

**MODIFICATION TO AGREEMENT BETWEEN THE UNITED STATES
DEPARTMENT OF JUSTICE AND THE STATE OF WEST VIRGINIA**

The following is a modification to the May 14, 2019 Agreement and is executed pursuant to Paragraphs 56 and 66 of that Agreement.

1. All references to “West Virginia Department of Health and Human Resources (DHHR)” shall be replaced with “West Virginia Department of Human Services (DoHS).”
2. Paragraph 30 is rescinded and replaced with the following:

DoHS shall maintain and require compliance with policies and procedures regarding crisis services, including:

- a. Criteria for how the hotline staff will assist with immediate stabilizations;
- b. Requirements that Crisis Response Teams have access to needed information regarding the child and family when the family provides consent (including any existing crisis plans and the Individualized Service Plan).
- c. Guidelines for hotline staff to assess the crisis to determine whether it is appropriate to resolve the crisis through a phone intervention or a face-to-face intervention;
- d. A requirement that each region of the state has sufficient Crisis Response Team(s) to serve the entire region and to respond face-to-face to a call within an average time of one hour; and
- e. Data collection to assess and improve the quality of crisis response, including the timeliness of the crisis response and subsequent intake process, and effectiveness of engaging families in home and community based services following the crisis.

3. Paragraphs 41 and 42 are rescinded and replaced with the following:

DoHS shall create an annual strategic plan that describes its goals and actions to move toward compliance with this Agreement. The strategic plan will describe the action steps DoHS intends to make to improve access to the services in this Agreement to children who need them, and ensure children are not unnecessarily placed in Residential Mental Health Treatment Facilities. The state shall make its strategic plan publicly available.

4. Paragraph 43 is rescinded and replaced with the following:

DoHS’s Implementation Plan, as revised, created pursuant to Paragraph 41 of the May 14, 2019 Agreement remains enforceable as provisions of the Agreement.

5. Paragraphs 44-47 are rescinded and replaced with the following:

On a semi-annual basis, DoHS will produce an Agreement Review. The Agreement Review will assess the following paragraphs: 24, 26, 28, 29, 30 (as amended herein), 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 52, and 54. When a term defined in the May 14, 2019 Agreement appears in these paragraphs, DoHS shall analyze whether and how its efforts satisfy the definition of the term. For each requirement, DoHS will describe its efforts to satisfy the requirement.

After receiving DoHS's Agreement Review, DOJ will prepare a Compliance Assessment that rates each provision. DoHS will publish the Compliance Assessment on the DoHS website within 30 days of receipt by DoHS.

6. Paragraphs 48 and 49 are rescinded and replaced with the following:

DoHS shall continue the development of a Quality Assurance and Performance Improvement System that facilitates an assessment of service delivery that must provide notification of potential problems warranting further review and response and must enhance DoHS's ability to deploy resources effectively and efficiently. This system must include a data dashboard, which is a compilation of discrete data points that can be used for performance analysis. This system must measure the implementation of this Agreement and whether children are being unnecessarily institutionalized. This system must be used to develop and produce an annual quality and outcomes report, which must be published on DoHS's website. The annual quality and outcome report must summarize data; provide trend analysis; and identify strengths, opportunities, barriers, and action steps. It shall include:

- a. Analysis across child serving agencies of the quality of mental health services funded by the state, measured by improved positive outcomes, including: remaining with or returning to the family home; and decreased negative outcomes, including: failure of foster home placement, or institutionalization;
- b. Analysis of the implementation of the Agreement across and between all child-serving agencies, including the DoHS's Bureau for Social Services, the Bureau for Medical Services, and the Bureau for Behavioral Health, the Bureau of Juvenile Services of the Division of Corrections and Rehabilitation of the Department of Military Affairs and Public Safety, and the Department of Education, and any barriers to effective coordination between these agencies and the steps taken to remedy these barriers; and
- c. Analysis of data collected as part of the Quality Assurance and Performance Improvement system, to include but not be limited to data regarding the services under this Agreement and their utilization by the target population, fidelity of the Child and Family Teams to the National Wraparound Initiative model, screening and assessment processes and timelines, changes in the functional ability of the target population, and the use of Residential Mental Health Treatment Facilities.

- d. Analysis of DoHS's progress in developing its Quality Assurance and Performance Improvement system, with descriptions of data collection and data quality needs and any planned steps to improve the capacity of the system. This should include analysis of the requirements of Paragraphs 48, 49, and 50 (as amended herein) and Paragraph 51 and the efforts DoHS has taken to comply with each requirement.

7. Paragraph 50 is rescinded and replaced with the following:

At least annually, the State shall conduct quality sampling reviews of a random sample of children in the target population. The sample will include children in the community and those in Residential Mental Health Treatment Facilities, and will include a sufficient number of children to enable the State to draw conclusions about the implementation of this Agreement and the needs of children in the sample. Quality sampling reviews will include evaluation of the services the children in the sample have received through review of their case files and information gathered directly from the children in the sample, their families, and their providers. The review will be used to gauge strengths and needs. The State shall use data from the quality sampling reviews and target population analyses to identify strengths and areas for improvement, and shall include the steps taken to improve services in response these results in its annual quality and outcomes report.

8. In addition to the general access requirements in Paragraphs 79-80 and the production of an annual quality and outcomes report as required by Paragraph 48, DoHS will also produce the following documents to DOJ on a regular schedule:
 - a. At least once per month, DoHS will produce a point-in-time number of children in Residential Mental Health Treatment Facilities. Additionally, DoHS will provide all reports produced each quarter pursuant to DoHS's continuous quality improvement plan to the DOJ within 30 days of the end of each quarter. ;
 - b. Within thirty days of issuance of any new policies and procedures related to the services required by the Agreement, DoHS will produce those policies and procedures;
 - c. Within thirty days of receiving reports or evaluations of the services required by the Agreement, DoHS will produce those reports;
 - d. Simultaneous with the transmission of each Agreement Review (see Paragraph 3), DoHS will produce all documents, data, evaluations, or other sources relied upon in completing its Agreement Review.
9. The parties will continue to meet and confer at least semi-annually to discuss the status of compliance.

FOR THE UNITED STATES:

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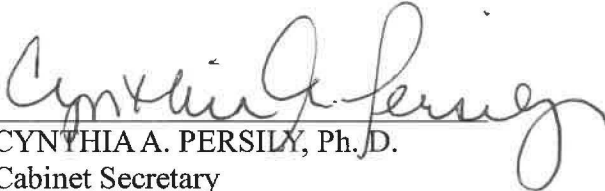
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FOR WEST VIRGINIA:


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