



Tennessee Department of Children's Services

## Protocol for Resource Home Eligibility Team (RHET)

Supplemental to DCS Policies: 16.4 Resource Home Approval and 16.8 Responsibilities of Resource Homes

### Section I: Background

The Department of Children's Services (DCS) is subject to the rules and requirements set forth in 42 U.S.C. §672 and 45 CFR §1356.71. Known as Title IV-E of the Social Security Act (SSA), this statute sets forth standards for Federal payments for foster care and adoption assistance (sections 470-479a of the SSA). Failure to comply with these standards can result in the loss of federal funding for a limited period of time or for the duration of the foster care placement.

The Title IV-E Foster Care Eligibility Review Guide (Guide), available on the Administration for Children and Families website <http://www.acf.hhs.gov/>, provides a consistent and uniform approach for Federal and State, as well as Private Provider, staff to use as a resource in complying with requirements of the Title IV-E program. The Guide contains policy and procedural guidance on adherence to all facets of Title IV-E compliance. It is intended to complement, not supplant, applicable statutory and regulatory provisions. In the event of conflict or inconsistency between the Guide and the statute or regulations, the latter govern.

In response to these Federal requirements, and to serve as a more effective steward of public funds, DCS has chosen to develop an internal infrastructure that will provide oversight for the eligibility of all provider resource home files. The following protocol will guide this process.

### Section II: Overview

In accordance with DCS and provider policy, private providers have full responsibility for ensuring the approval and continued eligibility of their resource homes. Providers must also adhere to all other applicable DCS policies, as well as the Provider Policy Manual, which outlines professional best practice. A provider's resource home is not considered approved and eligible to receive children for placement until **all** these State and Federal requirements are met.

In addition to the approval requirements mandated by both Tennessee Code Annotated as well as DCS policy and procedure, resource homes must also meet all applicable Federal requirements for eligibility. DCS has implemented an initiative to address this issue, the **Resource Home Eligibility Team (RHET)**. This initiative will allow the Department the ability to maintain all documents relating to the IV-E eligibility of provider resource homes in accordance with Federal statute surrounding the State's draw-down of IV-E funding. Adhering to the Federal guidelines outlined in the IV-E Plan allows the Department to assure providers continued payment for services rendered.

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The Resource Homes Eligibility Team (RHET) will be responsible for reviewing and maintaining IV-E eligibility documents of each provider resource home both initially (new homes) and annually through the re-assessment process. -

RHET will consist of a Program Manager, two Program Coordinators and a Program Specialist. The positions will be a part of the Child Placement & Private Providers Division (CPPP). The Program Manager will supervise this process as well as the Program Coordinator and Specialist positions. The team will provide oversight and **confirmation** of provider resource home eligibility.

**Section III: Possible Payment Recovery**

As stated earlier, providers are responsible for assuring that their resource homes meet eligibility criteria for Title IV-E reimbursement. **RHET is only concerned with receiving documentation that addresses Federal IV-E requirements. Please be aware that providers will remain completely responsible for assuring and maintaining all resource home requirements as per DCS policy and Provider Policy.**

Payment recovery recommendations will be calculated for non-compliance under the following provision: If a child (or children) is/are placed in a **provider-approved home** and that home is later found by RHET review to be ineligible, payment recovery recommendations will be made.

**Payment recovery will be calculated as follows:**

**(Per-Diem Rate) X (# of Children in the Home) X (Period of Ineligibility) =  
Payment recovery**

**Example: A resource home provides care for a sibling group of 3 with a per-diem rate of \$35.00 per child and the home was out of compliance for 4 days. Applying the formula above, the penalty would be assessed as follows.**

**\$35.00 (Per Diem) X 3 (Children in Home) = \$105.00**

**\$105.00 X 4 (Period of Ineligibility) = \$420.00 (Penalty).**

The length of the ineligibility period will be date-driven. Example: A home is approved (or re-approved) and declared by the provider to be ready for child placement on **10/01/07**. Then, a few days later during the subsequent RHET review, it is discovered that a required background check is missing or incomplete. RHET then notifies the provider of the discrepancy. If the provider fails to submit the required documentation to RHET until **10/15/07**, the period of ineligibility will be the time frame from **10/1/07** through **10/15/07**.

