

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-44-13

Rule Type: Rescission

Rule Title/Tagline: Public children services agency (PCSA) administration of 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?** 5153.166
6. **What are the reasons for proposing the rule?**

The rule is being rescinded due to HB 110 that transitions administration of the Post Adoption Special Services Subsidy (PASSS) from county public child services agencies to the Ohio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 provides guidance to PCSA regarding families seeking PASSS funding. The rule outlines the process to apply for PASSS funds including the approval and denial process. This rule also describes how PASSS funds may be used by the family.

- 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? 28

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:

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

(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.

(C) 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:

(E)(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.

(F) The committee shall base its approval of the PASSS application on:

(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) 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 "Approval or Denial for Post Adoption Special Services Subsidy" report generated from the statewide automated child welfare information system (SACWIS) to the applicant within five days of the decision to approve or deny the application.

(L) The PCSA shall document the state hearing review process in the agency's adoption policy.

(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.

(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.

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

(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 5160-27-03 of Administrative Code for mental health services.

(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) The PCSA shall be reimbursed as follows:

(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.

(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.

(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.

(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.

(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

(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.

(N) 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.

(H) 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.