

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 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 The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose.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 5101:2-49-11 entitled "**Suspension of Title IV-E Adoption Assistance (AA) Payment.**" This is a new rule to allow the public children services agency (PCSA) to suspend adoption assistance payments to adoptive parent(s) when certain circumstances apply. This rule was developed in accordance with the guidance set forth in the Child Welfare Policy Manual (CWPM), §8.2A, Question and Answer #2. The rule outlines the circumstances for suspension when a PCSA proposes to suspend subsidy when the agency cannot establish contact with the adoptive parent(s). Documented concerted efforts by the PCSA to establish contact with the adoptive parent(s) is required to make such a determination. Written notification of intent is to be sent to the adoptive parent(s) along with state hearing rights prior to suspension. Adoptive parent(s) have ninety days to contact the PCSA and provide documentation of support to re-establish subsidy.

OAC rule 5101:2-49-12 entitled "**Amendment of the Title IV-E Adoption Assistance (AA) Agreement**" outlines criteria to amending an AA agreement. Changes were made to the rule to provide clarification in paragraph (B) when amending the AA agreement to take into consideration newly documented special needs of the child or the adoptive family's circumstances that were not subject to the current agreement pursuant 473(a)(3) of the Social Security Act. New language was added to the rule in paragraph (F) to notify the Public Children Services Agency (PCSA) that an AA payment cannot automatically be amended if the adopted child is placed under the

responsibility and care of the PCSA. The JFS 01453 "**Title IV-E Adoption Assistance Agreement**" has been amended to incorporate the changes made to rule 5101:2-49-12 of the Administrative Code. The title to the rule has been amended.

OAC rule 5101:2-49-13 entitled "**Termination of Title IV-E Adoption Assistance (AA)**" outlines the circumstances that result in the termination of an AA agreement. Changes were made to the rule to provide clarification. Paragraph (A)(2) was amended to provide clarification when an adoptive parent(s) is not providing support to the child. Any support includes various forms of financial support. The title IV-E agency shall take into consideration other forms of support that may be provided to the child by the adoptive parent(s) that may not be financial. Additional termination circumstances were added to the rule in paragraphs (A)(6), (A)(7) and (A)(8). The JFS 01958 "**Referral for Medicaid Continuing Eligibility Review**" and JFS 07236 "**Your Rights & Responsibilities as a Consumer of Medicaid Health Coverage**" are no longer available on the JFS Forms Central website. The forms are available through the Ohio Department of Medicaid, Medicaid Forms Listing website which can be accessed through JFS Forms Central. The title to the rule has been amended.

OAC rule 5101:2-49-19 entitled "**Title XIX Medicaid Coverage for Title IV-E Adoption Assistance (AA) Eligible Children (COBRA)**" outlines the procedures to follow for provisions of Title XIX medical coverage for children eligible for Title IV-E adoption assistance. Changes were made to the rule to incorporate the changes to the Interstate Compact on Adoption and Medical Assistance (ICAMA) due to the interstate compact amendments as a result of systematic enhancements. Forms were updated to incorporate the new form numbers 6.03 to 7.5 "**Information Exchange**" and 6.01 to 7.01 "**Notice of Medicaid Eligibility/Case Activation.**" Reference to form JFS 06612 "**Health Insurance Information Sheet**" has changed to the Ohio Department of Medicaid (ODM) forms with the same name and title. The form is available through the Ohio Department of Medicaid, Medicaid Forms Listing website which can be accessed through Forms Central. The JFS 01453 "**Title IV-E Adoption Assistance Agreement**" has been amended to incorporate the changes made to rule 5101:2-49-19 of the Administrative Code. The title to the rule has been amended.

OAC rule 5101:2-49-23 entitled "**Title IV-E Adoption Assistance (AA) Intercounty and Interstate Case Management Responsibility**" outlines the requirements for intercounty and interstate adoption assistance case management. Minor amendments were made to this rule. 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 5101:2-49-23 of the Administrative Code. The JFS 01453 "**Title IV-E Adoption Assistance Agreement**" has been amended to incorporate the changes made to rule 5101:2-49-23 of the Administrative Code. The title to the rule has been amended.

OAC rule 5101:2-49-25 entitled "**Qualified and Disqualified Alien Eligibility for Title IV-E Adoption Assistance (AA)**" outlines the requirements to adoption assistance for qualified aliens. Changes include clarification in paragraph (A) to clearly identify the Immigration and Nationality Act. Title XIX Medicaid rules 5160:1-2-01.8 "Medicaid: Conditions of Eligibility for each Applicant or Recipient," 5160:1-2-02.3 "Medicaid: Qualified Aliens," and 5160:1-2-01.9 of the Administrative Code have been rescinded and replaced with rules 5160:1-2-12, "Medicaid: non-

citizens" and 5160:1-4-06, "Medicaid: coverage for individuals in receipt of adoption or foster care assistance" of the Administrative Code. The JFS 01453 "**Title IV-E Adoption Assistance Agreement**" has been amended to incorporate the changes made to rule 5101:2-49-25 of the Administrative Code. 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, 31<sup>st</sup> Floor, Columbus, Ohio 43215, by fax at 614-752-8289, or by e-mail at [rules@jfs.ohio.gov](mailto:rules@jfs.ohio.gov).