

5101:2-44-13.1 **Eligibility and application process for the post adoption special services subsidy (PASSS) program.**

(A) Post adoption special services subsidy (PASSS) is a state-funded program designed to assist eligible adoptive families, after adoption finalization, to receive services consistent with paragraphs (G) through (P) of this rule.

(B) PASSS funding is based on a state fiscal year (SFY), July first through June thirtieth. Once the application is approved the family is eligible from the first day of the month in which the completed application is approved, however the family may submit the invoice from the initial assessment or evaluation required as part of the application process. Applicants may only request funding for services rendered during the SFY in which the JFS 01050 "Application for a Post Adoption Special Services Subsidy" is made. A new JFS 01050 is to be submitted if additional services are requested during the same SFY or any subsequent SFY. The new application is to contain updated information, if applicable, as outlined in paragraph (F) of this rule, including updated financial information.

(C) Pursuant to section 5101.1418 of the Revised Code administration of PASSS will transition to the Ohio department of job and family services effective July 1, 2022. All invoices for services approved for SFY 2022, are to be paid by the PCSA and entered into Ohio SACWIS for reimbursement by the PCSA by September 30, 2022. The public children services agencies are not to accept PASSS applications for services that start after June 30, 2022. The PCSAs are to forward any applications for services that will start on or after July 1, 2022 to OhioKAN or ODJFS within fifteen calendar days of receiving the application.

(D) All of the following requirements are to be met to be eligible for PASSS:

(1) The child resides in Ohio and the home of the adoptive parent(s) in which the application is made.

(2) The child has been adopted by someone other than a step parent.

(3) The child has a physical or developmental disability or mental or emotional condition that either:

(a) Existed before the adoption petition was filed.

(b) Developed after the adoption petition was filed and can be directly attributed to factors in the child's preadoption background or medical history, or biological family's background or medical history.

(4) The child meets either of the following requirements:

(a) The child is under the age of eighteen.

(b) The child is at least eighteen years of age and less than twenty-one years of age and has been diagnosed with one of the disabilities defined in this paragraph:

(i) Mental or emotional disability is a mental illness or emotional disturbance that impairs the ability to meet activities of daily living.

(ii) Developmental disability is a developmental delay or intellectual disability that limits functioning.

(iii) Physical disability is a vision, speech or hearing impairment; congenital orthopedic impairment, orthopedic impairment caused by disease, or orthopedic impairment from other causes (e.g., amputation); impairment caused by chronic or acute health problems (e.g., rheumatic fever); or a concomitant of the aforementioned.

(5) Other sources of assistance are inadequate or are unavailable to meet the child's immediate needs.

(E) Families are to start the application process in person, online or by calling the Ohio kinship and adoption navigator (OhioKAN) program.

(F) OhioKAN staff are to submit a completed JFS 01050 "Application for Post Adoption Special Services Subsidy" with the following documentation to ODJFS:

(1) A clear written statement of the child's needs as defined in paragraph (D)(3) of this rule. The statement is to be supported by an assessment or evaluation from a qualified professional including an opinion as to the origin of the problem, past history, prognosis and recommendations related to future treatment needs. For the purpose of this rule, a qualified professional is defined as a licensed independent social worker (LISW), professional counselor licensed by section 4757.23 of the Revised Code, physician, physician assistant, certified nurse practitioner, chiropractor, dentist, orthodontist, psychiatrist, psychologist, or occupational, physical or speech therapist, a licensed social worker (LSW) or other licensed/certified professionals who are under the direct supervision of any of the professionals listed in this paragraph. The qualified professional is not to be responsible for providing public casework services to the child. The qualified professional's diagnosis of disability or condition is to be within the professional's area of expertise.

