

	DEPARTMENT OF HUMAN SERVICES CHILDREN, ADULTS and FAMILIES	NUMBER: I-C.3.1 OAR: 413-050-0200 / 301
	CLIENT SERVICES MANUAL I ISSUED BY: Office of Self-Sufficiency and Child Safety	SECTION: C. Supportive Services
	EFFECTIVE DATE: Temporary Rule - December 19, 2002. Expires June 17, 2003	SUBSECTION: 3. Day Care
SUBJECT: 1. Supportive or Remedial Day Care - Oregon Administrative Rule		

Interpretation: Program Coordinator,
Supportive or Remedial Day Care

Approval: _____
Administrator,
Office of Self-Sufficiency
and Child Safety

REFERENCES: CF 977, "Payment Policies and Procedures"
CF 166, "Supportive or Remedial Day Care Payment
Authorization/Termination Notice"
CF 283, "Supplemental Client Invoice - Day Care"

PURPOSE

413-050-0200 (1) The purpose of these rules is to define key terms, describe eligibility criteria and rate payment policies related to the State Office for Services to Children and Families Supportive or Remedial Day Care program. Expenditures by the Department under these rules are subject to the availability of state or federal funds, as applicable, and are subject to immediate curtailment by the Department if the necessary state or federal authorizations or funding are curtailed.

(2) Temporary revisions have been made to these rules to guide a pilot project that is being operated in the following Department Services Delivery Areas: 2 (Multnomah County), 3 (Marion County only), 5 (Lane County), 11 (Klamath County), and 15 (Clackamas County) between December 2002 and June 30, 2003.

Statutory Authority: ORS 418.005
Stats. Implemented: ORS 418.005

DEFINITION

413-050-0210 (1) "Authorized Absence" means the temporary absence from the facility by a child who is expected to return to care.

(2) "Department" means the Department of Human Services.

(3) "CCD" means the Child Care Division of the Employment Department.

(4) "SDA" means Service Delivery Area of the Department.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

POLICY

ELIGIBILITY CRITERIA

413-050-0220 (1) The Department may purchase Supportive or Remedial Day Care Services for children under 13 years of age who are receiving Preventive/Restorative services, Child Protective Services, Substitute Care, or Adoption Services when the child(ren)'s physical, social, mental or emotional needs are not being met and day care will reduce the need for substitute care placement.

(2) Supportive or Remedial Day Care is to be used in the following priority order:

(a) When a child would be able to remain at home as an alternative to substitute care, or to return home from substitute care through specialized day care planning;

(b) When a foster care or adoptive placement is in jeopardy due to a foster or adoptive parent's illness, or there is a need for temporary respite due to extreme care demands of the child;

(c) When a parent is unable to meet the child's needs due to extreme physical or emotional stress

(d) When a child's physical, social, mental, or emotional development is being retarded or is at risk due to lack of proper care or stimulation.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

SERVICE AUTHORIZATION**413-050-0230 (1) Case Record Documentation:**

(a) The service worker must review the appropriateness of day care service as a component of the total service plan. The day care service must be part of a coordinated, goal oriented, time limited casework plan to reduce the need for substitute care;

(b) The case record must document how the service will support or assist in achieving the service plan objectives. The use of day care services must be approved by the service supervisor;

(c) Each service is to be coded per IIS code sheet showing the relationship to prevention of substitute care.

(2) Limits of Eligibility:

(a) The maximum time the Department will authorize Supportive or Remedial Day Care for any one child is eight hours a day, five days a week;

(b) The use of the day care service shall be reviewed by the service worker and supervisor at least once every three months. The service authorization may be extended for three months at a time to assist in meeting the service goal to a maximum of 12 months;

(c) The service may be used more than 12 months only to prevent imminent foster care or prevent shelter care. Extension past 12 months shall be reviewed and approved by the local Department Substitute Care Review Committee;

(d) If all allocated funds are expended, service workers are to document unmet needs and notify the SDA Manager or designee.

(3) Select a Provider for all SDAs not participating in the Pilot Project:

(a) Day Care Home or Center. The Department shall assist the parent in evaluating day care providers in order to select the provider which most closely matches the needs of the child and the family. The family should participate in selecting the provider but the service worker shall make final determination based on the needs of the child and goals of the case plan.

(b) In-Home Care:

(A) The Department does not license or contract with in-home day care providers. Therefore, prior to authorizing in-home care the service worker shall:

(i) Determine if the person is known to the Department using the Central Provider and Client Index; and

(ii) Determine that the provider is at least 18 years of age and is willing and able to provide the quantity and quality of care needed by the child(ren). Valid reasons for not using a person include, but are not limited to: conviction of child abuse, a founded child abuse referral, behavior which may have a detrimental effect on a child, or physical or mental problem which would adversely affect a child; and

(iii) Obtain a provider number (see IIS User's Guide, Provider Subsystem); and

(iv) Explain to the provider the CF 977, "Payment Policies and Procedures."

