

Text of Proposed Rule

Paragraph (4) of subdivision (a) of section 628.3 of Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to read as follows:

(4) Reimbursement of expenditures for care of a child in either direct or indirect care shall not include per diem costs of absences, except as follows:

- (i) all weekend visits;
- (ii) all school and religious holidays;
- (iii) vacation--up to 15 days per calendar year, excluding weekend visits;
- (iv) all organized school trips;
- (v) detention--up to seven consecutive days;
- (vi) running away--up to seven consecutive days;
- (vii) home on trial--up to seven consecutive days;
- (viii) absences due to hospitalization--up to 15 days per calendar year, except that in cases in which a child is diagnosed as having acquired immune deficiency syndrome (AIDS) or AIDS related complex (ARC) or has tested positive for human immune deficiency virus (HIV) or any infection with the probable causative agent of AIDS, the maximum number of absences per each episode of hospitalization for which reimbursement shall be available is as follows:
 - (a) up to 30 days of absence for children residing in a group home, group residence, agency boarding home, institution or approved residential school for the handicapped prior to the hospitalization; and
 - (b) up to 60 days of absence for children residing in a foster family boarding home prior to the hospitalization. Reimbursement in such cases shall include both administrative expenses and the pass-through payment to the foster parent;
- (ix) visits to potential foster or adoptive parents--up to seven consecutive days per visit; [and]
- (x) respite care and service provided pursuant to Part 435 of this Title[.]; and
- (xi) in relation to absence of a child with a disability placed by a school district pursuant to section forty-four hundred five of the Education Law, where such absence was after April 1, 2020, and directly resulting from an emergency where a declaration of emergency has been issued by the state or federal government, and such absence is necessary for the health and safety of any child, as determined by the relevant local department of social services.