



CDSS

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STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**

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EDMUND G. BROWN JR.  
GOVERNOR

October 21, 2014

RESIDENTIALLY BASED SERVICES LETTER NO. 02-14

**TO:** SELECTED COUNTY WELFARE DIRECTORS  
SELECTED COUNTY FISCAL OFFICERS  
SELECTED COUNTY CHILD WELFARE SERVICES PROGRAM  
MANAGERS

**SUBJECT: REVISIONS OF PRIOR POLICY PROHIBITING COMMINGLING IN GROUP  
HOME PLACEMENT CHILDREN ENROLLED IN THE RESIDENTIALLY  
BASED SERVICES (RBS) REFORM PROJECT WITH CHILDREN IN THE  
RCL SYSTEM**

REFERENCE: WELFARE AND INSTITUTIONS CODE (W&IC) SECTION 18987.7

The purpose of this letter is to revise the policy direction articulated in the RBS Letter No. 02-10 dated May 6, 2010, regarding the practice of commingling. Commingling is defined as mixing youth who are enrolled in the RBS Reform Project and youth who are enrolled in the Rate Classification Level (RCL) system. At the time this policy was established, there were several concerns that supported the policy that prohibited commingling: 1) Concern that the fiscal and program fidelity of the model would be compromised making it difficult to support evaluation of the models and the services; and that cost-neutral goals would not be met; 2) Concern that commingling RCL children with RBS children receiving a richer package of services was not compatible with fair and equal access to all available services, placement, care, treatment, and benefits for all foster children as outlined in the "Youth Bill of Rights" in Welfare and Institutions Code (W&IC) section 16001.9(a)(23) 3) Concern that commingling RBS youth with RCL youth created complexities in defining, segregating and tracking provider rates, authorizing payment, and auditing the use of funding for each program placement. Therefore, in order to pay the RBS rate for one youth placed in an RCL facility, and an RCL rate for the other youth in the same facility, the provider would have to simultaneously satisfy all RCL requirements and all RBS requirements for the youth.

After consultation, which included providers and counties, CDSS believes that the concerns expressed above can be addressed in a manner that mitigates the concern; meets the intent of the statute; and addresses the best interests of all youth. Therefore, we are informing you of these changes that will address the concerns in order to support commingling as we move forward during the extended phase of implementing RBS.

RBS was established as a pilot to test alternative program and funding models, the accuracy of data collection was crucial to supporting the formal evaluation that was conducted by Walter Reed McDonald and Associates (WRMA). Even though the formal evaluation by WRMA has ended, the RBS counties and providers will still be required to report annually on mandated components using the County Annual Report. The CDSS believes that the manner in which commingling will be implemented through this instruction will ensure continued fiscal and program fidelity and will allow for a meaningful evaluation of the RBS pilot. Programs will continue to operate within the parameters of the RBS pilot to ensure both cost-containment and incentives to provide a rich array of services that will allow RBS youth to move to lower levels of care as appropriate; and to provide needed supports to ensure that youth do not return to more restrictive group home care.

The CDSS supports the right of all foster children to fair and equal access to all available services, placement, care, treatment, and benefits. When RCL and RBS children are commingled, it is important to note that **all** of the richer RBS services shall be available to **all** children in a commingled program; however, not all children will receive all the same services. This is because youth receive an individualized array of services based on the distinct needs identified. The RBS "menu" of services is available to all, but the services provided are based on each individual youth's needs. With this in mind, the same effort shall be made to provide appropriate services to RCL youth to move and remain in lower levels of care.

In addition to fiscal and program fidelity and the protection of the rights of youth, the CDSS must continue to ensure program and fiscal fidelity in the tracking and reporting of services for youth in both the RBS and RCL programs. In order to ensure the safeguarding of funding for these programs, preparation for provider rates and audit accountability of funding sources, the following requirements have been established:

- Separate program numbers will be used for the RBS and RCL programs. An attempt will be made to designate staff solely to either the RBS or RCL program. Staff work shall be allocated to the appropriate program codes identified for each program in order to ensure accurate funding and program identification.
- If staff provides care for both RBS and RCL clients, hours will be allocated to the program in accordance with the time worked in each program.
- Any RBS activities, as described in the voluntary agreement, will be documented as they are now and accounted for as residential or community services.
- For RCL clients, providers should document EPSDT services separately from RBS clients.

Upon receipt of this letter, CDSS is granting permission for providers to mix youth from both RBS and RCL programs. It is the responsibility of the RBS pilot counties and placing agencies to ensure that appropriate youth are identified and enrolled into the

RBS program. It is also the responsibility of placing agencies to ensure that the populations are compatible, so only appropriate RCL 12-14 children should be considered to be placed in an RBS commingled program. The primary concern in consideration of commingled placement is for the compatibility, safety, personal rights and equal access to services of all youth. Providing flexibility to counties and RBS providers will serve to inform how the state can best use this model to implement the Continuum of Care Reform efforts.

In addition, any RBS program that chooses to have a commingled population shall be current with all CDSS requests for records, data, reports, etc. prior to commingling and as a condition for continued commingling.

If you have any questions or concerns regarding this letter, please contact Nancy Littlefield, Manager of the Foster Care Rates Unit at (916) 651-2752, or you may contact John Sanfilippo, Chief of the Foster Care Rates Bureau at (916) 651-2752.

Sincerely,



CHERYL TREADWELL, Chief  
Foster Care Audits and Rates Branch  
Children and Family Services Division

c: CWDA  
Alliance