

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-44-13.1

Rule Type: Rescission

Rule Title/Tagline: Eligibility and application process for the post adoption special services subsidy (PASSS) program.

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? 3/16/2022**
2. **Is this rule the result of recent legislation? Yes**
 - A. **If so, what is the bill number, General Assembly and Sponsor? HB 110 - 134 - Scott Oelslager**
3. **What statute is this rule being promulgated under? 119.03**
4. **What statute(s) grant rule writing authority? 5153.166**
5. **What statute(s) does the rule implement or amplify? 5153.163**
6. **What are the reasons for proposing the rule?**

The rule is being rescinded due to HB 110 transistions administration of the Post Adoption Special Services Subsidy (PASSS) from county public child services agencies to the Ohio Department of Job and Family Services (ODJFS).

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

The rule details who is eligible for PASSS funding. The rule outlines the forms and documents that are necessary to apply for funding. The funding amounts are explained and the rule details what services cannot be paid for with PASSS funding.

8. **Does the rule incorporate material by reference? Yes**
9. **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 the Ohio Revised Code. This question is not applicable to any incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(a).

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).

10. **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

11. **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

Not Applicable

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

No new costs.

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

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

15. 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

16. Was this rule filed with the Common Sense Initiative Office? No

17. 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. 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? 0

B. How many existing regulatory restrictions do you propose removing? 31

(B) A new JFS 01050 shall be submitted if additional services are requested during the same SFY or any subsequent SFY.

(B) The new application shall contain updated information, if applicable, as outlined in paragraph (D) of this rule, including updated financial information.

(C) A public children services agency (PCSA) shall enter into a PASSS agreement with the child's adoptive parent(s) if the agency considers the child to be in need of public care or protective services.

(C) All of the following requirements shall be met to be eligible for PASSS:

(D) The PCSA shall retain a completed JFS 01050 with the following documentation:

(D)(1) The statement shall 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.

(D)(1)The qualified professional shall not be responsible for providing public casework services to the child.

(E) As a condition of continued eligibility for PASSS funds, the adoptive parent(s) shall 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.

(E) The treatment plan shall be submitted to the PCSA within thirty days of the adoptive child's initial visit to the provider.

(F)(1) Medical and surgical services. All medical and surgical services shall be determined to be medically necessary by a qualified professional.

(F)(1)The medically necessary service shall be the lowest cost alternative that effectively addresses and treats the child's medical problem(s).

(F)(1) Medical and surgical services shall not include the cost of orthodontia.

(F)(2)All psychiatric, psychological and counseling services shall be determined to be necessary by a qualified professional.

(F)(3)(b) Residential treatment services shall not include the cost of educational services.

(F)(3)(c) Approved services for any type of residential treatment facility or therapeutic foster care home shall be provided by a residential facility or therapeutic 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.

(F)(4) Respite care services shall be administered by an independent provider who resides outside the family home and is not related to the applicant.

(F)(4)(a) Medical and surgical respite care services shall not exceed two thousand four hundred dollars per child per SFY.

(F)(4)(b) Mental health respite care services shall not exceed two thousand four hundred dollars per child per SFY.

(G) Approved services shall address the child's physical or developmental handicap 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.

(H) The provider shall indicate that his or her 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.

(I) Interventions involving planned physical restraint or coercion (e.g., "compression holding" or "rebirthing therapy"), or promotion of regression for "reattachment" shall not be provided utilizing PASSS dollars.

(I) In addition, the following therapeutic techniques shall not be permitted on a treatment plan to be paid from PASSS funds under any circumstances:

(J) Except as provided in paragraph (K) of this rule, no more than ten thousand dollars shall be encumbered for any one child in one SFY.

(K)(2) This recommendation shall be submitted along with a copy of the JFS 01051.

(L) If a family is requesting additional PASSS funding and meets the requirements outlined in paragraph (K) of this rule, the review committee and the PCSA executive director or designee shall review and approve the JFS 01051 along with the initial JFS 01050.

(M) The encumbrance shall not include the five per cent payment required of the adoptive parent(s).

(N) The PCSA shall not approve PASSS funding for any of the following:

(D)(1) The qualified professional's diagnosis of handicap or condition must be within the professional's area of expertise.

(O) This shall only be done on a case by case basis under special circumstances that the PCSA has outlined in its adoption policy and when the PCSA has determined that it would be more cost effective to pay the insurance deductible than to pay for the cost of the services.

(H) Approved services that involve any type of therapy must be provided by a qualified professional, as outlined in this rule, and the JFS 01052, who is practicing within his or her scope of practice as noted by his or her education, training and experience.

(M) The PCSA may not exceed the ten thousand dollars or fifteen thousand dollars encumbrance per child, per SFY as outlined in paragraphs (J) and (K) of this rule, respectively.