

TO BE RESCINDED

5101:2-47-24 **Title IV-E agency contract and contract monitoring requirements for placement of children with a parent in a substance use disorder (SUD) residential facility.**

(A) Each Title IV-E agency shall create a contract with a SUD residential facility, as defined in rule 5101:2-1-01 of the Administrative Code, for placement of a child(ren) with a parent in a licensed family-based residential treatment facility for substance abuse to be signed by the Title IV-E agency and SUD residential facility. All contracts shall include but are not limited to the following:

- (1) Scope of services to be provided.
- (2) Beginning and ending dates for which the contract terms will be binding upon the parties.
- (3) Appropriate remedies for breach of contract.
- (4) Provisions for termination and suspension.
- (5) Record retention requirements for financial records, census records, client records and documentation of legal compliance with Administrative Code rules.
- (6) Requirements that the provider shall not permit funds to be paid or committed to be paid to any corporation, firm, association or business in which any of the members of the governing body of the agency, the executive personnel or their immediate families have any direct or indirect financial interest, or in which any of these persons serve as an officer or employee, unless the services or goods involved are provided at a competitive cost or under terms favorable to the provider.
- (7) The SUD residential facility shall engage an independent public accountant to conduct an annual audit of its financial statements. An agreed upon procedures engagement shall be conducted using the JFS 02913 "Title IV-E Agreed Upon Procedures" (9/2014) engagement.
- (8) Requirements that the provider adhere to the following financial reporting principles:
 - (a) Generally accepted accounting principles for maintaining all financial records. Appropriate documentation for each financial transaction shall be available for examination upon request by the Title IV-E agency, the Ohio department of job and family services, the Ohio auditor of state, or the United States department of health and human services.

- (b) Rule 5101:2-47-11 of the Administrative Code "Reimbursement for Title IV-E Foster Care Maintenance (FCM) Costs for Children's Residential Centers (CRC), Group Homes, Maternity Homes, Residential Parenting Facilities, Private Foster Homes, and Substance Use Disorder (SUD) Residential Facilities."
 - (c) Rule 5101:2-47-26.1 of the Administrative Code "Public Children Services Agencies (PCSA), Private Child Placing Agencies (PCPA), Private Noncustodial Agencies (PNA), Residential Care Facilities, Substance Use Disorder (SUD) Residential Facilities: Title IV-E Cost Report Filing Requirements, Record Retention Requirements and Related Party Disclosure Requirements."
 - (d) Rule 5101:2-47-26.2 of the Administrative Code "Cost Report "Agreed Upon Procedures" Engagement."
 - (e) JFS 02911-I "Instructions for Completing JFS 02911, Title IV-E Single Cost Report" (rev. 8/2018).
 - (f) The allowable and unallowable cost principles contained in the office of management and budget 2 C.F.R. Part 200 (2014) (www.gpo.gov/fdsys/granule/CFR-2014-title2-vol1/CFR-2014-title2-vol1-part200/content-detail.html).
- (B) Each Title IV-E agency shall enter all required contracting information into the statewide automated child welfare information system (SACWIS) to be able to enter a placement of a child with a parent in a SUD residential facility.
- (C) At a minimum, the agreed upon per diem for placement maintenance and placement administration shall be specified and be attached to the contract.
- (D) Invoicing procedures shall at a minimum correspond to the agreed upon per diem as specified in SACWIS and on the contract. 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 statewide automated child welfare information system (SACWIS) person identification number.

- (4) Admission date and discharge date, if applicable.
 - (5) Agreed upon per diem amount 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.
 - (6) 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 (D)(5)(b) of this rule.
 - (b) Other costs the Title IV-E agency agreed to pay.
- (E) 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 a comparison of invoices to the agreed upon per diem amount in SACWIS to ensure billing accuracy.

Effective: 6/1/2024

Five Year Review (FYR) Dates: 3/7/2024

CERTIFIED ELECTRONICALLY

Certification

05/21/2024

Date

Promulgated Under: 119.03
Statutory Authority: 5103.03, 5101.141, 5153.16
Rule Amplifies: 5103.03, 5101.141, 5153.16
Prior Effective Dates: 05/01/2019