



May 23, 2024

Family, Children and Adult Services Transmittal Letter No. 546

TO: Family, Children and Adult Services Manual Holders

FROM: Kara B. Wentz, DCY Director
Matt Damschroder, ODJFS Director

SUBJECT: Five Year Rule Review and Amendment of Title IV-E Foster Care Maintenance Rule 5101:2-47-23.1 and Rescission of Rule 5101:2-47-24

This letter transmits amendment to Ohio Administrative Code (OAC) rule 5101:2-47-23.1 and to rescind OAC rule 5101:2-47-24. These revisions are being made as a result of the five-year rule review process, regulatory restricted language as described in SB 9 of the 135th General Assembly was removed and red-tape reduction by combining two rules into one rule. These rule changes will be effective June 1, 2024.

The following is a brief explanation of the changes.

All rules and forms have been amended to remove regulatory restrictive words as described in SB 9 of the 134th General Assembly.

OAC 5101:2-47-23.1 **"Title IV-E Agency Contracting and Contract Monitoring."** The rule has been amended to incorporate title IV-E agency contract and contract monitoring requirements for placement of children with a parent in a substance use disorder (SUD) residential facility. Each Title IV-E agency is to complete the "agreement for Title IV-E agencies and providers for the provisions of a child placement", including the schedule A. The agreement is to be signed by the Title IV-E agency and SUD residential facility. The terms "substance use disorder SUD residential facility" was added to (B), (C), and (D). The per diem amounts including the reimbursable maintenance costs for children placed in SUD residential facilities are clarified in (G)(7), (G)(8), and (G)(9). Regulatory restricted language was removed throughout the rule. Reference to Ohio Statewide Automated Child Welfare Information System (SACWIS) has been updated throughout the rule to refer to the automated system as "Ohio SACWIS".

OAC 5101:2-47-24 **"The IV-E agency contract and contract monitoring requirements for placement of children with a parent in a substance use disorder (SUD) residential facility."** Outlines placement contracts with licensed family-based residential treatment facility for substance abuse. This rule is being rescinded and incorporated in OAC rule 5101:2-47-23.1.

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INSTRUCTIONS:

The following chart depicts what materials should be deleted 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	OAC 5101:2-47-23.1	OAC 5101:2-47-23.1
	OAC 5101:2-47-24	
TRANSMITTAL LETTERS		FCASMTL No. 546

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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~~ is to 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~~ is to complete the "agreement," including the "Title IV-E schedule A rate information (schedule A)" in the Ohio statewide automated child welfare information system (Ohio SACWIS) to be able to enter a foster care placement with a: ~~private child placing agency (PCPA) or a private non-custodial agency (PNA):~~
- (1) Private child placing agency (PCPA).
 - (2) Private non-custodial agency (PNA).
 - (3) Qualified residential treatment program (QRTP).
 - (4) Licensed family-based residential treatment facility for substance use disorder (SUD) on behalf of a child placed with a parent.
- ~~(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)~~(C) Each Title IV-E agency ~~shall~~ is to print the completed "agreement" and the "schedule A" from Ohio SACWIS in order to obtain signatures for the contract between the Title IV-E agency and the QRTP, PCPA, or PNA or SUD residential facility.
- ~~(E)~~(D) -The negotiated and agreed upon per diem rates for placement maintenance and placement administration ~~shall~~ are to be specified for all levels of care in Ohio SACWIS on the "schedule A" and ~~shall~~ are to be attached to the "agreement." The Title IV-E agency and the QRTP, PCPA, or the PNA or the SUD residential facility 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)~~(E) 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 entered into Ohio 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)~~(F) -The negotiated and agreed upon per diem rate for maintenance ~~shall~~ is to be the amount paid directly to the foster caregiver. The agreed upon maintenance payment ~~shall~~ is to cover all foster care maintenance allowable costs as defined in rule 5101:2-47-01 of the Administrative Code.

~~(H)~~(G) Invoicing procedures ~~shall~~ are to correspond to the agreed upon per diem rates as specified on the "schedule A" in Ohio SACWIS and on the "agreement," including all attachments, exhibits and addenda. All invoices ~~shall~~ are to 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 Ohio 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.
- (7) Agreed upon per diem amount for children placed in a SUD residential facility for the IV-E reimbursable maintenance costs for the child:

(a) Food, clothing, shelter, and personal incidentals.

(b) Transportation to maintain the child in the school in which they were attending prior to placement.

(c) Child care.

(8) Agreed upon per diem amount for other non-IV-E reimbursable costs associated with the placement of the child performed by the provider:

(a) Other transportation not specified in paragraph (G)(7)(b) of this rule.

(b) Other costs the Title IV-E agency agreed to pay.

(9) For a child placed in a SUD residential facility, the Title IV-E agency is not to include the costs of administration and operation of the facility.

~~(H)~~ (H) Each Title IV-E agency ~~shall is to establish~~ prepare a ~~written~~ monitoring procedure ~~to provide established in writing, with~~ 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 Ohio 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.

Replaces: This rule replaces in part, rule 5101:2-47-24.
Effective: 6/1/2024
Five Year Review (FYR) Dates: 8/5/2027

CERTIFIED ELECTRONICALLY

Certification

05/21/2024

Date

Promulgated Under: 119.03
Statutory Authority: 5103.03, 5101.141, 5153.166
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