

## TO BE RESCINDED

5101:2-47-23.1      **Title IV-E agency contracting and contract monitoring requirements.**

- (A) Each Title IV-E agency, as defined in rule 5101:2-1-01 of the Administrative Code, shall establish a system of contracting and contract monitoring for child placement and related services.
- (B) Each child placing agency contract for placement and related services shall include the following minimum requirements:
- (1) Scope of services to be provided.
  - (2) Beginning and ending dates for which the contract terms will be binding upon the parties.
  - (3) Appropriate remedies for breach of contract.
  - (4) Provisions for termination and suspension.
  - (5) Requirement specifying the provider's responsibility to participate in the case plan and the Title IV-E agency's responsibility to participate in the child's treatment or service plan.
  - (6) Procedures and time frames for submitting progress reports for each child to the Title IV-E agency.
  - (7) Record retention requirements for financial records, census records, client records and documentation of legal compliance with Administrative Code rules.
  - (8) Requirements that the provider shall not permit funds to be paid or committed to be paid to any corporation, firm, association or business in which any of the members of the governing body of the agency, the executive personnel or their immediate families have any direct or indirect financial interest, or in which any of these persons serve as an officer or employee, unless the services or goods involved are provided at a competitive cost or under terms favorable to the provider.
  - (9) Requirements for an annual audit as follows:

- (a) The private child placing agency (PCPA) or private noncustodial agency (PNA) shall engage an independent public accountant to conduct an annual audit of its financial statements. If the PCPA or PNA participates in the Title IV-E program an agreed upon procedures engagement must be conducted for the agency's Title IV-E cost report in accordance with the requirements specified in rule 5101:2-47-26.2 of the Administrative Code. The audit shall be conducted in accordance with government auditing standards.
  - (b) The PCSA or other public entity shall have an annual agreed upon procedures engagement conducted for its Title IV-E cost report in accordance with the requirements set forth in rule 5101:2-47-26.2 of the Administrative Code.
- (10) Requirements that the provider adhere to the following financial reporting principles:
  - (a) Generally accepted accounting principles for maintaining all financial records. Appropriate documentation for each financial transaction shall be available for examination upon request by the Title IV-E agency, the Ohio department of job and family services (ODJFS), the Ohio auditor of state, or the United States department of health and human services.
  - (b) Rule 5101:2-47-11 of the Administrative Code: "Reimbursement for foster care maintenance costs for children's residential centers, group homes, maternity homes, residential parenting facilities, and purchased family foster care homes."
  - (c) Rule 5101:2-47-26.1 of the Administrative Code: "Public children services agencies (PCSA), private child placing agencies (PCPA), private noncustodial agencies (PNA): Title IV-E cost report filing requirements, record retention requirements and related party disclosure requirements."
  - (d) Rule 5101:2-47-26.2 of the Administrative Code: "Cost Report 'Agreed Upon Procedures' engagement."
  - (e) For public agencies: federal office of management and budget circular A-87: "Cost Principles for State, Local and Indian Tribal Governments", 2 CFR part 225 (8/30/05).
  - (f) For private agencies: federal office of management and budget circular

A-122: "Cost Principles for Non-Profit Organizations", 2 CFR part 230 (8/30/05).

(g) Invoicing procedures shall at a minimum correspond to the agreed upon per diem associated with maintenance and administration. Invoicing procedures may also include per diems associated with the following purchased services:

(i) Case management; allowable administration cost.

(ii) Transportation; allowable administration cost.

(iii) Other direct services; allowable maintenance cost.

(iv) Behavioral health care; non-reimbursable cost.

(v) Other costs (any other cost the Title IV-E agency agrees to participate in); non-allowable/non-reimbursable cost.

(C) Within thirty days of entering into the child placing agency contract the Title IV-E agency shall notify ODJFS so that ODJFS may fulfill its obligations in accordance with rule 5101:2-47-26 of the Administrative Code. The contract notifications shall be forwarded to IV-EContracts@jfs.ohio.gov and shall include:

(1) Name of the Title IV-E agency.

(2) Title IV-E agency director.

(3) Title IV-E agency contract administrator.

(4) Complete Title IV-E agency address.

(5) Title IV-E agency phone number.

(6) Contract agency name.

(7) Contract agency director.

(8) Contract agency address.

- (9) Contract agency phone number.
- (10) Contract begin date.
- (11) Contract end date.
- (D) The Title IV-E agency is required to enter into an individual child care agreement (ICCA) for each child placed with the provider. The ICCA shall, at a minimum, contain the following:
  - (1) The requirements set forth in rule 5101:2-42-90 of the Administrative Code.
  - (2) The per diem for maintenance and the per diem for administration.
  - (3) The parties to the ICCA shall be the Title IV-E agency and the provider/caregiver as specified in rule 5101:2-42-90 of the Administrative Code.
- (E) ODJFS shall publish on its website a sample contract, a sample ICCA and a sample invoice. The Title IV-E agency may use the ODJFS samples or the Title IV-E agency may develop its own contract, ICCA and invoice. If the Title IV-E agency develops its own contract, it shall include the minimum requirements set forth in paragraph (B) of this rule.
- (F) Each Title IV-E agency shall establish a written monitoring procedure to provide reasonable assurance that the terms and conditions of the contract are being adhered to. Monitoring procedures may include, but are not limited to the following:
  - (1) A comparison of invoices to the agreed upon per diem amount from the ICCA to ensure billing accuracy.
  - (2) A review of progress reports submitted by the provider to the agency to ensure the services being delivered are in accordance with the child's treatment plan.
- (G) ODJFS office for children and families, shall establish a monitoring process to provide reasonable assurance that Title IV-E agencies are in compliance with this rule.

Effective:

Five Year Review (FYR) Dates: 09/11/2014

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Certification

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Date

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