

**REPORT OF THE VIRGINIA  
DEPARTMENT OF SOCIAL SERVICES**

**Report on Director of Foster  
Care (Chapter 446, 2019 Acts  
of Assembly)**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



**SENATE DOCUMENT NO. 8**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
2019**






COMMONWEALTH of VIRGINIA  
DEPARTMENT OF SOCIAL SERVICES  
*Office of the Commissioner*

S. Duke Storen  
COMMISSIONER

November 30, 2019

**MEMORANDUM**

**TO:** The Honorable Ralph S. Northam  
Governor of Virginia  
  
Members, Virginia General Assembly

**FROM:** S. Duke Storen 

**SUBJECT:** Report on Director of Foster Care Health & Safety

Chapter 446 of the 2019 Acts of Assembly (Foster Care Omnibus) directed the Department of Social Services to establish the Director of Foster Care Health and Safety position. The legislation also included a requirement for the Director of Foster Care Health and Safety to annually report to the Governor and General Assembly on the implementation and effectiveness of the legislation's objectives on or before November 30. If you have questions about this report please contact me.

SDS:kc  
Attachment



**Report on Chapter 446 of the 2019 Acts of Assembly  
Foster Care Omnibus Bill  
November 30, 2019**

**Background & Report Mandate**

Chapter 446 of the 2019 Acts of Assembly (Foster Care Omnibus Bill), made numerous changes to the laws governing the provision of foster care services in the Commonwealth. The second enactment clause directs the Commissioner of Social Services to establish within the Virginia Department of Social Services (VDSS) a Director of Foster Care Health and Safety Position. The statute requires the Director of Foster Care Health and Safety to (i) identify local boards of social services (local boards) that fail to provide foster care services in a manner that complies with applicable laws and regulations and ensures the health, safety, and well-being of all children in the supervision and control of the local board; (ii) ensure that local boards remedy such failures, including those related to caseworker visits, safe and appropriate placement settings, and the provision of physical, mental, and behavioral health screenings and services; (iii) ensure that reports of abuse, neglect, mistreatment, and deaths of children in foster care are properly investigated; (iv) manage the process through which the Department of Social Services reviews children's residential facility placements for medical necessity; and (v) track health outcomes of children in foster care.

Further, the second enactment clause requires, on or before November 30 of each year, the Director of Foster Care Health and Safety to report to the Governor and General Assembly on the implementation and effectiveness of such objectives and any other issues relevant to the health, safety and well-being of children in foster care.

**Status**

As of November 1, 2019, VDSS has been unsuccessful in filling the position of Director of Foster Care Health and Safety. The legislation became effective July 1, 2019 and the agency had an approved Employee Work Profile established on July 9, 2019. The position was posted for recruitment on July 12, 2019. The Joint Legislative Audit Review Commission (JLARC) report on improving foster care recommended this position be established similar to those medical directors created in New Jersey, Maryland, and Tennessee. In those states, individuals in this role must be a licensed physician with experience providing medical care to children and be knowledgeable about the unique health needs of children in foster care. Accordingly, VDSS established the following minimum qualifications for the position:

- 1) licensed physician (MD or DO degree) in good standing in the state of Virginia;
- 2) experience providing medical care to children;
- 3) board-certified through the American Board of Medical Specialties;
- 4) knowledge of unique health care and developmental needs of children in foster care and the application of standardized medical necessity criteria in medical decision making;
- 5) skills to analyze data and report trends; and
- 6) proficiency in written and verbal communications.

After several months during which no applications for the position were received, the agency VDSS made an adjustment to increase the potential starting salary to the maximum amount funded by the budget allocation. VDSS will continue efforts to recruit qualified candidates for this position and will consider whether adjustments need to be made to the minimum qualifications.

VDSS continues to move forward with filling the seventeen other new positions provided for in the bill.