**Section IV: Appeals of Recovery Recommendations**

Providers for whom recovery recommendations are made are afforded an avenue for redress by way of formal appeal. The following is the accepted process for the filing, handling and resolution of these appeals.

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Recovery recommendations involving payments to providers for services rendered are made, in most cases, due to the following reasons:

1. A resource home is approved in **TFACTS** (by a provider), and children have been placed in the home, prior to all background checks required by DCS policy and IV-E safety requirements being completed.
2. The documentation required, by DCS policy or Federal IV-E guidelines, to support a home approval or re-assessment decision is incomplete and children are placed in the home for services.

In order to appeal payment recovery recommendations based on any of the above, the provider agency must submit clear evidence that the absent or late documentation was indeed completed prior to the approval date recorded in **TFACTS**. It must also be evident that the documentation was obtained prior to custodial children being placed in the home for services. This appeal must come in writing (either electronically or by carrier mail) and must be submitted to DCS' Office of Finance and Program Support (OFPS) no later than five (5) business days after the agency's receipt of recovery notification from the Executive Director of OFPS.

Appeals or requests to reverse an unapproved period in order to allow an agency to invoice for services provided must document that the approval period entry date was late due to no fault of the agency. System malfunctions in the Web Application that prevent timely data entry will be considered.

Appeal requests and documentation to support the appeal will be submitted and processed as follows:

1. Initial appeal requests and all collateral documentation shall be submitted to OFPS. Appeals must come in writing (either electronically or by mail) and must be submitted to OFPS no later than five (5) business days after the agency's receipt of the initial OFPS recovery notification. OFPS will then engage CPPP within 24 hours for review of the appeal documentation. CPPP will, in turn, bring this documentation to a Central Office Appeals Panel for discussion and resolution. If, after comprehensive review, the panel finds that documentation was indeed timely according to established RHET protocol, the payment recovery recommendation will be cancelled or reversed. However, if after comprehensive review, the panel finds that the appealing agency did not sufficiently appeal their case and documentation clearly shows the documentation was not completed timely, the appeal will be denied.
2. OFPS shall then immediately notify, in writing, the appealing agency notifying them of the appeal decision.

**Section V: Documenting Resource Home Approval**

**TFACTS** will be used in documenting the approval of resource homes.

**1. Initial Approval of New Resource Homes:**

- a) Providers will be responsible (as they currently are) for entering information into **TFACTS** regarding a new provider resource home. The Initial Resource Home assessment process will be in accordance with DCS Policy [16.4 Resource Home Approval](#) and as policy is amended from time-to-time. The Department will then consider the **provider-approved** home eligible to receive children.

**Note: Providers will not enter a resource home's approval into TFACTS until all pertinent DCS and Federal IV-E requirements for placement eligibility (all applicable background checks etc.) have been met. Failure to meet all requirements will result in ineligible placement of children and financial implications. (See Section III).**

- b) Background checks submitted for new resource home approval by providers must not be dated before the begin date recorded in **TFACTS**.
- c) It is recommended that the period between the begin date and the approval date be no more than six (6) months to ensure that the most current background information is available at the time of approval.
- d) Providers will up-load eligibility documentation into **TFACTS** prior to or at the time of resource home approval.
- e) RHET will "freeze" the resource home if their review of the required documentation signifies the home is not an eligible home. At this time, the resource home would be considered ineligible for the placement of children. Notification of freeze action will be forwarded electronically to the agency's supervisory staff.
- f) RHET will notify the following parties if a home is identified as ineligible: Private Provider, Regional Administrator, CPPP Director and the Regional Placement Services Division (PSD).
- g) The private provider, in conjunction with the Regional PSD, will then transition any and all children placed in the ineligible home based on the guidance derived from the CFTM. If the decision is made to move the children it is the responsibility of the provider to provide a safe, stable and currently eligible placement **within their own resource home network**. All appropriate Departmental placement requirements must be followed as this transition takes place.
- h) If children are placed in a **provider-approved home** and that home is later found by RHET review to be ineligible, payment recovery will be assessed (see Section III).
- i) The private provider will maintain all resource home eligibility documentation electronically using a standardized format for identifying each home (resource home name, agency, date, etc.) when up-loading the information into **TFACTS**.