(B) In-Home Care may be authorized when:

(i) A child, who is ordinarily in day care purchased by the Department, is ill. This is limited to no more than five days of care in one calendar month and shall not exceed the number of hours per day already authorized; or

(ii) A handicapped child requires care and no out-of-home day care is available or can be developed; or

(iii) The plan for in-home care does not exceed the cost of out-of-home day care.

(C) The in-home care provider will be paid at the minimum wage.

(4) Select a Provider for all SDAs in the Pilot Project (SDA 2, 3, 5, 11 and 15):

(a) Day Care Home or Center. The Department shall assist the parent in

evaluating day care providers in order to select the provider which most closely matches the needs of the child and the family. The family should participate in selecting a CCD approved day care provider, or a Department approved day care, foster care, or relative care provider, but the service worker shall make final determination based on the needs of the child and goals of the case plan. Prior to placing any child in Supportive or Remedial Day Care, the provider must be approved through the Department day care, or foster care, or relative care process unless they are currently "licensed" by CCD. Other valid reasons for not using a person include behavior which may have a detrimental effect on a child, or physical or mental problems which would adversely affect a child.

(b) In-Home Care:

(A) Prior to authorizing in-home care the Department worker shall:

(i) Determine if the person is known to the Department using the Central Provider and Client Index; and

(ii) Determine that the provider is at least 18 years of age and is willing and able to provide the quantity and quality of care needed by the child(ren).

(iii) Require the in-home provider to be approved through the Department day care, or foster care, or relative care process unless they are currently "licensed" with the CCD. Other valid reasons for not using a person include behavior which may have a detrimental effect on a child, or physical or mental problem which would adversely affect a child.

(iv) Obtain a provider number (see IIS User's Guide, Provider Subsystem); and

(iv) Explain to the provider the CF 977, "Payment Policies and Procedures."

(B) In-Home Care may be authorized when:

(i) A child, who is ordinarily in day care purchased by the Department, is ill. This is limited to no more than five days of care in one calendar month and shall not exceed the number of hours per day already authorized; or

(ii) A handicapped child requires care and no out-of-home day care is available or can be developed; or

(iii) The plan for in-home care does not exceed the cost of out-of-home day care.

(C) The in-home care provider will be paid at the minimum wage.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

PAYMENT PROCESS

413-050-0240 The Department payment is subject to Department established eligibility conditions described in these rules.

(1) The Department will pay only for day care authorized by the Department.

(2) If a child is in day care when the service plan is made, payment shall be made only from the date the service is authorized.

(3) The Department will make payments for temporary absences if requested by the provider, subject to the following requirements and limits:

(a) The provider must use the same policy for all families, including those served and not served by the Department;

(b) The child must be expected to continue in day care with the same provider after the absence;

(c) The Department will not make payment for absence(s) exceeding a total of five days in any calendar month; and

(d) Absence days, or portions thereof, will include only the time(s) for which care has been authorized by the Department.

(4) Department payments for all SDAs not participating in the Pilot Project, will only be made to a day care provider who is certified or registered by the Child Care Division of the Employment Department.

(5) Department payments for all SDAs participating in the Pilot Project, will only be made to a day care provider who is a CCD approved provider, a Department approved day care provider, or foster care provider, or relative care provider.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

PAYMENT AUTHORIZATION

413-050-0250 (1) Complete a "Supportive or Remedial Day Care Payment Authorization/Termination Notice" (CF 116) and a "Plan/Service Authorization" (CF 308). Distribute the CF 116 and input information from the CF 308 into IIS.

(2) Invoices (See the Integrated Information System (IIS) User's Guide, Client Subsystem.):

(a) A "Day Care Invoice" (CPO 350FI-A) will be generated automatically and mailed to the provider from the Department when information from the CF 308 has been input no later than the seventh working day prior to the end of the service month;

(b) If information from the CF 308 has not been input within the above stated time, or a supplemental payment is to be made, local Department staff shall send a CF 283, "Supplemental Client Invoice-Day Care," to the care provider;

(c) Checks are written up to the amount authorized. Authorization should be input into IIS prior to service provision whenever possible. The worker will be notified of a discrepancy between authorization and billing amounts by the Department Accounting Services.

(A) If the provider billed the Department for additional care that was authorized but not input, the local Department must prepare a CF 283, "Supplemental Invoice." Complete the invoice for the difference to be paid showing the unit, rate, and amount. Local Department staff shall sign the provider's name and their own name and mail it to the Department Accounting Services;

(B) If the provider did not bill-the Department for additional care that was authorized but not input, the local Department staff must send a CF 283 to the provider to complete and mail to Department Accounting Services;

(C) A CF 308 must also be completed to authorize additional service. For

additional service the "Type of Service" code is DSUP for out-of-home providers and DISP for care provided in the child's home.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

PAYMENT REVISION OR PLAN CLOSURE FOR SDAs NOT PARTICIPATING IN THE PILOT PROJECT

413-050-260 (1) When a child is no longer in care or the client becomes ineligible prior to the projected end date, the service worker must notify the provider and the client that the Department will no longer pay for care. This is done by sending a copy of the most recent CF 116 with the termination section completed.

