

Family First Prevention Services Act FAQs

FUNDING/BUDGETING

Qualified Residential Treatment Program (QRTP)

1. Will the QRTPs have a rate set by the New York State Office of Children and Family Services (OCFS) that will be different than the current approved maximum state aid rates (MSAR)?

OCFS establishes an MSAR for all authorized foster care programs, including QRTPs. Agencies pursuing QRTP designation can request a rate review if programmatic changes make evident the need for an increase based on higher costs for operating a QRTP. This may be established through the 29-I portal submission of an agency's program description at the time of application.

2. How will aftercare services be paid?

Aftercare is eligible for child welfare financing, and the state will reimburse counties at 62% state share.

Qualified Individuals (QI)

1. Will every county be expected to have a contract with at least one QI assessor?

Every local department of social services (LDSS) must have access to a QI when a child in foster care is placed in a QRTP. The enacted New York State Family First legislation (section 409-h of the SSL) requires a 30-day QI assessment either 30 days prior to or within 30 days of a child's placement in a QRTP. The QI must assess the appropriateness of the placement utilizing an age-appropriate, evidence-based, validated, functional assessment tool. To satisfy this requirement, LDSSs will need access to a QI if children placed into their care and custody are placed in a QRTP.

2. Will a rate be set for the QI, or will LDSSs negotiate their own rate?

LDSSs will negotiate their own rates.

3. Will the contract between the LDSS and the QI be an administrative cost, or can payment for the service be written on a payment line from the specific case?

There is no instance where the LDSS will need to authorize a service or write a pay line in the Welfare Management System (WMS) related to the QI assessment. In most instances, depending on how the QI is hired or contracted with by the LDSS, the cost for the QI will be accounted for as an agency administration expense. Please see [23-OCFS-ADM-07, Attachment F, Funding Options for the Qualified Individual \(QI\)](#), regarding potential opportunities for federal reimbursement for the QI.

4. Will the QI's assessment be a reimbursable service and at what rate?

The QI assessment work is reimbursable; please see [23-OCFS-ADM-07, Attachment F, Funding Options for the Qualified Individual \(QI\)](#), for potential opportunities for reimbursement. LDSSs will negotiate their own rates of QI services.

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5. If it is a requirement that each LDSS retain QIs, will OCFS reimburse the LDSS for those costs?

OCFS has provided guidance for LDSSs regarding potential reimbursement for the work of the QI. See [23-OCFS-ADM-07, Attachment F, Funding Options for the Qualified Individual \(QI\)](#).

6. Is a federal waiver required for any LDSS that may consider performing the QI function without contracting out?

OCFS has been granted a [waiver](#) from the federal Administration for Children and Families, which allows QIs to be employed by an LDSS or a voluntary agency (VA), with the following objectivity firewall required by OCFS (see [21-OCFS-ADM-17 Revised](#)):

- A QI cannot be employed by or associated with the QRTP where youth are referred.
- A QI cannot be the child's case manager or case planner as defined in 18 NYCRR 428.2.
 - OCFS regulations define "case planning" to include the ability to authorize and coordinate the provision of services (see 18 NYCRR 428.2).
 - While the QI may evaluate and make recommendations regarding services for children in foster care in New York State, the QI cannot authorize or coordinate the direct provisions of any services.
 - However, the QI may conduct case assessment activities, which are required in the context of case planning as per section 471(a)(16) of the Social Security Act.

7. Will allocations for the QI assessment be made available to LDSSs?

No, there will not be allocations provided. Please see [23-OCFS-ADM-07, Attachment F, Funding Options for the Qualified Individual \(QI\)](#), for reimbursement pathways.

8. If the QI determines that the appropriate level of care is a placement setting not covered by Title IV-E funds, then is that placement 100% county funding?

A child placed in a QRTP must have a 30-day assessment by the QI within 30-days of the placement date in the QRTP. If the assessment by the QI does not occur within 30 days of that placement, there will be no Title IV-E reimbursement for that child during the entire stay in the QRTP. If the QI completes the assessment within 30 days of placement and determines that the child does not meet QRTP level of care, Title IV-E reimbursement will remain available for an additional 30 days from the date the determination was made to allow for the movement of the child. If a child is placed in a foster boarding home, or a QRTP exception program (if applicable), and both child and placement setting otherwise meet Title IV-E eligibility requirements, then Title IV-E reimbursement will continue. If a child remains in a QRTP setting determined not to be the appropriate level of care by the QI, Title IV-E eligibility is lost after the additional 30-day transition period. LDSSs would utilize non-Title IV-E funding for the continued placement of this child.

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9. Can QI providers bill the Medicaid Children and Family Treatment and Support Services (CFTSS) Other Licensed Professional (OLP) rates or 29-I rates for undocumented youth who are covered by Child Health Plus (CHP)?

CTFSS is a Medicaid service and is not authorized under CHP; therefore, providers cannot bill.

10. If a county doesn't contract with a QI from the list on the OCFS website, is the QI paid directly by the state?

The QI will not be paid directly by the state regardless of how the county retains the QI's services, whether it be by

- contracting with a QI identified on the list established by OCFS,
- hiring the QI as county staff or utilizing existing staff that meet QI criteria,
- contracting with an authorized VA to provide the QI when needed, or
- contracting with an OCFS-trained, self-employed QI.

Please see [21-OCFS-ADM-23, Attachment F, Funding Options for the Qualified Individual \(QI\)](#).

11. Can a QI assessment be billed under OLP if the child has already been placed in the QRTP?

Yes, QI assessments are billable under OLP for a child that has been placed in a QRTP if all criteria are met.

12. If a QI is employed by an LDSS, is it then included with Medicaid and Services Administration and subject to a Random Moment Study (RMS)? Or will there be a special project claiming?

Please see [23-OCFS-ADM-07, Attachment F, Funding Options for the Qualified Individual \(QI\)](#).

13. Is there a difference in reimbursement between pre-dispositional and adjudicated persons in need of supervision (PINS) placements in foster care? What if the youth was already in a PINS placement (foster care) or an institutional setting prior to January 1, 2020? When can we get federal reimbursement?

Effective January 1, 2020, there is no state reimbursement for any PINS placement. No state (or Title IV-E) funding may support pre-dispositional placements. No state dollars may be used to fund PINS pre- or post-dispositional placement, including PINS placements of youth in foster care who were placed before January 1, 2020, and remain in care after January 1, 2020. Post-dispositional PINS placements may be Title IV-E eligible if the youth otherwise meet the Title IV-E eligibility criteria for youth in foster care. It is important to note that all requirements of the Family First Prevention Services Act will apply to youth in post-dispositional placements under Article 7 of the Family Court Act after September 29, 2021. For the purposes of post-dispositional placements for dually eligible TANF-EAF and Title IV-E eligible children, the local share requirements for Title IV-E cannot be matched with other federal funds, including TANF-EAF. LDSSs may use TANF-EAF funds to cover 100% of the post-dispositional placement of PINS.