

TO BE RESCINDED

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 families, after adoption finalization, to receive services consistent with paragraphs (E) to (L) of this rule.
- (B) PASSS funding is based on a state fiscal year (SFY), July first through June thirtieth. The family is eligible from the first day of the month in which the completed application is approved. Applicants may only request funding for services rendered during the SFY in which the JFS 01050 "Application for a Post Adoption Special Services Subsidy" (rev. 7/2016) is made. A new JFS 01050 shall be submitted if additional services are requested during the same SFY or any subsequent SFY. 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. All of the following requirements shall be met to be eligible for PASSS:
- (1) The child resides in the Ohio county and the home of the 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 handicap 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 is mentally or physically handicapped as defined below:

- (i) Mentally handicapped is the condition of intellectual disability and/or mental illness.
 - (ii) Physically handicapped is the impairment of vision, speech, or hearing; 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.
- (D) The PCSA shall retain a completed JFS 01050 with the following documentation:
- (1) A clear written statement of the child's special need as defined in paragraph (C)(3) of this rule. 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. 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, 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 shall not be responsible for providing public casework services to the child. The qualified professional's diagnosis of handicap or condition must 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" (rev. 4/2019), 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" (rev. 10/2000) and a copy of the family's most recent IRS 1040.
 - (4) A listing of community resources, as outlined on the JFS 01050, that have been contacted including the date and results of those contacts.

- (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.
- (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. The treatment plan shall be submitted to the PCSA within thirty days of the adoptive child's initial visit to the provider.
- (F) The PCSA 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 shall be determined to be medically necessary by a qualified professional. The medically necessary service shall be the lowest cost alternative that effectively addresses and treats the child's medical problem(s). Medical and surgical services shall not include the cost of orthodontia.
 - (2) Psychiatric, psychological, and counseling services. All psychiatric, psychological and counseling services shall be determined to be necessary by a qualified professional.
 - (3) Residential treatment, therapeutic 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, therapeutic foster care or in-patient hospitalization program.
 - (b) Residential treatment services shall not include the cost of educational services.
 - (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.
 - (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 shall be administered by an independent provider who resides outside the family home and is not related to the applicant. Under special circumstances that the PCSA outlines in its adoption policy a provider related to the family can be approved. 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 shall not exceed two thousand four hundred dollars per child per SFY. A PCSA 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 that the PCSA also outlines in its adoption policy.
 - (b) Mental health respite care services if required by psychiatric, psychological or counseling needs. Mental health respite care services shall not exceed two thousand four hundred dollars per child per SFY. A PCSA 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 that the PCSA also outlines in its adoption policy.
- (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) 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. 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. In addition, the following therapeutic techniques shall not be 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.
- (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) If the review committee and executive director or designee determines either of the following exists, the limit in paragraph (J) 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" (rev. 7/2016).
 - (2) A qualified professional as described in paragraph (D)(1) of this rule recommends residential treatment, in-patient hospitalization, or therapeutic foster care to prevent disruption of the adoption. 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 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, the PCSA may waive the five per cent requirement.
 - (2) If the gross income of the child's adoptive family is at or above two hundred per cent of the federal poverty guideline, the PCSA may lower the co-pay

percentage of the total cost or waive it. If waived or lowered below five per cent, this will result in a local share payment percentage for the county agency.

- (3) 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.

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. 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:

- (1) Educational services such as tuition and tutoring.
- (2) Dental and/or orthodontia services including dental/oral surgery.
- (3) Medical and/or mental health co-payments, prescriptions and/or prescription co-payments.
- (4) Camp and 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. PASSS funding may be used for software suggested by a qualified professional that will help or improve the mental and physical condition of the special needs 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.
- (O) The PCSA may elect to approve PASSS funding for an insurance deductible, for the child only, in lieu of approving PASSS funds for the cost of services for the child. 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.

Effective:

Five Year Review (FYR) Dates: 3/16/2022

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5153.166
Rule Amplifies: 5153.163
Prior Effective Dates: 10/02/1980, 07/01/1990, 01/13/1992 (Emer.),
09/21/1992, 07/01/1994, 09/18/1996, 01/30/1998,
03/06/2000 (Emer.), 06/01/2000, 07/01/2001,
07/01/2004, 07/01/2008, 05/01/2009, 12/01/2011,
05/15/2014, 12/01/2015, 05/01/2017, 08/01/2019