## **2. Re-Assessment Process for Resource Homes**

- a) The annual Resource Home Re-assessment process will be in accordance with DCS Policy [16.8 Responsibilities of Approved Resource Homes](#) and as policy is amended from time-to-time.
- b) Background checks identified in DCS Policy [16.8 Responsibilities of Approved Resource Homes](#) as being required for the annual resource home re-assessment must not be dated more than **45 calendar days** prior to the resource home's 12<sup>th</sup> month approval anniversary date. Non-compliance with this provision will result in recommendations for payment recovery action.

(Example: If the home is due for annual re-approval on July 13, 2007, the applicable background checks must not be dated prior to May 29, 2007 [45 days prior to the annual re-approval date]. The **45 calendar days** corresponds with the alert period described in Item B.2 above. Background checks that are dated more than 45 days prior to the re-approval due date will not be accepted as support documentation for the resource home's annual re-assessment, and new background checks will be required. In our example the re-approval due date is July 13, 2007, and the new checks are not received by RHET until July 15, 2007 and three custodial children are placed in the home at a daily rate of \$96.00, the payment recovery would be 3 children X 2 days X \$96.00 for a payment recovery recommendation of \$576.00)

- c) RHET will "freeze" the resource home if their review of the required documentation signifies the home is not an eligible home. At this time, the resource home would be considered ineligible for the placement of children. Notification of freeze action will be forwarded electronically to the agency's supervisory staff.
- d) RHET will notify the following parties if a home is identified as ineligible: Private Provider, Regional Administrator, CPPP Director and the Regional Placement Services Division (PSD).
- e) The private provider, in conjunction with the Regional PSD, will then transition any children placed in the ineligible home based on the guidance derived from the CFTM. If the decision is made to move the children, it is the responsibility of the provider to provide a safe, stable and currently eligible placement **within their own resource home network**. All appropriate Departmental placement requirements must be followed as this transition takes place.
- f) RHET will maintain all resource home re-assessment eligibility documentation electronically using a standardized format for identifying each home (resource home name, agency, date, etc.).

## **Section VI: Shared Home Agreements**

Shared Home Agreements are agreements between a DCS region and a Private Provider for a specific child placement for a specific period of time. For re-classification of a DCS or

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Private Provider home to Shared Home status, Central Office CPPP staff must be notified by submission of a DCS Shared Home Agreement.

If the home was initially a DCS Resource Home and will remain as such after the agreement is ended, then DCS RPS staff is responsible for up-loading eligibility documentation into **TFACTS**. If the home in question was originally a Private Provider home, and will remain as such after the agreement has ended, then the Private Provider staff will be responsible for up-loading eligibility documentation into **TFACTS**.

Documentation of ICPC Resource Homes will comply with the D-RHET Protocol when a Private Provider resource home is involved in the ICPC process.

**Note:** Re-assessments of all Shared Homes are the responsibility of the provider agency. It is also the provider's responsibility to forward all re-assessment documentation to the partnering region in a timely manner. All re-assessment documentation will be maintained on file in hard-copy form by the partnering region.

### **Section VII: Resource Homes Management**

1. Provider Agencies will enter into **TFACTS** the reason(s) for the termination of homes within their agencies.
2. Provider Agencies will also enter into **TFACTS** the reason(s) a resource home is requesting a transfer of supervision to another private provider or closure of the resource home.
3. Before a resource home is transferred to the new supervising agency, the gaining agency will review the home's most recent application and approval documentation, and meet with the resource parent to ensure the transferring home meets their agency's standards of professionalism.
4. Provider Agencies are to notify RHET at the time of closure of a resource home. The notification is to be sent as a memorandum on agency letterhead stating the resource home name, resource home ID number, the closure status (good or bad), the closure date, and the closure reason.

