

Mike DeWine, Governor

Michael J. McCreight, Interim Director

**PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES**

DATE: February 28, 2019
TIME: 10:00 am
LOCATION: Room 3110B, Rhodes State Office Tower
30 East Broad St., Columbus, Ohio 43215

Pursuant to sections 5101.11, 5101.24, 5101.141, 5101.145, 5101.146, 5101.147, 5101.148, 5103.03, 5153.16, 5153.166 and Chapter 119 of the Ohio Revised Code, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the amendment of the rule as identified below and of a public hearing thereon. In accordance with Ohio Revised Code (ORC) section 106.03, each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to date and clearly expressed. The purpose of a five-year rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose. The following rules were reviewed as part of a five-year rule review.

OAC 5101:2-47-11 **“Reimbursement for Title IV-E Foster Care Maintenance (FCM) Costs for Children's Residential Centers (CRC), Group Homes, Maternity Homes, Residential Parenting Facilities, Private Foster Homes, and a Substance Use Disorder (SUD) Residential Facility.”** This rule outlines the reimbursement criteria for children who are eligible for FCM. Changes include: updating the revision date of the JFS 02911 "Single Cost Report" to 8/2018; adding a facility type, “substance use disorder (SUD) residential facility”; adding specific reimbursement requirements for SUD residential facilities; correcting the website for emanuals; and making grammar clarification throughout the rule.

OAC 5101:2-47-12 **"Title IV-E Foster care maintenance (FCM): Initial determination of program eligibility and reimbursability"** This rule outlines the requirements for determining FCM eligibility and reimbursement. Changes include: adding to paragraph (C)(2) specific eligibility criteria for the SUD residential facility as ADC-relatedness is not required for children placed with parents in that specific setting; adding a SUD residential facility as an exception in paragraph (E) and the end of eligibility in paragraph (F)(5); and added SUD residential as a new eligibility determination in (G).

OAC 5101:2-47-16 **“Title IV-E Foster care maintenance (FCM) program: Reimbursable placement settings.”** This rule outlines the requirements for placement settings that are eligible for foster care maintenance reimbursement. Changes include: adding “SUD residential facility” in paragraph (A)(9); adding clarification in paragraph (A)(10) for alternative care setting as a family foster home at the same level of care as the current foster home for a child temporarily placed into for at least twenty-four hours, but for no more than fourteen days as long as the child returns to the

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original family foster home by the end of the fourteen days; and adding language for bed holds in paragraph (B) for a child on leave.

OAC 5101:2-47-23 **"Beginning date of reimbursability for Title IV-E foster care maintenance (FCM)."** This rule outlines the requirements to begin reimbursement for FCM. Changes include adding the exception of "SUD residential facility" as it pertains to ADC-relatedness in paragraph (A)(2).

OAC 5101:2-47-24 **"Title IV-E Agency Contract and Contract Monitoring Requirements for Placement of Children with a Parent in a Substance Use Disorder (SUD) Residential Facility."** This new rule was created to list the contract requirements for the Title IV-E Agency when contracting with a SUD Residential facility provider. In addition, this rule includes invoicing procedures.

OAC 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."** This rule outlines the penalties that can be enacted if an identified agency fails to comply with ODJFS fiscal accountability procedures. Changes include adding facility types of "residential care facilities" and "substance use disorder (SUD) residential facilities" throughout the rule.

OAC 5101:2-47-26.1 **"Public Children Services Agencies (PCSA), Private Child Placing Agencies (PCPA), Private Noncustodial Agencies (PNA), Residential Care Facilities, Substance Use Disorder (SUD) Residential Facilities: Title IV-E Cost Report Filing Requirements, Record Retention Requirements and Related Party Disclosure Requirements."** This rule clarifies the cost report filing requirements, the deadlines for filing the cost report, and record retention requirements. In paragraph (B) the reference to the CFR Part 225 and Part 230 were revised to the most recent versions. The date of the cost report instructions JFS 02911 was revised. In addition, facility types of residential care facility and substance use disorder (SUD) residential facilities were added throughout the rule.

OAC 5101:2-47-26.2 **"Cost Report "Agreed Upon Procedures" Engagement."** This rule outlines the requirements for a private child placing agency (PCPA), a private noncustodial agency (PNA), residential care facility, or SUD residential facility that completes a JFS 02911 JFS "Title IV-E Single Cost Report" to have an annual JFS 02913 "Title IV-E Agreed Upon Procedures Engagement" conducted for its cost report. Changes include correcting the title of the JFS 02911-I "Instructions for Completing JFS 02911, Title IV-E Single Cost Report" and updating the revision date to 8/2018.

A copy of the proposed rules are available, without charge, to any person affected by the rule 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 43215-3414, by fax at (614) 752-8298, or by e-mail at rules@jfs.ohio.gov.