

5101:2-44-13 Public Children Services Agency (PCSA) Administration of the Post Adoption Special Services Subsidy (PASSS) Program

FCASMTL 289

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- (A) The public children services agency (PCSA) is responsible for the administration and determination of eligibility for the post adoption special services subsidy (PASSS) program. The PCSA shall:
- (1) Upon request, provide the following within five days to any adoptive parent who resides in Ohio:
 - (a) The JFS 01050 "Application for Post Adoption Special Services Subsidy" (~~rev. 4/2008~~)(rev. 7/2011).
 - (b) The JFS 01051 "Application for Additional Post Adoption Special Services Subsidy (PASSS) Funding for Extraordinary Circumstances" (~~rev. 7/2004~~)(rev. 7/2011).
 - (c) The JFS 01052 "Credentials for Providers of PASSS Funded Therapeutic Services and Memorandum of Understanding" (rev. 4/2009).
 - (d) The JFS 04059 "Explanation of State Hearing Procedures" (rev. 10/2008).
 - (2) Within fifteen days of the date stamped by the PCSA indicating receipt of the JFS 01050, JFS 01051, if applicable, and JFS 01052, return to an applicant any application that does not contain the required documentation as outlined in rule 5101:2-44-13.1 "Eligibility and application process for the post adoption special services subsidy" of the Administrative Code.
 - (3) Process all completed JFS 01050s.
 - (4) Submit a copy of all approved and denied JFS 01050s and a copy of all JFS 01051s to the Ohio department of job and family services (ODJFS) within ten days following the approval or denial of the JFS 01050. If the JFS 01051 is submitted after the JFS 01050 has been approved, the PCSA shall forward the JFS 01051 to ODJFS within ten days of receipt.
- (B) Applicants seeking a post adoption special service subsidy shall:
- (1) Complete each section of the JFS 01050 and JFS 01051, if applicable, and have the provider complete each section of the JFS 01052, in order for the application to be considered complete.
 - (2) File the JFS 01050, JFS 01051, if applicable, JFS 01052 and accompanying documentation as outlined in rule 5101:2-44-13.1 of the Administrative Code with the PCSA in the county in which the applicant and child reside.
- (C) The PCSA shall form a post adoption subsidy review committee composed of a minimum of three people: a representative of the PCSA administration, a representative of the PCSA adoption services section, and a person within the community who is knowledgeable about post adoption services. The PCSA shall ensure that people from outside the adoption services section adhere to all confidentiality procedures in accordance with section 5153.17 of the Revised Code.

- (D) The committee shall review each completed JFS 01050 and JFS 01052 and recommend the services and level of funding to be provided by the PASSS program to the PCSA executive director or designee.
- (E) PASSS funds shall be used for the following:
- (1) Family preservation services for a child residing in the home of the adoptive parent.
 - (2) Services that will reduce serious psychological risk for the child or serious physical risk for the child or others. Serious psychological or physical risk is defined as a progressive psychological or physical illness, injury, or impairment that will continue over an extended period of time and requires direct supervision by a qualified professional as outlined in rule 5101:2-44-13.1 of the Administrative Code. If such services are for a child not residing in the home, the requested services shall focus on specific reunification goals that enable the child to return home.
 - (3) Medical services designed to relieve or correct preadoptive health care problems.
- (F) The committee shall base its approval of the PASSS application on:
- (1) The review of supporting documentation as specified in rule 5101:2-44-13.1 of the Administrative Code.
 - (2) Whether the application requirements of rule 5101:2-44-13.1 of the Administrative Code are met.
 - (3) A determination that the individual services requested by the family are appropriate.
- (G) Within forty-five days of submission of the completed application, the PASSS review committee shall make its recommendations to the PCSA executive director or designee.
- (H) If the PCSA executive director or designee determines that the review committee will be delayed in making its recommendations beyond the forty-five day deadline, the PCSA executive director, or designee, may substitute an alternative review process. This alternative review process shall be defined in the PCSA's adoption policy and shall set out the alternative procedure and explain when the alternative review process may be used.
- (I) The PCSA executive director, or designee, shall determine, within five days of receiving the recommendation, whether to follow the recommendation of the PASSS review committee.
- (J) If the PCSA executive director, or designee, does not follow any of the recommendations of the PASSS review committee, the PCSA executive director, or designee, shall describe, in writing, the reasons for not following the recommendation.
- (K) The PCSA executive director, or designee, shall provide written notice on the JFS 04074 "Notice of Approval of Your Application for Assistance" (rev. 5/2004)(rev. 2/2009) or the JFS 07334 "Notice of Denial of Your Application for Assistance" (rev. 4/2003)(rev. 2/2009) to the applicant within three days of the decision to approve or deny the application.
- (L) The written notice shall contain the following:
- (1) The services and amount approved and the effective date of the approval.
 - (2) The reason for denial if funding is not approved and information regarding the

