



July 26, 2022

Family, Children and Adult Services Manual Transmittal Letter No. 501

TO: Family, Children and Adult Services Manual Holders

FROM: Matt Damschroder, Director

SUBJECT: Amendment to Foster Care Maintenance Rule 5101:2-47-23.1 of the Administrative Code

This letter transmits amended Ohio Administrative Code (OAC) Rule 5101:2-47-23.1. This rule will be effective on August 5, 2022.

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

OAC 5101:2-47-23.1 “**Title IV-E agency contracting and contract monitoring**” sets forth the requirements when a Title IV-E agency contracts with a private network provider for substitute care placements. Changes were made to paragraphs (F) and (H) to clarify that an addendum can only be added after an "agreement" is in effect. Any additions to the language when creating the initial "agreement" are to be included as an attachment or an exhibit.

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	5101:2-47-23.1	5101:2-47-23.1
TRANSMITTAL LETTERS		FCASMTL No. 501

5101:2-47-23.1

Title IV-E agency contracting and contract monitoring.

- (A) Each Title IV-E agency, as defined in rule 5101:2-1-01 of the Administrative Code, shall use the statewide "agreement for Title IV-E agencies and providers for the provision of child placement," hereinafter referred to as the "agreement," and establish a system of contract monitoring for children being placed into substitute care with a private agency.
- (B) Each Title IV-E agency shall complete the "agreement," including the "Title IV-E schedule A rate information (schedule A)" in the statewide automated child welfare information system (SACWIS) to be able to enter a foster care placement with a private child placing agency (PCPA) or a private non-custodial agency (PNA).
- (C) Each Title IV-E agency is to complete the "agreement," including the "schedule A" in SACWIS to be able to enter a placement with a qualified residential treatment program (QRTP).
- (D) Each Title IV-E agency shall print the completed "agreement" and the "schedule A" from SACWIS in order to obtain signatures for the contract between the Title IV-E agency and the QRTP, PCPA or PNA.
- (E) The negotiated and agreed upon per diem rates for placement maintenance and placement administration shall be specified for all levels of care in SACWIS on the "schedule A" and shall be attached to the "agreement." The Title IV-E agency and the QRTP, PCPA or the PNA may agree to contract for and specify the agreed upon per diems in some or all of the remaining categories listed on the "agreement" The per diem rates listed on the "schedule A" are to be for all children or may be child specific.
- (F) Any additions to the language when creating the initial "agreement," including the "schedule A" are to be included as an attachment or an exhibit and Any changes to the "agreement," including the "schedule A" are to include an addendum to be entered into SACWIS. An addendum can only be added after the agreement is in effect. The addendum is to be signed by all parties and attached to the "agreement."
- (G) The negotiated and agreed upon per diem rate for maintenance shall be the amount paid directly to the foster caregiver. The agreed upon maintenance payment shall cover all foster care maintenance allowable costs as defined in rule 5101:2-47-01 of the Administrative Code.
- (H) Invoicing procedures shall correspond to the agreed upon per diem rates as specified on the "schedule A" in SACWIS and on the "agreement," including all attachments, exhibits and addendums addenda. All invoices shall include but are not limited to the following:

- (1) Provider's name, address, telephone number, fax number, federal tax identification number, Title IV-E provider number, if applicable and the medicaid provider number, if applicable.
 - (2) Billing date and the billing period.
 - (3) Name of child, child's date of birth, and the child's SACWIS person identification number.
 - (4) Admission date and discharge date, if applicable.
 - (5) Agreed upon per diem rate amount for maintenance and the agreed upon per diem rate amount for administration.
 - (6) Invoicing procedures may also include the per diem rate associated with the following if applicable and agreeable to the custodial agency and the provider:
 - (a) Case management, allowable administration cost.
 - (b) Transportation to judicial or case reviews, allowable administration cost.
 - (c) Transportation to a home visit, allowable maintenance cost.
 - (d) Transportation to maintain the child in the school in which they were attending prior to placement, allowable maintenance cost.
 - (e)) Other direct services, allowable maintenance cost.
 - (f) Behavioral health care, non-reimbursable cost.
 - (g) Other costs the Title IV-E agency agreed to pay which are non-allowable for reimbursement as maintenance or administration cost.
- (I) Each Title IV-E agency shall establish a written monitoring procedure to provide reasonable assurance that the terms and conditions of the contract are being adhered to. Monitoring procedures may include, but are not limited to the following:
- (1) A comparison of invoices to the agreed upon per diem rate amount in SACWIS to ensure billing accuracy.
 - (2) A review of the progress reports submitted by the provider to the agency to ensure the services being delivered are in accordance with the child's treatment plan.

Effective: 8/5/2022
Five Year Review (FYR) Dates: 5/18/2022 and 08/05/2027

CERTIFIED ELECTRONICALLY

Certification

07/25/2022

Date

Promulgated Under: 119.03
Statutory Authority: 5101.141, 5103.03, 5153.166
Rule Amplifies: 5101.141, 5103.03, 5153.16
Prior Effective Dates: 12/01/2001, 01/01/2007, 02/10/2008, 10/01/2008,
04/30/2016, 09/01/2021