suggested plan amendment collects additional information which is intended to facilitate Department review and approval; it has been included as a separate page to withhold such information from publication as part of the Consolidated Services Plan.

The multiple service needs of clients require the interaction of multiple service delivery systems. Combining resources and developing flexible local service delivery networks will help to ensure that the multiple service needs of preventive services clients can continue to be met. I am hopeful that these simplified procedures will help to strengthen your ability to promote interagency collaborations. If there are any questions concerning the information contained in this memorandum, or if additional information is needed to initiate a request for approval of public purchase of preventive services, please contact the appropriate regional office.

Joseph Semidei
Deputy Commissioner
Division of Family and
Children Services

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6. ASSURANCES:

1. Reimbursement for covered services is claimed under Preventive Services funding only after program and client eligibility for other federal and State funding for such services is considered and appropriately applied.
2. The contract for the purchase of preventive services from the public agency meets all contract requirements set forth in 18NYCRR Part 405 and 18NYCRR 423.4 (f).
3. In accordance with 18NYCRR 423.4 (f), if the public agency will be responsible for the case planning activities, the contract clearly designates that function as being the responsibility of the public agency. It also clearly states that the case management function, including the approval of eligibility, authorization of preventive services, and the review and approval of the case plans, including the Uniform Case Record, remains the responsibility of the social services district.

Signature of Commissioner

Dated _____

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ADDITIONAL INFORMATION:

1. Estimated Contract dollar amount: _____
2. Change is required to Appendix F of the Consolidated Services Plan and a copy is attached: _____(yes/no)
3. District Contact person: _____
Telephone Number: (____) _____