

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: April 8, 2019

TIME: 10:00 A.M.

LOCATION: Rhodes State Office Tower, Room 3110B
30 East Broad Street, Columbus, Ohio 43215

Pursuant to Sections 5101.11, 5101.141, 5103.03, 5153.16 and Chapter 119 of the Ohio Revised Code (ORC), the director of the Department of Job and Family Services gives notice of the department's intent to consider the rescission, new, 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.

In accordance with 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. To the extent possible, unnecessary paperwork will be eliminated, and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose.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 rules have been reviewed and revised with the collaboration of an external workgroup comprised of various adoption assistance county partners across Ohio.

OAC rule 5101:2-49-03 entitled "**Special Needs Criteria for Title IV-E Adoption Assistance (AA)**" sets forth the criteria for a child with special needs to be eligible for the AA program. Changes were made to the rule to provide clarity. The definition of a "qualified professional," their role and responsibilities were updated in the rule as well as the addition of a "certified nurse practitioner," "physician assistant," and "school psychologist" to the "qualified professional" listing. Language was included to define, and list developmental disabilities as defined in Section 35.108, "Definition of Disability," of the Code of Federal Regulations, August 11, 2016 and section, 5123.01, "Department of Developmental Disabilities," of the Revised Code. The JFS 01453 "**Title IV-E Adoption Assistance Agreement**" has been amended to incorporate the changes made to rule 5101:2-49-03 of the Administrative Code. Changes to the form title and revision date. The title to the rule has been amended.

OAC rule 5101:2-49-04 entitled "**Requirement for Title IV-E Adoption Assistance (AA) Past Age Eighteen**" outlines the requirements for AA for children with an existing adoption assistance agreement that are eighteen to twenty-one years of age. To be eligible for adoption assistance beyond age eighteen, the child must have a documented developmental disability or medical condition that is verified annually. Language was included in paragraph (B)(1) to include eligibility requirements for title XVI supplemental security income (SSI) benefits. Clarification

was given to the rule to define a "qualified professional" for approved diagnoses for a developmental disability or medical condition in paragraph (B)(2) of the rule. Language was added to paragraph (B)(4) that requires an adoptive parent(s) to provide official documentation from the school when the child is receiving special educational services. All references to adoption assistance connection (AAC) to age twenty-one was stricken from the rule. AAC program eligibility information can now be found in its own chapter 5101:2-51. The JFS 01451-B "**Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage**" has been amended to incorporate the changes made to rule 5101:2-49-04 of the Administrative Code. The JFS 01453 "**Title IV-E Adoption Assistance Agreement**" has been amended to incorporate the changes made to 5101:2-49-04 of the Administrative Code. The title to the rule has been amended. This rule was rescinded and created as new for clarification.

OAC rule 5101:2-49-06 entitled "**Title IV-E Adoption Assistance (AA) Agreement and Duration: Provision for Financial Support and Services**" outlines the criteria of the AA agreement and the duration of the agreement. The rule has been edited to provide clarification. Minor edits to paragraph (A) to denote new title change to the JFS 01453 "**Title IV-E Adoption Assistance Agreement**" and revision date update. Paragraph (C) has incorporated new language to indicate an effective agreement date to go into effect July 1, 2019. Agreement effective dates will be denoted by the date identified in section IV of the JFS 01453. Agreements prior to this date will be effective on the date signed by the adoptive parent(s) and the Public Children Services Agency (PCSA). Language was included to address new provisions for suspension in paragraphs (J)(4) and (K)(4) pursuant to OAC rule 5101:2-49-11. All references to adoption assistance connection (AAC) to age twenty-one was stricken from the rule. AAC program eligibility information can now be found in its own chapter 5101:2-51. The JFS 01453 "**Title IV-E Adoption Assistance Agreement**" has been amended to incorporate the changes made to rule 5101:2-49-06 of the Administrative Code. The title to the rule has been amended.

OAC rule 5101:2-49-07 entitled "**Initial Title IV-E Adoption Assistance (AA) Agreement Only with No Payment**" outlines conditions and procedures for completing an AA agreement with no payment option. Minor edits to paragraph (A) to update form name and revision date. The JFS 01453 "**Title IV-E Adoption Assistance Agreement**" has been amended to incorporate the changes made to rule 5101:2-49-07 of the Administrative Code. The title to the rule has been amended.

OAC rule 5101:2-49-08 entitled "**Title IV-E Adoption Assistance (AA) Monthly Payment**" outlines the procedures for determining when a monthly AA payment shall begin. This rule has been edited to provide clarification. The JFS 01453 "**Title IV-E Adoption Assistance Agreement**" has been amended to incorporate the changes made to rule 5101:2-49-08 of the Administrative Code. The title to the rule has been amended.

OAC rule 5101:2-49-09 entitled "**Title IV-E Adoption Assistance (AA) Post-Finalization Application**" outlines the criteria for determining AA eligibility and entering into an AA agreement after the adoption finalization. Language was added to paragraph (C) of the rule to provide clarification to the Public Children Services Agency (PCSA) when submitting the JFS 01451 "**Title IV-E Adoption Assistance (AA) Application**" when the following occur: (1) a child

of a minor parent, (2) in receipt of AA in a prior adoption; and (3) a child of a sibling group. The JFS 01453 "**Title IV-E Adoption Assistance Agreement**" has been amended to incorporate the changes made to rule 5101:2-49-09 of the Administrative Code. The title to the rule has been amended.

OAC rule 5101:2-49-09.1 entitled "**Title IV-E Adoption Assistance (AA) Retroactive Payment Process**" outlines the process for retroactive AA payments. This rule has been edited to provide clarification. Clarifying language has been added to paragraph (C) of this rule for the negotiation process for retroactive payments based on the special needs of the child, circumstances and resources of the adoptive family. Retroactive payment negotiations shall be conducted in the same manner as AA benefits negotiated prior to the adoption finalization which include services and assistance. The JFS 01453 "**Title IV-E Adoption Assistance Agreement**" has been amended to incorporate the changes made to rule 5101:2-49-09.1 of the Administrative Code. The title to the rule has been amended.

OAC rule 5101:2-49-10 entitled "**Title IV-E Adoption Assistance (AA) Ongoing Verification**" sets forth the responsibilities of the PCSA and the adoptive parent(s) to provide assurance of legal responsibility, school attendance and eligibility for continued Medicaid coverage through the AA program. Paragraph (B)(2) was amended to include children who are home schooled full-time in the state where their parent(s) resides and must include documentation in the AA case records of their school attendance. Clarification to paragraph (E) outlines parental support for a child who is under the age of eighteen or under the age of twenty-one with a physical or developmental disability. Reference to a child who is self-supporting was stricken from the rule in paragraph (F)(4). The JFS 01451-B "**Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage**" has been amended to incorporate the changes made to rule 5101:2-49-10 of the Administrative Code. The JFS 06612 "**Health Insurance Information Sheet**" is no longer available on the Form Central website. The form is available through the Ohio Department of Medicaid, Medicaid Forms Listing website which can be accessed through Forms Central. The title to the rule has been amended.

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.

Request 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.