

5101:2-44-13 **Public children services agency (PCSA) administration of the post adoption special services subsidy (PASSS) program.**

(A) The public children services agency (PCSA) is responsible for the administration and determination of eligibility for the post adoption special services subsidy (PASSS) program. The PCSA shall:

(1) Upon request, provide the following within five days to any adoptive parent who resides in Ohio:

(a) The JFS 01050 "Application for Post Adoption Special Services Subsidy" (rev. ~~7/2011~~7/2016).

(b) The JFS 01051 "Application for Additional Post Adoption Special Services Subsidy (PASSS) Funding for Extraordinary Circumstances" (rev. ~~7/2013~~7/2016).

(c) The JFS 01052 "Credentials for Providers of PASSS Funded Therapeutic Services and Memorandum of Understanding" (rev. 1/2014).

(d) The JFS 04059 "Explanation of State Hearing Procedures" (rev. ~~10/2008~~1/2015).

(e) The JFS 01681 "Applicant Financial Statement" (rev. 10/2000).

(2) Within fifteen days of the date stamped by the PCSA indicating receipt of the JFS 01050, JFS 01051, if applicable, and JFS 01052, return to an applicant any application that does not contain the required documentation as outlined in rule 5101:2-44-13.1 "Eligibility and application process for the post adoption special services subsidy, PASSS program" of the Administrative Code.

(3) Process all completed JFS 01050s.

(4) Retain all JFS 01052s, all approved and denied JFS 01050s and all JFS 01051s.

(B) Applicants seeking a post adoption special service subsidy shall:

(1) Complete each section of the JFS 01050 and JFS 01051, if applicable, and have the provider complete each section of the JFS 01052, in order for the application to be considered complete.

- (2) Forward all documentation as outlined in rule 5101:2-44-13.1 of the Administrative Code to the PCSA in the county in which the applicant and child reside.
- (C) The PCSA shall form a post adoption subsidy review committee composed of a minimum of three people: a representative of the PCSA administration, a representative of the PCSA adoption services section, and a person within the community who is knowledgeable about post adoption services. The PCSA shall ensure that people from outside the adoption services section adhere to all confidentiality procedures in accordance with section 5153.17 of the Revised Code.
- (D) The committee shall review each completed JFS 01050, JFS 01051 and JFS 01052 and recommend the services and level of funding to be provided by the PASSS program to the PCSA executive director or designee.
- (E) PASSS funds shall be used for the following:
- (1) Family preservation services for a child residing in the home of the adoptive parent.
 - (2) Services that will reduce serious psychological risk for the child or serious physical risk for the child or others. Serious psychological or physical risk is defined as a progressive psychological or physical illness, injury, or impairment that will continue over an extended period of time and requires direct supervision by a qualified professional as outlined in rule 5101:2-44-13.1 of the Administrative Code. If such services are for a child not residing in the home, the requested services shall focus on specific reunification goals that enable the child to return home.
 - (3) Medical services designed to relieve or correct preadoptive health care problems.
- (F) The committee shall base its approval of the PASSS application on:
- (1) The review of supporting documentation as specified in rule 5101:2-44-13.1 of the Administrative Code.
 - (2) Whether the application requirements of rule 5101:2-44-13.1 of the Administrative Code are met.
 - (3) A determination that the individual services requested by the family are

appropriate.

- (G) Within forty-five days of submission of the completed application, the PASSS review committee shall make its recommendations to the PCSA executive director or designee.
- (H) If the PCSA executive director or designee determines that the review committee will be delayed in making its recommendations beyond the forty-five day deadline, the PCSA executive director, or designee, may substitute an alternative review process. This alternative review process shall be defined in the PCSA's adoption policy and shall set out the alternative procedure and explain when the alternative review process may be used.
- (I) The PCSA executive director, or designee, shall determine, within five days of receiving the recommendation, whether to follow the recommendation of the PASSS review committee.
- (J) If the PCSA executive director, or designee, does not follow any of the recommendations of the PASSS review committee, the PCSA executive director, or designee, shall describe, in writing, the reasons for not following the recommendation.
- (K) The PCSA executive director, or designee, shall provide written notice of approval or denial on the JFS 04074 "Notice of Approval of Your Application for Assistance" (rev. 9/2011) or the JFS 07334 "Notice of Denial of Your Application for Assistance" (rev. 9/2011) "Approval or Denial for Post Adoption Special Services Subsidy" report generated from the statewide automated child welfare information system (SACWIS) to the applicant within ~~three~~ five days of the decision to approve or deny the application.
- ~~(L) The written notice shall contain the following:~~
- ~~(1) The services and amount approved and the effective date of the approval.~~
 - ~~(2) The reason for denial if funding is not approved and information regarding the applicant's right to a state hearing pursuant to section 5101.35 of the Revised Code and division 5101:6 of the Administrative Code.~~
- ~~(M)~~(L) The PCSA shall document the state hearing review process in the agency's adoption policy.
- ~~(N)~~(M) The PCSA shall approve PASSS funding as long as state funds are available. In the event state funding is no longer available, the PASSS program will close to new