applicant's right to a state hearing pursuant to section 5101.35 of the Revised Code and division 5101:6 of the Administrative Code.

- (M) The PCSA shall document the state hearing review process in the agency's adoption policy.
- (N) The PCSA shall approve PASSS funding as long as state funds are available. In the event state funding is no longer available, the PASSS program will close to new applications until July first of the following state fiscal year (SFY). Once state funds have been exhausted, neither ODJFS nor the PCSA may be held responsible for payment of services for applications that have not been approved.
- (O) The PCSA working with the adoptive family shall provide assistance to the adoptive parent(s) in exploring other sources of support and services for the child. PASSS is a funding source of last resort; therefore, to the extent that other funding sources are or become available, they shall be used in place of PASSS funds.
- (P) PASSS funds shall not supplant medicaid funding if the child is eligible for coverage under the medicaid program.
- (Q) The PCSA may consider approving services requested under the following conditions:
 - (1) The child is not eligible for medicaid.
 - (2) The service recommended by a qualified professional for the child's treatment is not a covered service under medicaid.
 - (3) The service requested by the family is not covered under the family's insurance.
- (R) The amount funded shall not exceed the amount paid for the same service provided by a medicaid provider if the service is covered under medicaid pursuant to appendix DD to rule 5101:3-1-60 of the Administrative Code.
- (S) If the service is not covered under medicaid, the amount funded shall be a reasonable amount and shall meet the guidelines of the qualified professional's licensing body standards. The licensing body is the entity that has provided the license for the individual to practice in their profession.
- (T) All invoices submitted for reimbursement that comply with this rule will be paid by ODJFS if submitted by the PCSA on the JFS 02820 "Monthly Financial Statement-Disbursement-Childrens Services Funds" (rev. 3/2004) no later than August twentieth after the close of the state fiscal year in which the applications were approved.
- (U) The PCSA shall be reimbursed as follows:
 - (1) Up to ninety-five per cent of the total for each invoice received by the PCSA for applications that comply with this rule.
 - (2) One hundred per cent of the total for each invoice received by the PCSA for applications that comply with this rule if the PCSA has waived the five per cent requirement pursuant to rule 5101:2-44-13.1 of the Administrative Code.
- (V) If a state or federal audit determines that the PCSA has been reimbursed for services in which a JFS 01050 has not been submitted and/or approved by the PCSA, the PCSA shall reimburse ODJFS the amount of the adverse audit finding.
- (W) The PCSA shall submit a copy of the JFS 01050, all approved and denied JFS 01050As "Approval for Post Adoption Special Services Subsidy" (~~rev. 7/2004~~), (rev. 7/2011), the JFS 01052, and a copy of the statement from the qualified professional to ODJFS within ten days following the approval or denial.
- (X) Each approved PASSS application shall be reviewed by the PCSA within twenty days after the state fiscal quarter in which it was approved, and every subsequent quarter

within the SFY, to determine if the funding is being utilized.

