

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-47-18

Rule Type: Amendment

Rule Title/Tagline: Title IV-E foster care maintenance (FCM) program reimbursability: Reimbursements related to the difficulty of care needs of a child placed in a foster home, relative home, or pre-finalized adoptive home.

Agency Name: Department of Job and Family Services

Division: Division of Social Services

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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 5/1/2024
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 5103.03, 5101.141, 5153.16
5. What statute(s) does the rule implement or amplify? 5103.03, 5101.141, 5153.16
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

(OAC) rule 5101:2-47-18. The revisions are being made as a result of the five-year rule review process.

The rule is amended to replace "Ohio department of Job and Family services (ODJFS)" with "Ohio Department of Children and Youth (DCY)" and change the reference of all systems to Ohio's Comprehensive Child Welfare Information System (Ohio's CCWIS). The uniform statewide standards for FCM payment amount for special needs, exceptional needs, and intensive needs are clarified in paragraph (P). The rule is amended in paragraph (G)(3),(I)(4),(5) to family case plan formally referenced as case plan.

8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

OAC rule 5101:2-47-18 "Title IV-E foster care maintenance (FCM) Program reimbursability: Reimbursements related to the difficulty of care needs of a child placed in

a treatment foster home, foster home, relative home, or pre-finalized adoptive home."

The rule is amended to change the reference of all systems to Ohio's Comprehensive Child Welfare Information System (Ohio's CCWIS). Ohio's CCWIS is defined as a federally recognized case management information system that state and tribal title IV-E agencies may develop to support their child welfare program needs. Ohio's CCWIS is designed to support social workers' needs to organize and record quality case information about the children and families receiving child welfare services. Ohio's CCWIS consists of several automated functions which are approved by the Children's Bureau and include but are not limited to: Ohio Statewide Automated Child Welfare Information System (SACWIS), Ohio Residential Treatment Information System (RTIS), Child and Adult Protective Services (CAPS) Learning Management System (LMS), Taking Early Action Matters (TEAM) Ohio, and Ohio Certification for Agencies and Families (OCAF).

The rule is amended to replace "Ohio department of Job and Family services (ODJFS)" with "Ohio Department of Children and Youth (DCY)." The uniform statewide standards for FCM payment amount for special needs, exceptional needs, and intensive needs are clarified in paragraph (P). The rule is amended in paragraph (G)(3),(I)(4),(5) to family case plan formally referenced as case plan.

9. Does the rule incorporate material by reference? Yes

10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(d).

This rule incorporates one or more references to a form or a digital application into which data is entered. This question is not applicable to any incorporation by reference to forms or digital data applications because such reference is exempt from compliance with RC 121.75 to 121.74 pursuant to RC 121.75(B)(4).

- 11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not applicable. This will have no impact on revenues or expenditures.

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

No new costs.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

- 16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable

III. Common Sense Initiative (CSI) Questions

- 17. Was this rule filed with the Common Sense Initiative Office? No**

- 18. Does this rule have an adverse impact on business? No**

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

- A. How many new regulatory restrictions do you propose adding to this rule? 0
- B. How many existing regulatory restrictions do you propose removing from this rule? 36

5101:2-47-18(A) A child with special, exceptional, or intensive needs, as defined in this rule, receiving FCM reimbursements may be eligible for a supplemental difficulty of care reimbursement. This reimbursement shall

5101:2-47-18(A) A child with special, exceptional, or intensive needs, as defined in this rule, receiving FCM reimbursements may be eligible for a supplemental difficulty of care reimbursement. This reimbursement shall is to be available for a child who has been determined by the Title IV-E agency to have special, exceptional, or intensive needs that require

5101:2-47-18(B) Child characteristics describing the child's special, exceptional, or intensive placement services shall

5101:2-47-18(C) Difficulty of care reimbursements shall

5101:2-47-18(D)(2) A physical condition determined by a physician which requires

5101:2-47-18(E) The Title IV-E agency shall

5101:2-47-18(E) The Title IV-E agency shall is to provide special needs difficulty of care reimbursements only to a foster caregiver or, for eligible children placed on or after April 1, 2005, to a treatment foster caregiver certified pursuant to Chapters 5101:2-5 and 5101:2-7 of the Administrative Code. The care and supervision that shall

5101:2-47-18(E) The Title IV-E agency shall is to provide special needs difficulty of care reimbursements only to a foster caregiver or, for eligible children placed on or after April 1, 2005, to a treatment foster caregiver certified pursuant to Chapters 5101:2-5 and 5101:2-7 of the Administrative Code. The care and supervision that shall is to be given by the substitute caregiver of a special needs child shall

5101:2-47-18(F) (2) Who has a physical developmental disability as determined by a physician which requires

5101:2-47-18(F)(2) Who has a physical developmental disability as determined by a physician which requires warrants a high degree of care and supervision; or who requires

5101:2-47-18(F)(3) For whom a licensed or certified professional, including a psychologist or psychiatrist, licensed social worker or licensed professional counselor must

5101:2-47-18(F)(3)For whom a licensed or certified professional, including a psychologist or psychiatrist, licensed social worker or licensed professional counselor must be is involved in the child's care on an as-needed basis, but at least on a semi-annual basis or who has a physical disability as determined by a physician which requires

5101:2-47-18(F)(4) For whom a licensed or certified professional, including a physician, psychiatrist, psychologist, licensed social worker or licensed professional counselor shall

5101:2-47-18(G)The Title IV-E agency shall

5101:2-47-18(G)The Title IV-E agency shall is to provide exceptional needs difficulty of care reimbursements only to a foster caregiver or, for eligible children placed in with a treatment foster caregiver certified pursuant to Chapters 5101:2-5 and 5101:2-7 of the Administrative Code and who has successfully completed, or is currently participating in, a behavior management training course provided or recognized by the Title IV-E agency. The care and supervision that shall