### **Section VIII: Internal Audit**

1. The Program Manager, who is responsible for oversight of RHET, will also be responsible for periodic internal auditing of the process.
2. On a quarterly basis, a random sample (10%-25%) of all provider resource homes initially or annually re-assessed during the quarter will be reviewed.
3. The review will consist of verification of RHET entry of all provider resource home eligibility documentation from that month's sample in the database.
4. If inconsistencies are found by the Program Manager, these will be brought to the attention of the original RHET reviewer within 24 hours. The RHET reviewer will then

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be responsible for the reconciliation of those inconsistencies within ten (10) business days.

5. By the 15<sup>th</sup> of the month following each quarter of a fiscal year, the review for the prior quarter will be completed and a report submitted to the CPPP Director as well as the Executive Director of Permanency.

**Section IX: Required Documentation**

As stated previously, RHET will only be concerned with receiving documentation that addresses Federal IV-E requirements. Providers will remain completely responsible for assuring and maintaining all resource home eligibility requirements set forth in DCS policy and contractually agreed upon as per the Provider Policy Manual. Furthermore, the Department will consider a home designated “Approved” by a provider to be a home meeting all DCS requirements for approval. That home will then be considered eligible for placement.

All resource home eligibility documents will be maintained in **TFACTS** and must include the following documents:

**Studies & Forms:**

- Home Study (Initial assessments; Follow Re-activation or Re-classification of Resource Homes Protocol for re-activated homes);
- DCS Form [CS-0690, Resource Family Home Study and Family Update Checklist](#);
- DCS Form [CS-0692, Resource Home Mutual Re-Assessment, Re-Activation or Re-Classification](#);
- DCS Form [CS-0773, Resource Home Addendum](#) (when applicable).

**Background Checks:**

**Note: Searches must be conducted taking into account current, maiden and any other previous legal names for initial assessments. Searches for re-assessments are to be conducted using current legal name.**

- Local Law Enforcement Check  
**Note: Local background checks for initial assessments must include the applicant’s last six (6) months of residence. Any charges identified from this search for which there is no disposition must be clarified by obtaining additional documentation from the court of jurisdiction.**
- National Sex Offender Registry Check: <http://www.nsopw.gov/>
- Abuse Registry Check: <http://health.state.tn.us/AbuseRegistry/default.aspx>
- DCS Database Search (CPS Person Search) to include Social Services Management System (SSMS) (Initial assessments; Follow Re-activation or Re-classification of Resource Homes Protocol for re-activated homes); and,

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- TBI & FBI Fingerprint Check Results for all household members 18 years of age and older (Initial assessments; Follow Re-activation or Re-classification of Resource Homes Protocol for re-activated homes).
- **NOTE: The above sites are the official Web sites to be used when conducting background checks.** Any private provider agency accessing an internet service to complete the required background checks for potential resource parents and/or other adult household members is responsible for assuring that the provider being utilized accesses the internet searches listed above, at a minimum. Doing so will preclude the need for the provider to complete each individual internet search.

Failure to ensure and verify that the chosen internet service utilized uses the exact sites listed above for each check, will result in that check being considered invalid. This could potentially cause a home to be identified as non-compliant and resulting in monetary penalties.

### **Waivers:**

Each type of waiver requires review and approval by specific programmatic staff. Refer to instructions for form [CS-0921, Waiver of Criminal Convictions, PATH Training Modifications, Non-Safety Issues and CPS Indications](#) regarding these requirements.

### **Training:**

- PATH Completion Certificate (Initial assessments and re-activated homes; refer to DCS Policy [16.4 Resource Home Approval](#) regarding certificate expirations).