- (Y) The PCSA shall notify the family, within five days of completion of the review, of its intent to release these funds for that quarter unless the family provides adequate justification as to why the funds were not used.
- (Z) If the PCSA does not accept the justification offered by the family, the family shall then provide invoices from that quarter and for all future time periods to the PCSA within twenty days of receipt of the notice of the PCSA's lack of acceptance.
- (AA) If the family does not provide invoices to the PCSA within the twenty day period, the PCSA shall release the funds in question immediately to ODJFS on the JFS 01050A and the family is responsible for the payment.
- (BB) If the PCSA releases the funds, it shall provide the family information regarding the right to a state hearing pursuant to section 5101.35 of the Revised Code and division 5101:6 of the Administrative Code.

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5101:2-44-13.1 Eligibility and Application Process for the Post Adoption Special Services Subsidy (PASSS) Program

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- (A) "Post Adoption Special Services Subsidy" (PASSS) is a state-funded program designed to assist eligible families, after adoption finalization, to receive services consistent with paragraphs (E) to (L) of this rule.
- (B) PASSS funding is based on a state fiscal year (SFY), July first through June thirtieth. The family is eligible from the first day of the month in which the completed application is approved. Applicants may only request funding for services rendered during the SFY in which the JFS 01050 "Application for a Post Adoption Special Services Subsidy" (~~rev. 1/2008~~) (rev. 7/2011) is made. A new JFS 01050 shall be submitted if additional services are requested during the same SFY or any subsequent SFY. The new application shall contain updated information, if applicable, as outlined in paragraph (D) of this rule, including updated financial information.
- (C) A public children services agency (PCSA) shall enter into a PASSS agreement with the child's adoptive parent(s) if the agency considers the child to be in need of public care or protective services. All of the following requirements shall be met to be eligible for PASSS:
- (1) The child resides in the Ohio county in which the application is made. The child's residence is the same as that of his or her parent(s).
 - (2) The child has been adopted by someone other than a step parent.
 - (3) The child has a physical or developmental handicap or mental or emotional condition that either:
 - (a) Existed before the adoption petition was filed.
 - (b) Developed after the adoption petition was filed and can be directly attributed to factors in the child's preadoption background or medical history, or biological family's background or medical history.
 - (4) The child meets either of the following requirements:
 - (a) The child is under the age of eighteen.
 - (b) The child is at least eighteen years of age and less than twenty-one years of age and is mentally or physically handicapped as defined in rule **5101:2-1-01** of the Administrative Code.
 - (5) Other sources of assistance are inadequate or are unavailable to meet the child's immediate needs.
- (D) A completed JFS 01050 must be submitted with the following documentation:
- (1) A clear written statement of the child's special need as defined in paragraph (C) (3) of this rule. The statement shall be supported by an assessment or evaluation from a qualified professional including an opinion as to the origin of the problem, past history, prognosis and recommendations related to future treatment needs. For the purpose of this rule, a qualified professional is defined as a licensed independent social worker (LISW), professional counselor

licensed by section 4757.23 of the Revised Code, physician, psychiatrist, psychologist or occupational, physical or speech therapist or a licensed social worker (LSW) who is under the

direct supervision of any of the professionals listed in this paragraph. The qualified professional shall not be responsible for providing public casework services to the child. The qualified professional's diagnosis of handicap or condition must be within the professional's area of expertise.

