

**PART VI. MENTAL HEALTH/INTELLECTUAL
DISABILITY/AUTISM MANUAL**

Subpart	Chap.
A. STATEMENTS OF POLICY	4000
C. ADMINISTRATION AND FISCAL MANAGEMENT	4200

Subpart A. STATEMENTS OF POLICY

Chap.	Sec.
4000. FOSTER CARE	4000.101

CHAPTER 4000. FOSTER CARE

Subchap.	Sec.
A. FOSTER FAMILY CARE	4000.101
B. PROCEDURES FOR REVIEW OF SERVICE ELIGIBILITY AND TERMINATION DECISIONS	4000.201
C. ROOM AND BOARD PAYMENTS FOR MENTAL HEALTH ONLY CHILDREN IN RESIDENTIAL FACILITIES WHICH ARE NOT JCAHO ACCREDITED	4000.251

Subchapter A. FOSTER FAMILY CARE

- Sec.
4000.101. [Reserved].
4000.102. [Reserved].
4000.103. [Reserved].
4000.104. [Reserved].
4000.105. [Reserved].
4000.111. Services for children.
4000.112. Definitions.
4000.113. County responsibility.
4000.114. Process of implementation.
4000.115. Process for ongoing responsibilities.

Source

The provisions of this Chapter 4000 adopted September 29, 1989, effective September 15, 1989, 19 Pa.B. 4221, unless otherwise noted.

§ 4000.101. [Reserved].

Source

The provisions of this § 4000.101 adopted September 29, 1989, effective September 15, 1989, 19 Pa.B. 4221; reserved December 20, 1991, effective December 21, 1991, and apply retroactively to November 22, 1991, 21 Pa.B. 5849. Immediately preceding text appears at serial page (141289).

§ 4000.102. [Reserved].**Source**

The provisions of this § 4000.102 adopted December 20, 1991, effective December 21, 1991, apply retroactively to November 22, 1991, 21 Pa.B. 5849. Immediately preceding text appears at serial page (141290).

§ 4000.103. [Reserved].**Source**

The provisions of this § 4000.103 adopted December 20, 1991, effective December 21, 1991, apply retroactively to November 22, 1991, 21 Pa.B. 5849. Immediately preceding text appears at serial pages (141290) to (141291).

§ 4000.104. [Reserved].**Source**

The provisions of this § 4000.104 adopted December 20, 1991, effective December 21, 1991, apply retroactively to November 22, 1991, 21 Pa.B. 5849. Immediately preceding text appears at serial pages (141291) to (141292).

§ 4000.105. [Reserved].**Source**

The provisions of this § 4000.105 adopted December 20, 1991, effective December 21, 1991, apply retroactively to November 22, 1991, 21 Pa.B. 5849. Immediately preceding text appears at serial page (141292).

§ 4000.111. Services for children.

(a) Children who were receiving MH/MR services in the custodial county shall continue to receive essentially comparable services in the receiving county to the extent that the services exist or can be made available with funds from the custodial county.

(b) Children in substitute care shall have the same access to MH/MR services as children living in that county with their birth parents.

(c) Children require coordinated service planning by the offices of MH/MR and children, youth and families when joint planning is necessary for the child's benefit.

(d) Children placed out-of-county remain the legal and financial responsibility of the custodial county MH/MR office with respect to MH/MR services other than early intervention services. Children ages birth through 2, inclusive, eligible for early intervention services placed out-of-county are the legal and financial responsibility of the receiving county office with respect to the services.

(e) Infants and toddlers should be placed out-of-county only as a last resort.

Source

The provisions of this § 4000.111 adopted December 20, 1991, effective December 21, 1991, apply retroactively to November 21, 1991, 21 Pa.B. 5849.

§ 4000.112. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

C&Y—Children and Youth.

Children and youth intercounty coordinator—The individual within a custodial county C&Y agency assigned to oversee the provision of MH/MR services to children placed in foster or preadoptive placement outside their custodial county.

Custodial children, youth and families agency—The C&Y agency with legal custody of the child.

Custodial county MH/MR office—The mental health/mental retardation office in the county which has legal custody of the child.

Early intervention services—Services designed to meet the developmental needs of each eligible child and the needs of the family related to enhancing the child's development and eligible infants and toddlers age birth through 2 years as mandated by the Early Intervention Services System Act (11 P.S. §§ 875-101—875-503).

MH/MR—ental health/mental retardation.

MH/MR intercounty coordinator—The individual in the custodial or receiving county MH/MR offices assigned to oversee the provision of MH/MR services to children placed in foster or preadoptive placements outside their custodial county.

Receiving county children, youth and families agency—The C&Y agency in the county of physical residence of a child living with foster or preadoptive parents when legal custody of the child is with a different county.

Receiving county MH/MR office—The MH/MR office in the county of physical residence of a child living with foster or preadoptive parents when legal custody of the child is with a different county.