applications until July first of the following state fiscal year (SFY). Once state funds have been exhausted, neither ODJFS nor the PCSA may be held responsible for payment of services for applications that have not been approved.

~~(O)~~(N) The PCSA working with the adoptive family shall provide assistance to the adoptive parent(s) in exploring other sources of support and services for the child. PASSS is a funding source of last resort; therefore, to the extent that other funding sources are or become available, they shall be used in place of PASSS funds.

~~(P)~~(O) PASSS funds shall not supplant medicaid funding if the child is eligible for coverage under the medicaid program.

~~(Q)~~(P) The PCSA may consider approving services requested under the following conditions:

- (1) The child is not eligible for medicaid.
- (2) The service recommended by a qualified professional for the child's treatment is not a covered service under medicaid.
- (3) The service requested by the family is not covered under the family's insurance.

~~(R)~~(Q) The amount funded shall not exceed the amount paid for the same service provided by a medicaid provider if the applicable service requested is covered under medicaid pursuant to: appendix DD to rule 5160-1-60 of the Administrative Code or appendix A to rule 5160-27-05 of Administrative Code for mental health services.

~~(S)~~(R) If the service is not covered under medicaid, the amount funded shall be a reasonable amount and shall meet the guidelines of the qualified professional's licensing body standards. The licensing body is the entity that has provided the license for the individual to practice in their profession.

~~(T)~~(S) All invoices submitted for reimbursement in SACWIS that comply with ~~this rule~~ Chapter 5101:2-44 of the Administrative Code will be paid by ODJFS if submitted by the PCSA no later than September thirtieth, after the close of the state fiscal year in which the applications were approved.

~~(U)~~(T) The PCSA shall be reimbursed as follows:

- (1) Up to ninety-five per cent of the total for each invoice received by the PCSA for

applications that comply with ~~this rule~~ Chapter 5101:2-44 of the Administrative Code.

(2) Up to one hundred per cent of the total for each invoice received by the PCSA for applications that comply with ~~this rule~~ Chapter 5101:2-44 of the Administrative Code if the PCSA has waived the five per cent requirement pursuant to rule 5101:2-44-13.1 of the Administrative Code.

~~(V)~~(U) If a state or federal audit determines that the PCSA has been reimbursed for services in which a JFS 01050 has not been submitted and/or approved by the PCSA, the PCSA shall reimburse ODJFS the amount of the adverse audit finding.

~~(W)~~(V) Each approved PASSS application shall be reviewed by the PCSA within twenty days after the state fiscal quarter in which it was approved, and every subsequent quarter within the SFY, to determine if the funding is being utilized.

~~(X)~~(W) The PCSA shall notify the family, within five days of completion of the review, of its intent to release these funds for that quarter unless the family provides adequate justification within twenty days of receipt of the notice as to why the funds were not used.

~~(Y)~~(X) If the PCSA does not accept the justification offered by the family, the PCSA shall release the funds in question to ODJFS through SACWIS, and the family is responsible for the payment of services.

~~(Z)~~(Y) If the PCSA releases the funds, it shall provide the family information regarding the right to a state hearing pursuant to section 5101.35 of the Revised Code and division 5101:6 of the Administrative Code.

Effective: 05/01/2017

Five Year Review (FYR) Dates: 05/01/2019

CERTIFIED ELECTRONICALLY

Certification

03/02/2017

Date

Promulgated Under: 119.03
Statutory Authority: 5153.166
Rule Amplifies: 5153.163
Prior Effective Dates: 10/2/80, 7/1/90, 1/13/92, (Emer.), 9/21/92, 7/1/92, 9/18/96, 1/30/98, 3/6/00 (Rmer.), 6/1/00, 7/1/01, 7/1/04, 7/1/08, 5/1/09, 12/1/11, 5/15/14