



July 26, 2022

Family, Children and Adult Services Manual Transmittal Letter No. 500

TO: Family, Children and Adult Services Manual Holders
FROM: Matt Damschroder, Director
SUBJECT: Amendment of Title IV-E Foster Care Maintenance Rule 5101:2-47-21 of the Administrative Code.

This letter transmits an amended Ohio Administrative Code (OAC) rule that is to meet the federal requirements related to the Family First Prevention Services Act. The revision of this rule is necessary to clarify language to ensure that requirements for implementation of Qualified Residential Treatment Placement (QRTP) are met within rule, and to also secure the ability of agencies to receive Title IV-E reimbursement funds for QRTP placement. This rule will be effective August 5, 2022.

The following is a brief explanation of the changes to this rule:

OAC 5101:2-47-21 "**Title IV-E Foster Care Maintenance (FCM) reimbursement for a child placed into a Qualified Residential Treatment Program (QRTP)**" outlines the reimbursement requirements for a child placed into a QRTP. Paragraphs (B), (C) and (D) were revised to add clarity to the time frame for when the assessment is to be completed. Rule 5101:2-42-12.1 was added for a reference to paragraph (I).

INSTRUCTIONS:

The following chart shows what materials should be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
MANAGEMENT AND ADMINISTRATION	5101:2-47-21	5101:2-47-21
TRANSMITTAL LETTERS		FCASMTL No. 500

5101:2-47-21

Title IV-E foster care maintenance (FCM) reimbursement for a child placed into a qualified residential treatment program (QRTP).

- (A) FCM reimbursement begins the actual date of the child's placement in a QRTP, if the child meets all program eligibility and reimbursement criteria in the same month. If the eligibility requirements are not met in the same month, FCM reimbursement may go back to the first day of the month when all eligibility requirements are met.
- (B) FCM reimbursement is contingent upon satisfaction of all of the following:
- (1) The Title IV-E agency has legal responsibility for the care and placement/custody of the child as described in rule 5101:2-47-13 of the Administrative Code.
 - (2) Meet the reasonable efforts requirement that a judicial determination for a court-ordered removal as described in rule 5101:2-47-22 of the Administrative Code, has been obtained.
 - (3) The child meets the ADC-relatedness requirements as described in rule 5101:2-47-14 of the Administrative Code.
 - (4) The facility meets the QRTP requirements as described in rule 5101:2-9-42 of the Administrative Code.
 - (5) A qualified individual, who is a trained professional or licensed clinician and meets the requirements in rule 5101:2-42-12 of the Administrative Code is to assess a child placed for each placement in a QRTP within no earlier than thirty-days of prior to the start of each placement or no later than thirty-days from the first day of placement as described in rule 5101:2-42-12 of the Administrative Code.
 - (6) The requirements in rules 5101:2-47-11 and 5101:2-47-11.1 of the Administrative Code, as applicable. Any child placed prior to October 1, 2021 in a residential facility that is not certified as a QRTP is reimbursable until the child is discharged through October 1, 2024.
- (C) If the assessment is not completed thirty days prior to, including the date of placement or by the thirtieth day of from the day of the placement, the Title IV-E agency cannot claim FCM reimbursement for the entirety of the QRTP placement, including the first fourteen-days.
- (D) ~~Within~~ No later than sixty-days after, including the date of placement of the start of each Title IV-E eligible child's placement into the QRTP, the Title IV-E agency is to confirm that the juvenile court:

- (1) Considers the assessment, determination, and documentation made by the qualified individual conducting the assessment outlined in paragraph (B) of this rule.
 - (2) Determined whether the needs of the child can be met through placement in a foster home, or, if not, whether the placement of the child in a QRTP provides the most effective and appropriate level of care for the child in the least restrictive environment and whether that placement is consistent with the short and long-term goals for the child, as specified in the permanency plan.
 - (3) Approves or disapproves of the placement of the child into a QRTP.
- (E) If the court does not approve the placement within the sixty-day timeframe, the Title IV-E agency may only claim FCM for the first sixty-days of the placement in the QRTP.
- (F) The Title IV-E agency may claim FCM to transition a child from the QRTP to the next placement or permanent home up to thirty-days after one of following:
- (1) The assessment described in paragraph (C) of this rule determines that the QRTP is not appropriate.
 - (2) A court disapproves such a placement under paragraph (E) of this rule.
 - (3) A determination is made that a child in an approved QRTP placement is going to return home or be placed with fit and willing relative(s), a legal guardian(s), or an adoptive parent(s), or in a foster family home.
- (G) For every QRTP the child is placed in for more than twelve consecutive months or eighteen nonconsecutive months or, in the case of a child who has not attained age thirteen, for more than six consecutive or nonconsecutive months, the Title IV-E agency is to maintain the following:
- (1) Documentation submitted at every case review or permanency hearing regarding the child's case plan that supports a continued QRTP placement.
 - (2) The signed approval of the Title IV-E agency director for the continued placement of the child in the QRTP pursuant to rule 5101:2-42-12 of the Administrative Code.
- (H) The Title IV-E agency may claim for the first fourteen days when a child is placed into a non-QRTP.