Source

The provisions of this § 4000.112 adopted December 20, 1991, effective December 21, 1991, apply retroactively to November 22, 1991, 21 Pa.B. 5849.

§ 4000.113. County responsibility.

(a) The custodial C&Y agency is responsible for making a good faith effort to ensure that there is preplacement and postplacement planning for the MH/MR needs of children placed in other counties, and that these children receive needed MH/MR services in a timely manner. Each C&Y agency shall designate an individual whose job it is to carry out these functions (the C&Y intercounty coordi-

nator). This function should be assigned to a single individual in the custodial county C&Y agency for out-of-county children to allow that person to develop the necessary expertise and contacts. Whenever a child who is known to need MH/MR services is to be placed out-of-county, the child shall be referred to the C&Y intercounty coordinator.

(b) Each MH/MR office will designate a lead person (MH/MR intercounty coordinator) to monitor the provision of MH/MR services to children placed outside their custodial county.

Source

The provisions of this § 4000.113 adopted December 20, 1991, effective December 21, 1991, apply retroactively to November 22, 1991, 21 Pa.B. 5849.

§ 4000.114. Process of implementation.

(a) Prior to placing a child with MH/MR needs in another county, the C&Y intercounty coordinator will contact the MH/MR intercounty coordinators in the custodial and receiving counties, and the C&Y private provider, if any, to notify them of: the proposed date of the child's placement; whether the child is known to the MH/MR system; a description of the child's MH/MR service needs; and what services, if any, the child is currently receiving.

(b) The C&Y intercounty coordinator will notify the MH/MR intercounty coordinators in the custodial and the receiving county programs of each child who was receiving MH/MR services prior to being placed out-of-county. These children are entitled to receive comparable services in the receiving county within 4 weeks of placement. The C&Y intercounty coordinator's obligations will include: arranging for the services with the receiving county's MH/MR intercounty coordinator and arranging for funding from the custodial county. The C&Y intercounty coordinator will also be responsible for following up with the custodial and receiving county MH/MR intercounty coordinators to assess whether the child has received comparable services within 4 weeks of placement.

(c) If the C&Y intercounty coordinator is unable to secure comparable services and funding therefore within 4 weeks of placement, the C&Y intercounty coordinator shall immediately notify the Secretary or a designee. The Secretary will have 20 working days to secure compliance with this chapter, which includes the Secretary taking all steps available to him under State law. This subsection does not preempt plaintiff class members' rights to seek relief under 2 Pa.C.S. §§ 551—555 (relating to practice and procedure of local agencies). A foster-parent, a C&Y private provider or a child advocate can also trigger this resolution mechanism by notifying the Secretary.

(d) The C&Y intercounty coordinator is responsible for determining whether children who were not receiving MH/MR services prior to placement are treated as if they are residents by the receiving county's MH/MR office. The C&Y intercounty coordinator is responsible for arranging for the immediate assessment of

the child by the appropriate county MH/MR office to determine eligibility for services if they are not previously established. The C&Y intercounty coordinator shall also monitor the child to determine that a case manager is appointed, and that services are initiated, as if the child were living in the county with the child's birth family. The date of application is the date the child applied for MH/MR services in the custodial or the receiving county, whichever is earlier. If the C&Y intercounty coordinator is unable promptly to obtain the services described in this paragraph for a child, the coordinator shall immediately refer the case to the Secretary or a designee who shall resolve the problem as described in subsection (c).

(e) The C&Y intercounty coordinator is responsible for reporting to the Secretary or a designee a failure on the part of the receiving MH/MR office to provide or arrange for services on the same basis as resident children, and a failure on the part of the custodial MH/MR office to make payment for these services in a reasonable manner. These problems are to be resolved by the Secretary and a designee as set out in subsection (c). As in subsection (c), the resolution mechanism may also be triggered by a foster parent, a C&Y private provider or a child advocate.

Source

The provisions of this § 4000.114 adopted December 20, 1991, effective December 21, 1991, apply retroactively to November 22, 1991, 21 Pa.B. 5849.

§ 4000.115. Process for ongoing responsibilities.

(a) The custodial county C&Y agency shall assure that all children receive the full extent of regulatory protections described in Chapter 3130 (relating to administration of county children and youth social service programs). Placement planning under § 3130.67 (relating to placement planning) and placement reviews under § 3130.71 (relating to placement reviews) will occur as defined in Chapter 3130.

(b) The Department's Office of Children, Youth and Families shall monitor compliance with this chapter during their ongoing agency inspection process.

Source

The provisions of this § 4000.115 adopted December 20, 1991, effective December 21, 1991, apply retroactively to November 22, 1991, 21 Pa.B. 5849.

**Subchapter B. PROCEDURES FOR REVIEW OF SERVICE
ELIGIBILITY AND TERMINATION DECISIONS**

Sec.
4000.201. Generally.

4000-5

(381509) No. 502 Sep. 16

§ 4000.201. Generally.

