



Over-Regulation of the Child Serving System

How We Fix It

The Idea

Eliminating over-regulation in the child serving system would increase the volume, quality and access to services for West Virginia's children and families. Currently the regulatory burden is vast and often duplicative, and, as a result, too costly to the state and its partners in the child serving system.

The Benefits

By removing unnecessary regulatory barriers, providers of services for children and families would have increased human and fiscal resources to devote to directly serving, treating and impacting the children and families who are reliant upon the services rendered by the providers. Also, the West Virginia Department of Health and Human Resources (WVDHHR) would be able to better streamline its regulatory mission and processes thus increasing budgetary savings and accountability throughout the system as a whole.

As a result public officials in the state legislature, the executive branch as well as the state's taxpaying citizenry would benefit with an increase in time efficiency, a decrease in costs with the stop of investment into additional, unnecessary staff, and a movement of funding towards direct services rather than administrative overhead.

The Issues

Below are issues that require the direct intervention in the matter of an over-regulated environment which impacts workforce related matters as well. Established, unfortunately, in the current environment are duplicative and burdensome processes hindering access and the rendering of essential services.

The first issue is the presence of burdensome regulations that strain providers' ability to hire staff so as to meet the treatment needs of children and families. For example, previously providers were able to train and certify their staff to provide specific services such as supportive counseling. Several years ago the WVDHHR reversed this and mandated that only certain staff could provide certain supportive services as prescribed by the WVDHHR thus creating a negative impact in an industry and a state with a severe labor shortage. These changes were not driven by federal agencies but rather by an over interpretation. This overreach by the WVDHHR hinders innovation and service provision across West Virginia. This is exacerbated by the lack of knowledge, awareness and understanding by the WVDHHR on what is required to actually provide the essential services to children and families.

The next change is to promote, allow and encourage the use of technology such as video conferencing to provide better access to treatment services, minor judicial hearings, MDT meetings, medication evaluations, etc., due to the limitations and barriers children and families face when accessing services. This would circumvent socio-economic and academic challenges for children and families as well as transcend West Virginia's geographic barriers.

Additionally, rules and regulations should be written clearly and objectively that will eliminate the use of interpretive guidelines. Thus, a rule is strictly a rule not subject to bias or agenda.

Also, develop an inter-rater reliability process to ensure an accountable, easily understood and unambiguous regulatory review. The enforcement of rules and regulations should vary as little as possible from one regulatory staff to another, thus eliminating the drastic misinterpretation and enforcement of a regulation and/or rule. Therefore, eliminating contradictory messages from the WVDHHR.



Examine the feasibility of Joint Commission, CARE, COA accreditation being used in lieu of state licensing reviews so as to minimize the cost and resources associated with duplicative reviews. New legislation would be required to allow Office of Health Facilities Licensure and Certification (OHFLAC) and the Bureau of Children and Families (BCF) to deem a license based upon accreditation by these national organizations.

Additionally, establish accountability by eliminating the silo approach to regulatory oversight, thus ensuring that regulatory bodies work seamlessly and connectively to ensure the safety and wellbeing as well as the provision of treatment services for West Virginia's children and families. This requires the leadership and vision of those currently in charge of these silos. The streamlining and/or reorganizing of these silos and processes would eliminate contradictory messages, interpretations, guidance and directives often emanating from the WVDHHR.

Also establish, where it does not exist, a formal appeal process. This would ensure the integrity of the inter-reliability process to remain intact and to serve as an efficacious stop gap device for the process.

Why These Changes are Necessary

Over the past several years, the necessary focus on how to provide the most access to the most essential services to children and families lost. The focus of Regulations should be aimed toward the quality improvement of services that ensure the safety and well-being of children. Once streamlined rules are collaboratively developed, performance and service enhancement will naturally occur within the system of care.

Therefore, it is proposed that government should be assisting in delivering a higher standard of care versus taking a punitive role.