

5101:2-47-26

**Title IV-E agencies, private child placing agencies (PCPA), private noncustodial agencies (PNA), residential care facilities, substance use disorder (SUD) residential facilities: penalties for failure to comply with fiscal accountability procedures.**

(A) A Title IV-E agency, ~~private child placing agency (PCPA)~~PCPA, ~~or private noncustodial agency (PNA)~~PNA, residential care facility, or SUD residential facility, as defined in rule 5101:2-1-01 of the Administrative Code, shall comply with the Ohio department of job and family services (ODJFS) fiscal accountability procedures set forth in Chapter 5101:2-47 of the Administrative Code.

(1) For an initial failure to comply, ~~the Title IV-E agency, PCPA, or PNA shall develop~~ a corrective action plan shall be developed to correct the areas determined to be in noncompliance. The corrective action plan shall:

(a) Identify the areas of noncompliance.

(b) Identify the action steps required to correct the noncompliance.

(c) Identify a completion date for each of the action steps.

(d) Be completed within a time period negotiated between ODJFS and the ~~Title IV-E agency, PCPA, or PNA.~~

~~(e) Be developed jointly by the Title IV-E agency, PCPA, or PNA and ODJFS.~~

~~(f)~~(e) Be submitted to ODJFS within thirty days of the ~~Title IV-E agency's, PCPA's, or PNA's~~ receipt of a written finding of noncompliance.

(2) If a Title IV-E agency fails to implement the corrective action plan submitted in accordance with paragraph (A)(1) of this rule, ODJFS may take any action permitted in accordance with sections 5101.11 and ~~5101.141~~5101.146 and 5101.24 of the Revised Code.

(3) If ODJFS determines the Title IV-E agency is solely or partially responsible for an adverse audit or quality control finding, final disallowance of federal financial participation or other sanction or penalty in accordance with sections 5101.24 and ~~5101.141~~5101.146 and 5101.11 of the Revised Code, ODJFS may take one or more of the following actions against the Title IV-E agency:

(a) Require the Title IV-E agency to submit to and comply with a corrective action plan pursuant to a time schedule specified by ODJFS.

(b) Require the Title IV-E agency to share with ODJFS a final disallowance of federal financial participation or other sanction or penalty.

- (c) Require the Title IV-E agency to reimburse ODJFS for the amount ODJFS pays to the federal government for an adverse audit or quality control finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government.
  - (d) Require the Title IV-E agency to pay the federal government the amount representing the amount the Title IV-E agency is responsible for in an adverse audit or quality control finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government.
  - (e) Any other sanction or action permissible under sections 5101.24 and ~~5101.144~~5101.11 and 5101.146 of the Revised Code.
  - (f) With respect to paragraph (A)(3)(d) of this rule, the determination of whether the Title IV-E agency is solely or partially responsible will be determined in accordance with Chapters 5101:6-1 to 5101:6-9 of the Administrative Code.
- (4) If a Title IV-E agency fails to comply with the fiscal accountability procedures set forth in Chapter 5101:2-47 of the Administrative Code, ODJFS shall provide a written summary of noncompliance to the board of county commissioners of the county served by the Title IV-E agency.
- (5) If a PCPA, ~~or PNA,~~ residential care facility, or SUD residential facility fails to implement a corrective action plan submitted in accordance with paragraph (A)(1) of this rule, ODJFS may do one of the following:
- (a) Cancel the Title IV-E reimbursement ceilings.
  - (b) Pursuant to Chapter 119. of the Revised Code, take action to revoke the agency's certificate issued under section 5103.03 of the Revised Code.
- (6) In accordance with sections 5101.11 and ~~5101.144~~5101.146 and 5101.24 of the Revised Code, ODJFS may take one or more of the following actions against the PCPA, ~~or PNA,~~ residential care facility, or SUD residential facility if ODJFS determines the PCPA, ~~or PNA,~~ residential care facility, or SUD residential facility is solely or partially responsible for an adverse audit or quality control finding, final disallowance of federal financial participation or other sanction or penalty:
- (a) Require the PCPA, ~~or PNA,~~ residential care facility, or SUD residential facility to reimburse ODJFS for the amount ODJFS pays to the federal government for an adverse audit or quality control finding,

final disallowance of federal financial participation, or other sanction or penalty issued by the federal government.

- (b) Any other sanction or action permissible under sections 5101.24 and ~~5101.144~~5101.11 and 5101.146 of the Revised Code.
- (7) If a PCPA, ~~or PNA, residential care facility, or SUD residential facility~~ fails to comply with the fiscal accountability procedures set forth in Chapter 5101:2-47 of the Administrative Code, ODJFS shall provide a written summary of the findings of noncompliance to the PCPA, ~~or PNA, residential care facility, or SUD residential facility~~ board of directors. In addition, ODJFS shall notify the executive director of each Title IV-E agency that has entered into a contract for placement services with the PCPA, ~~or PNA, residential care facility, or SUD residential facility~~.
- (8) For Title IV-E agencies, PCPAs, ~~and PNAs, residential care facilities, and SUD residential facilities~~ completing the single cost report for the establishment of Title IV-E reimbursement ceilings the following shall apply:
- (a) Failure to submit the single cost report and agreed upon procedures with all required documentation by the deadline prescribed in rule 5101:2-47-26.2 of the Administrative Code may result in reimbursement ceilings being established as of the first day of the month following the date all required documentation is received by ODJFS.
- (b) Any errors identified on a single cost report or agreed upon procedures submitted prior to the deadline and in accordance with rule 5101:2-47-26.2 of the Administrative Code may result in the suspension of reimbursement ceilings until such time as the errors have been corrected to the satisfaction of ODJFS. Once the corrections have been approved the reimbursement ceilings shall be retroactive and effective as of the applicable rate period begin date.
- (c) If ODJFS cancels the Title IV-E reimbursement ceilings, ODJFS will resume the ceilings effective on the first day of the month following the date the agency comes into compliance. There will be no retroactive rate adjustment for the time period the agency was out of compliance.
- (d) Reimbursement ceilings established from a single cost report submitted after a rate cancellation may be suspended until such time as the corrective action for the prior period has been completed to the satisfaction of ODJFS.

- (B) Subsequent failures to comply relating to noncompliance issues previously identified pursuant to paragraph (A)(1) of this rule are subject to the same penalty provisions specified in paragraph (A)(2) of this rule for Title IV-E agencies and paragraph (A)(5) for PCPAs, ~~and PNAs,~~ residential care facilities, and SUD residential facilities.
- (C) All corrective actions shall adhere to the requirements set forth in paragraph (A)(1) of this rule. All failures to implement the corrective action plan are subject to the penalties set forth in paragraph (A)(2) of this rule for Title IV-E agencies and paragraph (A)(5) for PCPAs, ~~and PNAs,~~ residential care facilities, and SUD residential facilities.
- (D) The Title IV-E agency, PCPA, ~~or PNA,~~ residential care facility, or SUD residential facility, at its discretion, may request technical assistance from ODJFS in the development and implementation of the corrective action plan.
- (E) If ODJFS sanctions a Title IV-E agency, PCPA, ~~or PNA,~~ residential care facility or SUD residential facility, ODJFS shall take every possible precaution to ensure any foster children that have been placed or served by an agency under sanction are not removed from the certified foster homes they reside in if their safety and well-being are not at risk.

Effective:

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Certification

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Date

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