- (I) Beginning with the date the non-QRTP meets the QRTP certification requirements, a child may be reimbursable back to the first day of that month if the following requirements are met:
- (1) A qualified individual, who is a trained professional or licensed clinician and meets the requirements in rule 5101:2-42-12 of the Administrative Code is to assess a child within thirty-days of the setting becoming a QRTP as described in rule 5101:2-42-12.1 of the Administrative Code.
 - (2) Within sixty-days of the setting becoming a QRTP, the Title IV-E agency is to confirm that the juvenile court:
 - (a) Considers the assessment, determination, and documentation made by the qualified individual conducting the assessment outlined in paragraph (B) of this rule.
 - (b) Determined whether the needs of the child can be met through placement in a foster home, or, if not, whether the placement of the child in a QRTP provides the most effective and appropriate level of care for the child in the least restrictive environment and whether that placement is consistent with the short and long-term goals for the child, as specified in the permanency plan.
 - (c) Approves or disapproves of the placement of the child into a QRTP.
 - (3) The signature approval of the Title IV-E agency director for a child placed for more than twelve consecutive months or eighteen nonconsecutive months or, in the case of a child who has not attained age thirteen, for more than six consecutive or nonconsecutive months.
 - (4) Documentation submitted at every case review or permanency hearing regarding the child's case plan that supports a continued QRTP placement, thereafter.
- (J) Title IV-E agencies may also claim administrative costs during the twelve month period for the administration of the Title IV-E program, which includes such things as case management as long as they meet the requirements pursuant to rule 5101:2-42-12 of the Administrative Code.
- (K) Title IV-E agencies may claim administrative costs for the duration of the placement in the QRTP regardless of whether the requirements pursuant to rule 5101:2-42-12 of the Administrative Code are met. These include only administrative costs for the administration of the Title IV-E program, and not the costs of the administration and operation of the QRTP.

- (L) If the requirements in rule 5101:2-42-12 of the Administrative Code are not met, the Title IV-E agency may only claim placement administrative costs as defined in 45 C.F.R. 1356.60 (6/2016) for the administration of the Title IV-E program, and not the costs for the administration and operation of the QRTP. Administration and operation costs are only allowable when a Title IV-E FCM is provided for the child in the QRTP.
- (M) A QRTP is to provide family-based aftercare support to any child placed into a QRTP for more than fourteen days if the child, even if the youth reaches the age of majority, is discharged to any family-based setting including those listed in rule 5101:2-9-42 of the Administrative Code.
- (N) A QRTP may provide aftercare services when the permanency planning team, which includes the youth and family agrees to the aftercare services as part of the discharge planning pursuant to rules 5101:2-9-42 and 5101:2-42-12 of the Administrative Code.
- (O) QRTP aftercare support/services as listed on the "schedule B" in the appendix to the "agreement for Title IV-E agencies for the provision of non-placement services" in the Ohio statewide automated child welfare information system (SACWIS) may be reimbursed through medicaid, private insurance or paid by the IV-E agency as part of the "schedule B." A child may become eligible for medicaid or other insurance after services begin.
- (P) A child who is discharged from a QRTP may be determined by the IV-E agency to be a candidate for family first prevention services (FFPS) as outlined in Chapter 5101:2-45 of the Administrative Code.
- (Q) Each Title IV-E agency is to enter all cases in Ohio SACWIS including documentation pertaining to the aftercare support/services being provided to the child.
- (R) Each QRTP is to enter all cases in Ohio residential treatment information system (RTIS) including documentation pertaining to the aftercare support/services being provided to the child.
- (S) The reimbursement may be retroactive to October 1, 2021, if the requirements outlined in this rule are met.

Effective: 8/5/2022

Five Year Review (FYR) Dates: 10/1/2026

CERTIFIED ELECTRONICALLY

Certification

07/25/2022

Date

Promulgated Under: 119.03
Statutory Authority: 5153.166, 5101.141
Rule Amplifies: 5153.16, 5101.141
Prior Effective Dates: 10/01/2021, 03/21/2022