- (2) A completed JFS 01052 "Credentials for Providers of PASSS Funded Therapeutic Services and Memorandum of Understanding" (rev. 4/2009).
 - (3) A written statement that clearly indicates why the requested service is not within the resources of the family, a copy of the JFS 01681 "Applicant Financial Statement" (rev. 10/2000) and a copy of the family's most recent IRS 1040.
 - (4) A listing of community resources, as outlined on the JFS 01050, that have been contacted including the date and results of those contacts.
 - (5) A copy of the relevant provisions in any public or private health insurance policy held by the family regarding the child's eligibility for services and the services that are covered under the policy.
- (E) As a condition of continued eligibility for PASSS funds, the adoptive parent(s) shall submit a copy of the child's treatment plan, completed by the service provider, which details the therapeutic intervention(s) that will be provided to the child for the period in which the JFS 01050 will be in effect. The treatment plan shall be submitted to the PCSA within thirty days of the adoptive child's initial visit to the provider.
- (F) The PCSA may encumber PASSS funds for the reasonable costs of services for any of the following allowable services:
- (1) Medical and surgical services. All medical and surgical services shall be determined to be medically necessary by a qualified professional. The medically necessary service shall be the lowest cost alternative that effectively addresses and treats the child's medical problem(s). Medical and surgical services shall not include the cost of orthodontia.
 - (2) Psychiatric, psychological, and counseling services. All psychiatric, psychological and counseling services must be determined to be necessary by a qualified professional.
 - (3) Residential treatment, therapeutic foster care or in-patient hospitalization services if required by psychiatric, psychological or counseling needs and approved by a qualified professional. .
 - (a) These services may include maintenance costs as long as the costs are included as part of a residential treatment, therapeutic foster care or in-patient hospitalization program.
 - (b) Residential treatment services shall not include the cost of educational services.
 - (c) Approved services for any type of residential treatment facility or therapeutic foster care home shall be provided by a residential facility or therapeutic foster care home that is licensed by the Ohio department of job and family services (ODJFS) or the Ohio department of mental health (ODMH) or a comparable agency which is recognized by a state or a similar licensing body.
 - (4) Respite care services. For the purpose of this rule, respite care services are

defined as services designed to provide temporary relief of child-caring functions.

These services may include paid individuals who provide such services within the home or outside the home. Respite care services do not include hospice services for those who are terminally ill, regular child care while parents are working, or therapy, nursing services and other rehabilitative services. Respite care services may be just a few hours a day or several days in length depending on the needs and

circumstances of the adoptive parent and the procedures outlined in the PCSA's adoption policy. Respite care services may be approved for:

- (a) Medical and surgical respite care services if required by medical or surgical needs of the child. Medical and surgical respite care services shall not exceed two thousand four hundred dollars per child per SFY and shall be administered by an independent provider who resides outside the family home and is not related to the applicant unless the PCSA approves a provider related to the family because of special circumstances that the PCSA outlines in its adoption policy. A PCSA may elect, on a case by case basis, to approve up to an additional two thousand four hundred dollars per child per SFY for medical and surgical respite care services under special circumstances that the PCSA also outlines in its adoption policy.
 - (b) Mental health respite care services if required by psychiatric, psychological or counseling needs. Mental health respite care services shall not exceed two thousand four hundred dollars per child per SFY and shall be administered by an independent provider who resides outside the family home and is not related to the applicant unless the PCSA approves a provider related to the family because of special circumstances that the PCSA outlines in its adoption policy. A PCSA may elect, on a case by case basis, to approve up to an additional two thousand four hundred dollars per child per SFY for mental health respite care services under special circumstances that the PCSA also outlines in its adoption policy.
- (G) Approved services shall address the child's physical or developmental handicap or mental or emotional condition that either existed before the adoption petition was filed or developed after the adoption petition was filed and can be attributed to factors in the child's preadoption background, medical history, or biological family's background or medical history.
- (H) Approved services that involve any type of therapy must be provided by a qualified professional, as outlined in this rule, who is practicing within his or her scope of practice as noted by his or her education, training and experience. The provider shall indicate that his or her therapeutic interventions will comply with all treatment aspects contained in rules 5122-26-16, 5122-26-16.1, 5122-26-16.2 and 5122-26-16.3 of the Administrative Code.
- (I) Interventions involving planned physical restraint or coercion (e.g., "compression holding" or "rebirthing therapy"), or promotion of regression for "reattachment" shall not be provided utilizing PASSS dollars. In addition, the following therapeutic techniques shall not be permitted on a treatment plan to be paid from PASSS funds under any circumstances:
- (1) Face down restraint with back pressure.
 - (2) Any technique that obstructs the airway or impairs breathing.