(a) County MH/MR administrators are directed to establish policies providing for documentation of decisions associated with applications for service and termination of service. The granting of one service does not relieve the county programs from the following requirements whenever another service is denied or terminated. Further, these policies are to provide that:

(1) A client shall receive a timely, written response to an application for services and timely, written notice of intention to terminate service. A copy of the written response or notice shall be retained in the client's file.

(2) The response contains a statement why any portion of the application could not be granted and a notice of termination shall contain a statement why the service is being terminated—for example, client not eligible for MH or MR services, services are not appropriate, no positions in a program are available for the applicant, the applicant is not a resident of the county, or other appropriate reasons. The response or notice of termination shall inform the client of the availability of the review procedures set forth in this section.

(3) Without excluding additional review provided by the county programs, at a minimum an applicant denied services or a client whose services are being terminated may seek review of the denial or decision to terminate service by the county administrator or the administrator's designee. The person conducting the review should not have participated in the application or termination at issue, as the goal is to provide a fair, impartial review.

(4) At the review before the county administrator or designee, the client will be given an opportunity to be present, present documentation in support of the client's position, present and question witnesses and be accompanied by other persons to assist in the presentation. The person who made the decision under review will also be present and may be questioned by either party. Relevant information or witnesses may be presented at this review by the county. The entire review meeting will be tape-recorded by the administrator or a designee at no expense to the client and the tape retained by the administrator. Either party may have the meeting transcribed from the tape at the party's own expense.

(5) The decision of the administrator, or designee, shall be made promptly in writing and contain a statement of the findings and reasons for the decision, including reasons why the services sought by the client will not be provided as requested or why the termination decision was upheld and what criteria were applied. A copy of the decision will be provided promptly to the client and to the client's representative, if there is one, by mail or by personal service.

(b) Procedural safeguards developed by the individual county MH/MR programs will be reviewed as part of the county management compliance review process.

Source

The provisions of this § 4000.201 deposited for direct codification by the Department of Public Welfare under 1 Pa. Code § 9.301 (relating to unpublished statements of policy adopted prior to January 1, 1985).

**Subchapter C. ROOM AND BOARD PAYMENTS FOR
MENTAL HEALTH ONLY CHILDREN IN RESIDENTIAL
FACILITIES WHICH ARE NOT JCAHO ACCREDITED**

Sec.

4000.251. Payments for room and board charges.

§ 4000.251. Payments for room and board charges.

The county mental health program will pay for room and board charges for a child eligible for Medical Assistance (MA) in a residential facility when the following standards are met.

(1) The Supplemental Security Income (SSI) representative payee for the child signs a Standard Room and Board Contract upon the child's admission to the residential facility. Signing the contract obligates the representative payee to pay up to 72% of the monthly SSI payment for the child's room and board.

(2) If the child is not a recipient of SSI benefits, other sources of income available to the child shall be considered as described in § 6200.17 (relating to room and board charges from other sources of income). In these instances, the term "client," is defined as the child receiving services.

(3) When payment would represent a severe financial hardship for the parents or the legal guardian of the child, they may petition the county mental health administrator for relief from the requirements of this section. A petition shall be heard and a decision made within 3 working days of filing by the parent or legal guardian. The county mental health administrator shall notify the parent or legal guardian in writing within 2 working days of a decision being made. The parent or legal guardian is not responsible for payment for days elapsed during the appeal described in this section and the notification period.

(4) The residential facility shall collect payment from the SSI representative payee according to the terms of the Standard Room and Board Contract or from the parent or legal guardian if paragraph (2) applies. Any amount of the monthly charge for room and board established by the Office of Medical Assistance Programs (OMAP), for which the SSI representative payee or parent or legal guardian is not responsible to pay, may be billed to the county mental health program. At the time the request for county payment is made, the facility shall provide the county mental health program with documentation—for example, the contract with the parent or the waiver granted under paragraph (3)—that supports the amount of county payment requested.

(5) Payment procedures are as follows:

4000-7

(i) The county mental health program shall have a signed contract with the residential facility stipulating billing and payment conditions.

(ii) At a minimum, the contract shall include provisions that the residential facility submit the following information with each bill to the county mental health program to obtain payment for room and board charges incurred on a child's behalf:

(A) The name and MA client identification number of the child for whom room and board was provided.

(B) A copy of the approved MA 97 authorizing MA payment for the treatment services.

(C) A copy of the invoice submitted to OMAP documenting the number of days of treatment in the billing period.

(D) The number of days of payment requested from the county mental health program or children and youth program.

(E) The Department established fee for room and board established for the residential facility.

(F) The amount received or expected from the parent, legal guardian or representative payee.

(G) The total amount of reimbursement requested. This total may not exceed the number of days times the Department established rate minus the amount received or expected from the parent, legal guardian or representative payee.

Source

The provisions of this § 4000.251 adopted March 31, 1995, effective immediately and apply retroactively to July 1, 1994, 25 Pa.B. 1170.

[Next page is 4200-1.]

4000-8