- (2) A completed JFS 01052 "Credentials of Professional Providers of PASSS Funded Therapeutic Services and Memorandum of Understanding," if applicable.
- (3) A written statement that clearly indicates why the requested service is not within the resources of the family, a copy of the JFS 01681 "Applicant Financial Statement" and a copy of the family's most recent IRS tax return.
- (4) A listing of community resources, as outlined on the JFS 01050, that have been contacted including the date and results of those contacts. OhioKAN staff is to work with the family to identify and exhaust other resources prior to submitting the JFS 01050.
- (5) A copy of the relevant provisions in any public or private health insurance policy held by the family regarding the child's eligibility for services and the services that are covered under the policy.
- (6) OhioKAN staff are to assist families in gathering any documentation needed.
- (G) As a condition of continued eligibility for PASSS funds, the adoptive parent(s) is to submit a copy of the child's treatment plan, completed by the service provider, which details the therapeutic intervention(s) that will be provided to the child for the period in which the JFS 01050 will be in effect. The treatment plan is to be submitted to ODJFS within forty-five days of the adoptive child's initial visit to the provider. If ODJFS has not received the treatment plan within forty-five days, ODJFS is to mail the family a JFS 0149 "Verification of Treatment Plan" letter.
- (H) If ODJFS does not receive the treatment plan by the sixtieth day PASSS funds are subject to suspension.
- (I) ODJFS may encumber PASSS funds for the reasonable costs of services for any of the following allowable services:

 - (1) Medical and surgical services. All medical and surgical services are to be determined to be medically necessary by a qualified professional. The medically necessary service is to be the lowest cost alternative that effectively addresses and treats the child's medical problem(s). Medical and surgical services are not to include the cost of dental or orthodontia unless documentation can be provided that the service is medically necessary and meets the criteria of paragraphs (D)(3)(a) and (D)(3)(b) of this rule.
 - (2) Psychiatric, psychological, and counseling services. All psychiatric, psychological and counseling services are to be determined to be necessary by a qualified professional. These services can include:

- (a) Specialized therapeutic camps that offer services that are provided by a qualified professional listed in paragraph (F)(1) of this rule. The invoice for these services is to be itemized to indicate the cost of the therapeutic components of the program. Only the therapeutic cost will be covered these are not to include food or meals, lodging, or recreational activities.
- (b) Brain balance programs that offers services that are provided by a qualified professional listed in paragraph (F)(1) of this rule. The invoice for these services is to be itemized to indicate the cost of the therapeutic components of the program. Only the therapeutic cost will be covered.
- (3) Residential treatment, treatment foster care or in-patient hospitalization services (excluding private non-profit, therapeutic wilderness camps) if required by psychiatric, psychological or counseling needs and approved by a qualified professional.

 - (a) These services may include maintenance costs as long as the costs are included as part of a residential treatment, treatment foster care or in-patient hospitalization program.
 - (b) Residential treatment services are not to include the cost of educational services.
 - (c) Approved services for any type of residential treatment facility or treatment foster care home are to be provided by a residential facility or treatment foster care home that is licensed by the Ohio department of job and family services (ODJFS) or the Ohio department of mental health and addiction services (OMHAS) or a comparable agency which is recognized by a state or a similar licensing body.
- (4) Respite care services for the purpose of this rule are defined as services designed to provide planned or emergency temporary relief of child caring functions. Respite care services may provide planned or emergency short-term and time-limited breaks for families of children with medical, surgical or mental health needs of the child. Respite care services are to be administered by an independent provider who resides outside the family home. A relative may provide respite for a child that may have behaviors or needs that are best addressed by that provider. Respite care services are not hospice, regular child care, therapy, nursing services and other rehabilitative services. Respite care services may be approved for:

 - (a) Medical and surgical respite care services if required by medical or surgical needs of the child. Medical and surgical respite care services are not to

exceed two thousand four hundred dollars per child per SFY. ODJFS may elect, on a case by case basis, to approve up to an additional two thousand four hundred dollars per child per SFY for medical and surgical respite care services under special circumstances.

(b) Mental health respite care services if required by psychiatric, psychological or counseling needs. Mental health respite care services are not to exceed two thousand four hundred dollars per child per SFY. ODJFS may elect, on a case by case basis, to approve up to an additional two thousand four hundred dollars per child per SFY for mental health respite care services under special circumstances.

(J) Special circumstances may include:

(1) The family demonstrating a financial need.

(2) A written statement of the child's need from a qualified professional.

(K) Approved services are to address the child's physical or developmental disability or mental or emotional condition that either existed before the adoption petition was filed or developed after the adoption petition was filed and can be attributed to factors in the child's preadoption background, medical history, or biological family's background or medical history.