5101:2-47-18(G)The Title IV-E agency shall is to provide exceptional needs difficulty of care reimbursements only to a foster caregiver or, for eligible children placed in with a treatment foster caregiver certified pursuant to Chapters 5101:2-5 and 5101:2-7 of the Administrative Code and who has successfully completed, or is currently participating in, a behavior management training course provided or recognized by the Title IV-E agency. The care and supervision that shall is to be provided by the caregiver of an exceptional needs child shall

5101:2-47-18(H)(1) Under rules adopted by the Ohio department of job and family services
(ODJFS) medicaid director governing medicaid paymentpayments under Chapter 5111. of the Revised Code for long-term care services, the child requires

5101:2-47-18(H)(2) The child requires

5101:2-47-18(H)(3)The child requires warrants

5101:2-47-18(I) The Title IV-E agency shall

5101:2-47-18(I) The Title IV-E agency shall is to only provide intensive needs difficulty of care reimbursements to a foster caregiver or, for eligible children placed in a medically fragile foster caregiver certified pursuant to Chapters 5101:2-5 and 5101:2-7 of the Administrative Code. A caregiver providing intensive needs services shall

5101:2-47-18(I) The Title IV-E agency shall is to only provide intensive needs difficulty of care reimbursements to a foster caregiver or, for eligible children placed in a medically fragile foster caregiver certified pursuant to Chapters 5101:2-5 and 5101:2-7 of the Administrative Code. A caregiver providing intensive needs services shall is not to have more than two intensive needs children who are not the caregiver's own children and a maximum of five

children placed in his/her home at one time, including other foster children and his/her own children. The care and supervision that shall

5101:2-47-18(I) The Title IV-E agency shall is to only provide intensive needs difficulty of care reimbursements to a foster caregiver or, for eligible children placed in a medically fragile foster caregiver certified pursuant to Chapters 5101:2-5 and 5101:2-7 of the Administrative Code. A caregiver providing intensive needs services shall is not to have more than two intensive needs children who are not the caregiver's own children and a maximum of five children placed in his/her home at one time, including other foster children and his/her own children. The care and supervision that shall is not be provided by the caregiver of an intensive needs child shall

5101:2-47-18(J) When a substitute caregiver is receiving a special, exceptional, or intensive needs difficulty of care payment on behalf of a child, the Title IV-E agency shall

5101:2-47-18(K) Difficulty of care reimbursement may also be available for a special, exceptional, or intensive needs child who is placed in an emergency foster home. "Emergency foster home" as used in this rule means a licensed, certified, or approved foster home which has been designated by a Title IV-E agency as an emergency foster home to provide temporary care, not to exceed thirty days, for children requiring immediate out-of-home placement or immediate placement because of a placement disruption. The emergency foster home must

5101:2-47-18(K) Difficulty of care reimbursement may also be available for a special, exceptional, or intensive needs child who is placed in an emergency foster home. "Emergency foster home" as used in this rule means a licensed, certified, or approved foster home which has been designated by a Title IV-E agency as an emergency foster home to provide temporary care, not to exceed thirty days, for children requiring immediate out-of-home placement or immediate placement because of a placement disruption. The emergency foster home must is to be available to provide care to children at any time of the day or night, with little or no notice, and be able to meet immediate physical and emotional needs of children. The Title IV-E agency may also impose restrictions regarding the number of children served or additional training requirements before designating a foster home as an emergency foster home. An emergency foster home for special, or exceptional needs children shall

5101:2-47-18(K) Difficulty of care reimbursement may also be available for a special, exceptional, or intensive needs child who is placed in an emergency foster home. "Emergency foster home" as used in this rule means a licensed, certified, or approved foster home which has been designated by a Title IV-E agency as an emergency foster home to provide temporary care, not to exceed thirty days, for children requiring immediate out-of-home placement or immediate placement because of a placement disruption. The emergency foster home must be available to provide care to children at any time of the day or night, with little or no notice, and be able to meet immediate physical and emotional needs of children. The Title IV-E agency may also impose restrictions regarding the number of children served or additional training requirements before designating a foster home as an emergency foster home. An emergency foster home for special, or exceptional needs children shall be certified as a treatment foster home. An emergency foster home for intensive needs children shall

5101:2-47-18(L) The difficulty of care reimbursement for an emergency foster home shall

5101:2-47-18(M) Reimbursement for emergency foster home placement is limited to thirty days for each placement. Reimbursement shall

5101:2-47-18(N) Difficulty of care reimbursements shall

5101:2-47-18(N) Difficulty of care reimbursements shall be reimbursed at the FCM program rate of federal financial participation. Authorization for difficulty of care payments shall

5101:2-47-18(O) For difficulty of care payments, the following documentation shall

5101:2-47-18 (P) The uniform statewide standards for FCM payment amounts for public foster homes, relative homes licensed as a foster home and pre-finalized adoptive homes that are established by the ODJFS shall set the maximum amounts for exceptional needs difficulty of care reimbursements and intensive needs difficulty of care reimbursements at the same amount.

5101:2-47-18(O) For difficulty of care payments, the following documentation shall be maintained in the FCM case record to support such payments:

(1) The degree of difficulty of care and supervision required

5101:2-47-18(Q) The agency ODJFS reimbursement amounts for a child placed in a foster home on the effective date of rules 5101:2-5-25, 5101:2-5-36, 5101:2-5-37, 5101:2-7-16 and 5101:2-7-17 of the Administrative Code shall

5101:2-47-18(R) A child with special, exceptional, or intensive needs as described in this rule who is placed in a foster home prior to April 1, 2005, and on whose behalf a difficulty of care payment is made shall

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable