

Family First Prevention Services Act FAQs

QUALIFIED INDIVIDUALS

General

1. Who are considered qualified individuals (QI)?

A QI must be a trained professional and licensed clinician in New York State (NYS) with two or more years of child welfare experience. They must also complete all training required by the NYS Office of Children and Family Services (OCFS) and have certification in an assessment tool approved by NYS.

A licensed clinician includes, but is not limited to, a physician, psychiatrist, psychologist, nurse practitioner, psychoanalyst, registered nurse, clinical social worker, marriage and family therapist, mental health counselor, master social worker, or licensed creative arts therapist.

Please reference [21-OCFS-ADM-17](#) for a detailed description of the role and responsibility of the QI.

2. What is the reason that a QI must be a licensed clinician even though it is not a federal requirement?

Recognizing the importance of the critical role and responsibilities required of a QI, OCFS has determined that a QI must be a licensed clinician. A licensed clinician provides a pathway for Medicaid reimbursement. OCFS issued a letter of interest (LOI) and established a list of individuals by region that meet the criteria of a QI. The local departments of social services (LDSSs) have the option of contracting with QIs from the procured list or contracting with QIs who are not on the list, provided they meet all required criteria.

3. Is there a regulation in the Family First Prevention Act (FFPSA) that states we can and should be releasing our entire record, including psychotherapy notes and records from other providers to the QI?

The QI is an agent on behalf of an LDSS. As such, if there are relevant records such as evaluations and assessments that the QI should be including as part of their assessment, then the LDSS should be the conduit to access and provide those records to the QI. If the QI were to try and directly obtain those records from a provider, then yes, it would require the appropriate releases.

4. Is there anything that prohibits QIs from speaking with the attorney for the child?

There is nothing that prohibits a QI from speaking with the attorney for the child, and per the FFPSA legislation, this communication should be occurring. FFPSA requires that a QI assessment be completed in conjunction with the family and permanency team, which consists of the following:

- All appropriate biological family members, relatives, and fictive kin of the child



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- As appropriate, professionals who are a resource to the family of the child, including the attorney for the child or the attorney for the parent, if applicable, teachers, medical or mental health providers who have treated the child, or clergy
- In the case of a child over 14, the members of the child's permanency planning team

Policy

1. If the LDSS has filed an order to show cause requesting OCFS placement of youth, does it require a QI assessment?

If the child is ordered into OCFS custody and is placed in a QRTP, then a QI assessment is required, which will be facilitated by OCFS. If the child is ordered into OCFS custody and is placed in an OCFS facility (that is not a QRTP), then an assessment by the QI is not required.

2. Does a new QI assessment need to be completed for a youth who moves from one QRTP to another QRTP when both are on the same campus and under the same agency?

FFPSA requires a 30-day QI assessment (and subsequent 60-day court review) for the following circumstances:

- Thirty days prior to the child's placement but at least within 30 days of the start of the child's placement in a QRTP
- When a child is absent from a QRTP for 90 or more days (includes absences without consent [AWOC] and hospitalizations)
- When a child is moved from one QRTP to another QRTP that has a different vendor identification number (VID).

If the QRTP to which a child is moved is on the same campus as the QRTP in which the child was previously placed, a QI assessment is still required if each QRTP has a different VID.

If two QRTPs on the same campus share the same VID, moving a child from one to the other is not considered a new QRTP placement; therefore, a new QI assessment is not required.

3. Are QI assessments required for children placed in Supervised Independent Living Program (SILP) settings or any other QRTP exceptions?

If a child is being directly placed in a QRTP exception, including a SILP, a QI assessment will not be required. If a child is in a foster boarding home (FBH) and there is a recommendation that the child needs a higher level of care in a QRTP, the QI process will be triggered. As part of the QI's assessment, it could be determined that one of the QRTP-exception programs (PPP for example) is the appropriate level of care in the least restrictive environment.

4. Is a QI assessment needed for youth who were already in care in a QRTP on or before 9/29/2021?



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Youth placed in congregate care prior to 9/29/21 are vested; therefore, a QI assessment is not required, but they are subject to FFPSA requirements, including a QI assessment, if they move to another QRTP or are absent for more than 90 days and then return.

