



Policy and Procedures

<u>DEPARTMENT NAME</u> Utilization Management		
<u>SUBJECT</u> Specialized Therapeutic Foster Care Capacity Waivers	<u>POLICY NUMBER:</u> UM-014	
<u>APPROVAL:</u> 	<u>EFFECTIVE DATE:</u> 9-12-16	<u>REPLACES :</u> UM-014 dated 2/4/16

- I. **PURPOSE:** The purpose of this policy is to establish the method to ensure a Specialized Therapeutic Foster Care (STFC) waiver process is in effect for the Medicaid funded Sunshine Health CW Specialty integrated health plan for those children/youth recommended for specialized therapeutic placement due to mental health/behavioral health needs.

- II. **REVIEW HISTORY:** February 4, 2016

- III. **CONTACT:** Utilization Management Director

- IV. **PERSONS AFFECTED:** Children who are placed in Specialized Therapeutic Foster Care and the providers of Specialized Therapeutic Foster Care

- V. **POLICY:** The STFC Waiver process will be coordinated by the Children’s Network of Southwest Florida. The STFC Waiver Process will be conducted as outlined in the Community Based Care Integrated Health revised policy 106 updated November 6, 2014.

- VI. **RATIONALE:** This policy assures that homes for STFC are reviewed and evaluated when a waiver is required.

- VII. **CROSS REFERENCES:**
 - A. Florida Administrative Code 65C-13
 - B. Florida Department of Children and Families CFOP 175-64
 - C. CBC Integrated Health Contract
 - D. PD-002 Foster Home Waivers 3-24-14

- VIII. **DEFINITIONS:**
 - A. CBCIH Regional Coordinators - those individuals who provide consultation and direction for the activities of the Community Based Care Lead Agency Health and Behavioral Health Services Coordinators within their region in order to successfully implement the Child Welfare Specialty Plan.

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B. Lead Agency - an "eligible lead community-based provider" as defined in Section 409.1671(1)(e), F.S. The functions of a lead agency include: (a) Organize and manage a network of service providers; (b) Provide case management for any children/families referred. The Children's Network of Southwest Florida is the lead agency for Circuit 20.

C. Medicaid - "Medicaid" as defined in Rule 59G-1.010, F.A.C., which includes eligibility based on income for most groups using Modified Adjusted Gross Income (MAGI).

D. Multi-Disciplinary Team - a core team of individuals involved with a specific child/youth, which should include the Behavioral Health Care Coordinator, Dependency Case Manager/Supervisor and a clinician who can speak to the current clinical treatment and condition of the child and caregivers. Other participants may include the Guardian ad Litem, foster parents/caregivers, Department of Juvenile Justice staff, or school staff.

E. Medical Necessity Criteria, in accordance with 59G-1.010 (166) Florida Administrative Code, medically necessary means that:

1. The medical or allied care, goods, or services furnished or ordered must meet the following conditions:

a. Be necessary to protect life, to prevent significant illness or significant disability, or to alleviate severe pain;

b. Be individualized, specific, and consistent with symptoms or confirmed diagnosis of the illness or injury under treatment, and not in excess of the enrollee's needs;

c. Be consistent with generally accepted professional medical standards as determined by the Medicaid program, and not experimental or investigational;

d. Be reflective of the level of service that can be safely furnished, and for which no equally effective and more conservative or less costly treatment is available statewide; and

e. Be furnished in a manner not primarily intended for the convenience of the enrollee, the enrollee's caretaker, or the provider.

2. "Medically necessary" or "medical necessity" for inpatient hospital services requires that those services furnished in a hospital on an inpatient basis could not, consistent with the provisions of appropriate medical care, be effectively furnished more economically on an outpatient basis or in an inpatient facility of a different type.

3. The fact that a provider has prescribed, recommended, or approved medical or allied goods, or services does not, in itself, make such care, goods or services medically necessary or a medical necessity or a covered service.

F. Specialized Therapeutic Foster Care (STFC) means services, which are intensive treatment services provided to children with emotional disturbances and who meet Medical Necessity Criteria that reside in a state licensed foster home.

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Specialized therapeutic foster care services incorporate clinical treatment services, which are behavioral, psychological, and psychosocial in orientation. Services must include clinical interventions by the specialized therapeutic foster parent(s), a clinical staff person, and a psychiatrist.

IX. PROCEDURES:

A. The foster care licensing rule 65C-13.030(1)(c) states that no more than two children can be placed in a therapeutic family foster home unless an exception has been approved.

B. Exceptions for siblings: Only in the case of placement of a sibling of the therapeutic foster care child may the two-child limit be exceeded and only when the specialized therapeutic foster home has the licensed capacity. This would require a waiver, because STFC home cannot be licensed for a capacity over 2.

C. A family licensed as an STFC foster home with one "regular" foster care child may accept another child who is an STFC eligible child with the multidisciplinary team's approval of the match. The STFC child will be presented for placement consideration provided the foster home does not go over the capacity of 2. The foster home would be paid at the regular board rate for the "regular" current child and would be paid at the enhanced STFC rate when the eligible child is placed in the home.

D. The determination for a waiver considers the impact of the quality of placement for all children as well as the medical necessity of the service. The multidisciplinary team must review and approve each waiver in writing.

E. If the waiver is denied by the multidisciplinary team, the Children's Network of Southwest Florida and/or provider may still make the placement, but will not receive Medicaid STFC funding and the Children's Network of Southwest Florida and/or provider will be responsible for making payment arrangements for the placement. In addition, the Children's Network of Southwest Florida will ensure ongoing assessment of the viability of this placement.

F. If a waiver is approved by the multidisciplinary team, the STFC Provider shall follow the Department's overcapacity waiver Operating Procedure.

G. In the event that the initial placement identified for the child is an "out of region" STFC placement, and a waiver will be required for that placement, the "sending" CBC must notify the CBCIH Regional Coordinator.

H. If a waiver is required in an "out of region placement" after the child has been placed in the out of region placement, the sending CBC Behavioral Health Care

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Coordinator shall ensure that the Behavioral Health Care Coordinator from the "receiving" CBC is notified and can participate in the MDT review.

I. If a waiver is required for placement of a child who is "out of the plan" the "sending" CBC shall coordinate through the CBCIH Regional Coordinator.

J. For the purposes of monitoring visits, the CBC and STFC provider shall ensure all waivers are maintained in a central location to ensure easy access.