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*Commissioner*

## **Local Commissioners Memorandum**

<b>Transmittal:</b>	07-OCFS-LCM-12
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Strategic Planning and Policy Development Division of Development and Prevention Services
<b>Date:</b>	August 21, 2007
<b>Subject:</b>	Preventive Services: Performance- or Outcome-Based Provisions
<b>Contact Person(s):</b>	See page 3
<b>Attachments:</b>	Attachment A – District Attestation
<b>Attachment Available Online:</b>	Yes

### **I. Purpose**

The purpose of this Local Commissioners Memorandum is to advise local social services districts (districts) on the implementation of a new requirement for preventive services enacted as part of the 2007-2008 state budget. Preventive services provided pursuant to section 409-a of the Social Services Law, whether purchased or provided directly by the district, must include performance- or outcome-based provisions beginning January 1, 2008, and thereafter.

### **II. Background**

One of the principles in the Office of Children and Family Services' (OCFS) Operational Framework is that services be evidence and outcome based. We continue to strengthen the use of outcomes in district planning, district allocations, and in direct contracts for services. This new budgetary requirement is consistent with this direction and provides additional structure and support in

advancing measurement of positive outcomes. We are cognizant that some districts have established outcomes or performance measures for preventive services, while others are beginning this process. As we are all dedicated to improving outcomes for the children and families we serve, assessing how we use our resources to achieve desired results is a shared goal.

### **III. Implications for Districts**

As of January 1, 2008, districts need to have performance- or outcome-based provisions for contracted and directly provided preventive services. Districts must review their preventive contracts to assess if they include performance- or outcome-based provisions. For directly provided preventive services, districts must make sure their Child and Family Services Plan includes performance- or outcome-based provisions.

#### **Fiscal Implications**

OCFS may limit the district's state reimbursement for preventive services expenditures in the absence of the required performance- or outcome-based provisions. State reimbursement may be limited for any increases in the amount of gross claims during state fiscal year 2007-08 that exceed the amount of the district's gross claims for expenditures for the period October 1, 2005 through September 30, 2006 (base year) that were claimed through March 31, 2007. Absent the required performance- or outcome-based provisions, these limits may continue in each subsequent state fiscal year. However, OCFS may determine, in its discretion, not to reduce a district's reimbursement if the district is able to demonstrate that the absence of the required provisions is due to extenuating circumstances beyond the district's control, including but not limited to, the inability to amend a contract for the purchase of preventive services that was in effect on April 9, 2007 that extends past January 1, 2008.

#### **Program Implications**

For the purpose of implementing this requirement, the following definitions apply:

“Performance” means quantifiable and verifiable interim changes in, or maintenance of, the conditions or behaviors of the target population resulting from the provision of services that indicate progress towards an outcome.

“Outcome” means the anticipated change in, or maintenance of, conditions or behaviors of a targeted population as a result of the provision of services.

To demonstrate compliance with these provisions as of January 1, 2008, a district must complete and submit the District-Attestation Form attached to this

memorandum. The Attestation Form must be submitted to the applicable regional office by November 1, 2007. Where compliance is not possible due to extenuating circumstances beyond the district's control, the district should include that explanation on the form as indicated.

Beginning in 2008 compliance will be reported through the Child and Family Services Plan. This reporting will be incorporated into the Strategic Component and the Administrative Component – Department of Social Services under the current sections on Financing Process and Monitoring Procedures. Specific directions for including these changes will be provided in the guidelines issued for completing the Child and Family Services Plan or Annual Plan Update.

OCFS will be providing training and technical assistance to districts to support their implementing performance- and outcome-based provisions. This training and technical assistance will be provided in different forms to include intensive work with select districts, regional trainings, peer-to-peer assistance and other supports identified by districts.

#### **IV. Contact Information**

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*/s/ Nancy W. Martinez*

*/s/ Jane G. Lynch*

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**Issued By:**

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 and Policy Development

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Jane G. Lynch  
 Deputy Commissioner  
 Division of Development  
 and Prevention Services

**ATTACHMENT A**

\_\_\_\_\_ **District**

**District Attestation  
Performance/Outcome-Based Provisions**

I \_\_\_\_\_, Commissioner of \_\_\_\_\_ District, provide the following attestation regarding our District’s compliance with the requirement to have in place beginning January 1, 2008, performance- or outcome-based provisions for preventive services provided pursuant to section 409-a of the Social Services Law, whether purchased or provided directly by the district.

- The district will have such performance- or outcome-based provisions in place by January 1, 2008.
- The district will not have such performance- or outcome-based provisions in place by January 1, 2008; no extenuating circumstances exist.
- The district will not have such performance- or outcome-based provisions in place by January 1, 2008, due to the extenuating circumstances described below.

Explain extenuating circumstances (attach additional pages if necessary):

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Return by November 1, 2007 to your regional office director.