- (3) Any technique that obstructs vision.
 - (4) Any technique that restricts the recipient's ability to communicate.
 - (5) Pepper spray, mace, handcuffs or electronic restraint devices such as stun guns.
 - (6) A drug or medication that is used as a restraint to control behavior or restrict the individual's freedom or movement that is not a standard treatment for the individual's medical or psychiatric condition.
- (J) Except as provided in paragraph (K) of this rule, no more than ten thousand dollars shall be encumbered for any one child in one SFY.
- (K) If ODJFS determines either of the following exists, the limit in paragraph (J) of this rule may be increased up to fifteen thousand dollars per child per SFY:
- (1) The family's income and resources substantially decrease due to the involuntary loss of employment and the family has completed the JFS 01051 "Application for Additional Post Adoption Special Services Subsidy (PASSS) Funding for Extraordinary Circumstances" (~~rev. 7/2004~~)(rev. 7/2011).
 - (2) A qualified professional as described in paragraph (D)(1) of this rule recommends residential treatment, in-patient hospitalization, or therapeutic foster care to prevent disruption of the adoption. This recommendation must be submitted along with a copy of the JFS 01051.
- (L) If a family is requesting additional PASSS funding and meets the requirements outlined in paragraph (K) of this rule, the PCSA shall submit the JFS 01051 to ODJFS for review. The JFS 01051 may be submitted by the PCSA along with the initial JFS 01050.
- (M) The adoptive parent or parents who receive PASSS funds shall pay at least five per cent of the total cost of all services provided to the child. The PCSA may not exceed the ten thousand dollars or fifteen thousand dollars encumbrance per child, per SFY as outlined in paragraphs (J) and (K) of this rule, respectively. The encumbrance shall not include the five per cent payment required of the adoptive parent(s). The PCSA may waive the five per cent requirement if the gross income of the child's adoptive family is not more than two hundred per cent of the federal poverty guideline.
- (N) The PCSA shall not approve PASSS funding for any of the following:
- (1) Educational services such as tuition and tutoring.
 - (2) Dental and/or orthodontia services including dental/oral surgery.
 - (3) Medical and/or mental health co-payments, prescriptions and/or prescription co-payments.
 - (4) Camp and any recreational services including but not limited to karate, gymnastics, dance classes and fitness club memberships.
 - (5) Travel related expenses such as mileage reimbursement, airfare, lodging etc., and automobile purchases and repairs, not including specific types of vehicle modifications that are related to the child's special needs.
 - (6) Computer equipment, including software.
 - (7) Child care services.
 - (8) Property fences.
 - (9) Food, meal supplements and nutrition drinks.

- (10) Service animals.
 - (11) Services provided by a PCSA or private child placing agency (PCPA) to make arrangements for adoptive placements.
 - (12) Services that are equivalent to or are of greater benefit to other members of the family, not including family counseling and respite.
 - (13) Services to a child for whom a parent-child relationship does not exist.
 - (14) Services that facilitate contact with a parent whose rights have been terminated.
 - (15) Services for a child in the custody of a PCSA, PCPA, court or any other agency.
 - (16) Legal fees to finalize the adoption or for any other legal action.
- (O) The PCSA may elect to approve PASSS funding for an insurance deductible, for the child only, in lieu of approving PASSS funds for the cost of services for the child. This shall only be done on a case by case basis under special circumstances that the PCSA has outlined in its adoption policy and when the PCSA has determined that it would be more cost effective to pay the insurance deductible than to pay for the cost of the services.

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