(2) When a child who is ordinarily in day care purchased by the Department is ill an additional payment may be made to a substitute provider.

(3) Any time there is an overpayment the worker must initiate overpayment and/or fraud procedures. See OAR 413-310-0000 through 0100 (Department Children, Adults and Family Policy III-B.1).

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

PAYMENT REVISION OR PLAN CLOSURE FOR SDAs PARTICIPATING IN THE PILOT PROJECT

413-050-261 (1) When a child is no longer in care or the client becomes ineligible prior to the projected end date, the service worker must notify the provider and the client that the Department will no longer pay for care. This is done by sending a copy of the most recent CF 116 with the termination section completed.

(2) When a child who is ordinarily in day care purchased by the Department is ill an additional payment may be made to a substitute provider, who is either an approved CCD provider, or a Department approved day care provider, foster care provider or relative care provider.

(3) Any time there is an overpayment the worker must initiate overpayment and/or fraud procedures. See OAR 413-310-0000 through 0100 (Department Children, Adults and Family Policy III-B.1)

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

BILLING METHOD

413-050-270 (1) Department payments for day care are made by check to the provider on behalf of the client after all care for the month has been given. The invoice is to be submitted to the Department by the provider for payment.

(2) Family day care providers must bill at an hourly rate (with the exception that they may bill at a daily rate for before and/or after school care) not to exceed the total authorized.

(3) Center and group home providers may bill at an hourly, daily, weekly, or monthly rate not to exceed the total authorized.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

DETERMINING DAY CARE RATES FOR PAYMENT

413-050-0280 (1) The Department will pay the provider's standard rate for all children or the Department maximum rate (see OAR 413-050-0290), whichever is less. The allowable rate shall be entered on the CF 116, "Supportive or Remedial Day Care Payment Authorization/Termination Notice."

(2) The provider shall not ask for, or accept, directly or indirectly, any additional payment for care provided to a Department eligible family unless there is a written agreement between the Department and the provider. (See CF 116A, "Request for an Exception.")

(3) (a) When the infant rate has been authorized for a child and the child reaches 30 months of age, the rate must be revised. Department workers are responsible for making this change effective no later than the first of the month after the child reaches 30 months of age.

(b) The Department worker shall send the provider a revised CF 116, and revise the Type of Service and authorized amounts on the CF 308 and input into IIS.

(4) (a) Although there are no special day care rates for children who are physically, developmentally and/or emotionally disabled, when a child 30 months of age or over functions below chronological age, the Department may authorize up to the infant rate for the care of the identified child.

(b) The Department worker, with supervisory approval, must document in the case record why the infant rate is being authorized for a child 30 months or older.

Documentation must include the following:

(A) That effort was made to locate a resource at the Department non-infant rate; and

(B) Description of the specific problem which requires services above those covered by the non-infant rate.

(5) Rates charged to the Department for day care services may not exceed rates charged for comparable services to children not served by the Department:

(a) Donations and subsidies of cash or in-kind services may be used to reduce charges which would otherwise be made for day care services;

(b) Such donations and subsidies must be used to reduce charges for all children in care unless the donor specifies in writing that the donation is to be used for either a specific family or category of families;

(c) Separate records shall be kept by the provider for all donations and subsidies received and disbursed.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

MAXIMUM RATES

413-050-0290 (1) The maximum rates the Department pays for Supportive or Remedial Day Care are determined annually and will be furnished upon request.

(2) In-home Care: Minimum wage for care in a child's own home is governed by the state minimum wage law. It may not be negotiated. Overtime at one-and-one-half times the regular rate must be paid for all hours worked in excess of 40 hours in a work week (seven sequential days). Overtime shall not be paid to a provider who lives in the child's home.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

EXCEPTIONS FOR SDAs NOT PARTICIPATING IN THE PILOT PROJECT

413-050-0300 (1) Specific exceptions to any section of these rules may be granted for good and just cause by the Department. The exception must be requested in writing and show how the intent of the rule will be met.

(2) No exception will be granted which may jeopardize the health, safety, and well-being of any child in care.

(3) All exceptions must be approved by the person designated by the Department and be on file in the case record. The granting of an exception shall not constitute a precedent for any other provider or client.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005

EXCEPTIONS FOR SDAs PARTICIPATING IN THE PILOT PROJECT

413-050-0301 (1) Specific exceptions to any section of these rules may be granted for good and just cause by the Department.

(a) The exception must be requested in writing and show how the intent of the rule will be met.

(b) No exception will be granted which may jeopardize the health, safety, and well-being of any child in care.

(c) No exceptions will be allowed to use a provider who is not registered or certified by the CCD, or who is not approved by the Department as a day care provider, foster care provider, or relative care provider.

(d) No exceptions will be allowed to the minimum standards for the use of alternate care givers in Foster Care, Relative Care and Adoptive Families, established in OAR 413-200-0301 through 0401.

(2) All exceptions must be approved by the person designated by the Department and be on file in the case record. The granting of an exception shall not constitute a precedent for any other provider or client.

Statutory Authority: ORS 418.005

Stats. Implemented: ORS 418.005