Please refer to [SSL 409-h\(1\)\(a\)](#), which governs the timing of the QI assessment.

5. If a youth was placed in a QRTP prior to 9/29/21 (in a Raise the Age program); and the LDSS seeks to modify placement to a lower level of care in a group home after 9/29/21, does this movement trigger the need for a new QI assessment?

If the group home to which the youth is stepped down is also a QRTP, an assessment will be required. If it is not a QRTP, then no assessment will be required. LDSSs will not be able to claim for continued (more than 14 days) Title IV-E reimbursement as of 9/29/21 for children and youth in foster care placed in congregate care settings on or after this date unless such setting is a QRTP or a QRTP exception program.

6. If the QI identifies a specific QRTP setting that meets the youth's need, can that QRTP decline a referral to their facility despite the QI's recommendation that is not based on lack of a bed?

The QI does not identify the specific QRTP. It is not part of their role/function. The QI determines if a QRTP is the appropriate level of placement need in the least restrictive setting.

7. What expectations are placed on a QI regarding a permanency planning hearing for a child placed in a QRTP?

There is no requirement that a 30-day assessment by a QI be completed for a permanency hearing. However, FFPSA requires that whenever a permanency hearing is held for a child who remains placed in a QRTP, the entity with custody must submit evidence demonstrating the following:

- Ongoing assessment of the child's strengths and needs continue to support the determination that the child's needs cannot be met through placement in a foster family home.
- The placement in a QRTP provides the most effective and appropriate level of care for the child in the least restrictive environment.
- The placement is consistent with the short-term and long-term goals for the child, as specified in the permanency plan.

Evidence must also document

- specific treatment or service needs that will be met for the child in the QRTP and the length of time they are expected to be needed; and

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- efforts made to prepare the child to return home, or to be placed with a fit and willing relative, legal guardian or adoptive parent, or in a foster family home.

Implementation

1. Does the QI model contract language include NYS's waiver approval authorizing LDSSs to contract for licensed clinicians to perform the QI's functions?

Paragraph 20 on page 4 of the QI model contract attached to [21-OCFS-ADM-17](#) states:

“While the QI may evaluate and make recommendations regarding services for children in foster care in New York State, the QI may not 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 [42 USC §671\(a\)\(16\)](#).”

Primarily, the QI assesses for the most appropriate level of care for the child in the least restrictive environment. The QI recommends neither specific placements nor specific service providers.

2. How does an LDSS utilize the waiver when the model QI contract states that the QI may not be employed by or with the QRTP where the child is referred, and the QI may not have a direct role in case management or case planning decision-making authority for the child in question?

The waiver allows for the QI to be an employee of an LDSS or a VA. The QI cannot complete an assessment for a child that is placed at a QRTP where the QI is employed. As an example, if a QI is employed by the Smith agency, which is a QRTP, and a child is placed there, that QI cannot conduct the assessment for that child. However, if a child is placed at the Jones QRTP, the QI who is employed by the Smith agency could conduct the QI assessment for that child.

OCFS' waiver request approved by the Administration for Children and Families (ACF) included:

“OCFS will delegate to LDSSs the requirement to have contracts in place for a trained professional who is a licensed clinician, with no direct role in case management or case planning decision-making authority for the children in question, to perform the QI's functions, including conducting objective assessments within 30 days of a youth being placed in a QRTP as otherwise required by SSA §475A(c)(1). OCFS regulations define “case management” and “case planning” to include, respectively, 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 NYS, the QI would not authorize or coordinate the direct provision of any services. However, the QI would conduct case assessment activities that are required in the context of case planning as per SSA §471(a)(16). The QI may not conduct an assessment for a child who is placed in a QRTP at the voluntary agency in which the QI is employed.”



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ACF approved NYS's waiver request on 9/30/21.

The letter from ACF approving NYS's waiver may be accessed here:

<https://ocfs.ny.gov/main/sppd/docs/ACF-Letter-of-Approval.pdf>

Tools/ Resources

1. Where can we find a list of QIs, including their contact information, that have completed the required training?

The [list of QIs](#) that completed the required training is on the Family First website:

<https://ocfs.ny.gov/main/sppd/family-first.php>

The list will be updated to reflect those that complete the subsequent scheduled trainings.