(L) Approved services that involve any type of therapy are to be provided by a qualified professional, as outlined in this rule, and the JFS 01052, who is practicing within their scope of practice as noted by their education, training and experience. The provider is to indicate that their therapeutic interventions will comply with all treatment aspects contained in rules 5122-26-16, 5122-26-16.1, and 5122-26-16.2 of the Administrative Code.

(M) Invoices for approved services are to be dated after the approval date listed on the "Approval or Denial for Post Adoption Special Services Subsidy" report. The only exception is the initial assessment or evaluation as described in paragraph (F)(1) of this rule.

(N) Except as provided in paragraph (O) of this rule, no more than ten thousand dollars is to be encumbered for any one child in one SFY.

(O) If ODJFS determines that either of the following exists, the limit outlined in paragraph (N) of this rule may be increased up to five thousand dollars for a total of fifteen thousand dollars per child per SFY if:

- (1) The family's income and resources substantially decreased due to the involuntary loss of employment and the family has completed the JFS 01051 "Application for Additional Post Adoption Special Services Subsidy (PASSS) Funding for Extraordinary Circumstances."
- (2) A qualified professional as described in paragraph (F)(1) of this rule recommends residential treatment, in-patient hospitalization, or therapeutic foster care to prevent disruption of the adoption. This recommendation is to be submitted along with a copy of the JFS 01051.
- (P) If a family is requesting additional PASSS funding and meets the requirements outlined in paragraph (O) of this rule, ODJFS may review and approve the JFS 01051 along with the initial JFS 01050.
- (O) The adoptive parent or parents who receive PASSS funds are required to pay at least a five per cent co-pay of the total cost of all approved services provided to the child.
- (1) If the gross income of the child's adoptive family is less than two hundred per cent of the federal poverty guideline, ODJFS may waive the five per cent requirement.
- (2) If the service amount is higher than the approved amount, the adoptive parent is responsible for the co-pay percentage amount and the overage cost of the service.
- (R) Interventions involving planned physical restraint or coercion (e.g., "compression holding" or "rebirthing therapy"), or promotion of regression for "reattachment" are not to be provided utilizing PASSS dollars. In addition, the following therapeutic techniques are not permitted on a treatment plan to be paid from PASSS funds under any circumstances:
- (1) Face down restraint with back pressure.
- (2) Any technique that obstructs the airway or impairs breathing.
- (3) Any technique that obstructs vision.
- (4) Any technique that restricts the recipient's ability to communicate.
- (5) Pepper spray, mace, handcuffs or electronic restraint devices such as stun guns.
- (6) A drug or medication that is used as a restraint to control behavior or restrict the individual's freedom of movement that is not a standard treatment for the individual's medical or psychiatric condition.

(S) The following services are not subject to approval for PASSS for funding:

- (1) Educational services such as tuition and tutoring.
 - (2) Cosmetic dental and/or orthodontia services.
 - (3) Medical and/or mental health co-payments, prescriptions and/or prescription co-payments.
 - (4) Any recreational services including but not limited to karate, gymnastics, dance classes and fitness club memberships.
 - (5) Travel related expenses such as mileage reimbursement, airfare, lodging etc., and automobile purchases and repairs. PASSS funding may be used for specific types of vehicle modifications, e.g. lift added to van, car or transportation services that are related to the child's special needs.
 - (6) Computer equipment and software that has not been recommended by a qualified professional that will help or improve the mental and physical condition of the child.
 - (7) Child care services.
 - (8) Property fences.
 - (9) Food, meal supplements and nutrition drinks.
 - (10) Service animals.
 - (11) Services provided by a PCSA or private child placing agency (PCPA) to make arrangements for adoptive placements.
 - (12) Services that are equivalent to or are of greater benefit to other members of the family, not including family counseling and respite.
 - (13) Services to a child for whom a parent-child relationship does not exist.
 - (14) Services that facilitate contact with a parent whose rights have been terminated.
 - (15) Services for a child in the custody of a PCSA, PCPA, court or any other agency.
 - (16) Legal fees to finalize the adoption or for any other legal action.
- (T) ODJFS may approve PASSS funding for the child's insurance deductible, if the service is covered by private insurance, in lieu of approving PASSS funds for the cost of

services for the child. Applications will be reviewed on case by case basis, if it is determined that it would be more cost effective to pay the insurance deductible rather than to pay the cost of the services.

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