

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: February 27, 2013

TIME: 10:00 A.M.

LOCATION: Rhoades State Office Tower, Room 3110B

30 East Broad Street, Columbus, Ohio 43215

Pursuant to Sections 5153.112, 5153.122, 5153.123 and Chapter 119. of the Ohio Revised Code, the director of the Department of Job and Family Services gives notice of the department's intent to consider the rescission, amendment and adoption of rules as identified below and of a public hearing thereon. These rules are being filed as part of the five year rule review process.

Ohio Administrative Code (OAC) rule 5101:2-47-05 "**Title XIX Medicaid coverage for Title IV-E foster care maintenance (FCM) recipients in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA)**" outlines the foster care maintenance (FCM) eligibility requirements for COBRA. The rule has been rescinded and filed as new to clearly explain the requirements.

OAC 5101:2-47-09 "**Case record requirements for foster care maintenance (FCM)**" sets forth the case record responsibilities for FCM. Minor changes were made to provide clarity. Language was added to require initial court orders placing a child in detention to be in the FCM case record file. The FCM case record may be integrated into the child's case record once the child is no longer in the care and placement of the Title IV-E agency.

OAC 5101:2-47-12 "**Foster care maintenance: Initial determination of program eligibility and reimbursability**" outlines the requirements for determining FCM eligibility and reimbursement. Language was added to inform Title IV-E agencies that initial eligibility can be corrected, if it was done in error. Agencies can continue FCM to age nineteen if they have documentation from educational providers that FCM eligible children are reasonably expected to graduate by age nineteen. Language was also added when a child is no longer reimbursable.

OAC 5101:2-47-13 "**Foster care maintenance program eligibility: Legal responsibility requirements**" sets forth the legal responsibility requirements for FCM. Changes were made to include the initial court order that removes a child and places the child in detention.

OAC 5101:2-47-14 "Foster care maintenance program eligibility: ADC-relatedness"

outlines the aid to dependent children (ADC) program requirements for foster care maintenance. Language was added to clearly define the eligibility month based on the way a child enters care, references to specified relative instead of home of removal.

OAC 5101:2-47-14.1 "Title IV-E eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996" outlines that the ADC relatedness requirements for FCM eligibility are based on the ADC relatedness eligibility requirements that were in effect on July 16, 1996. These rules are contained in appendix A of this rule. References to the JFS 01452 "Title IV-E Foster Care Maintenance Determination" were removed because all FCM eligibility determinations are made in the statewide automated child welfare information system (SACWIS).

OAC 5101:2-47-20 "Foster care maintenance program reimbursability: Supplemental reimbursement for the cost of care for the child of a Title IV-E recipient parent" outlines the process to receive reimbursement for a child of a minor parent that is not in the custody of a Title IV-E agency. Paragraphs (F) and (G) were removed to delete duplication of rules since these requirements are in the Family, Children and Adult Services Manual, Social Services section.

OAC 5101:2-47-22 "Reasonable efforts requirements for foster care maintenance" outlines the federal requirements regarding reasonable efforts for foster care maintenance eligibility. The rule has been rescinded and filed as new to clearly explain the requirements. It was reorganized to provide clarity and eliminate duplication.

OAC 5101:2-47-23 "Beginning date of reimbursability for foster care maintenance" outlines the requirements to begin reimbursement for FCM. The rule has been rescinded and filed as new to clearly explain the requirements. It was reorganized to provide clarity and eliminate duplication.

A copy of the proposed rules is available, without charge, to any person affected by the rules at the address listed below. The rules are also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rules will be held at the date, time and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Requests for a copy of the proposed rules or comments on the rules should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal and Acquisition Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215, by fax at (614) 752-8289, or by e-mail at rules@jfs.ohio.gov.