

NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES

BISMARCK, NORTH DAKOTA

September 10, 2021

PI 21-19

TO: Human Service Zones
Division of Juvenile Services
Tribal Social Services
Field Service Specialists

FROM: Kelsey Bless, Permanency Administrator

SUBJECT: Maintenance Updates

PROGRAMS: Foster Care Maintenance Payments Policies and Procedures 623-05
Retroactive Payments 623-05-15-20
FM/FN Match Symbol 623-05-15-95
Payment - General Principles 623-05-20-05
Nexus-PATH Foster Care Rates 623-05-20-35

RETENTION: Until Manualized

EFFECTIVE: Immediately

Children and Family Services (CFS) reviewed current maintenance payment policy and recognized much of the references to financial county are outdated. Updates have been made to the 623-05 maintenance chapter to accommodate revisions specific to language related to the financial responsibility of agencies, financial county, county workers, eligibility workers, etc. All changes are easily viewable by [red/underline](#).

If you have questions, feel free to contact Kelsey Bless, kmbless@nd.gov or 701-328-3581.

Foster Care Maintenance Payments Policies and Procedures 623-05

All concepts of this chapter apply to Title IV-E (Title IV-E of the Social Security Act), ~~regular match, and~~ emergency assistance [and regular match \(general fund\)](#) foster care payments. Payments may only be issued to a licensed or approved provider who meets full compliance with licensing standards. Eligible and reimbursable maintenance and irregular expenditures as outlined in this chapter are reimbursed with Title IV-E and/or state funds

depending on the ~~eligibility determination~~~~funding match determined through the eligibility process.~~ Foster care reimbursement for children under the custody of a ND Tribal Social Service ~~agency~~~~Agency in which there is an agreement with the NDDHS~~ is limited to children eligible for Title IV-E ~~children only.~~

~~An eligibility determination must be completed for all children in foster care to determine if they are entitled to state or federal benefits. The AFDC requirements of July 16, 1996 are used when determining North Dakota foster care eligibility.~~

~~County eligibility staff~~Children and Family Services Foster Care and Sub-Adopt Eligibility Unit (CFS Eligibility Unit) will determine eligibility for the foster care program. The custodial case manager from a Human Service Zone~~County~~, Division of Juvenile Services (DJS), or Tribe is responsible for obtaining the information needed to determine a child's eligibility. Detailed policy reflecting the eligibility criteria for a foster child ~~must meet before eligibility can be established and Title IV-E funds claimed~~ is found in Policy Manual Chapter 447-10 "IV-E Foster Care Eligibility".

Retroactive Payments 623-05-15-20

~~It is the responsibility of the custodial agency to obtain and submit the required documents for eligibility determination. See Policy Manual Chapter 447-10 regarding application.~~

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Retroactive payments in excess of 90 days from the child's initial eligibility determination are not allowed. When payments cannot be made due to the custodial agency failing to provide the necessary eligibility documents timely, the custodial agency is responsible for the foster care expenditures in excess of the 90 days. ~~from the date the eligibility worker received all eligibility documentation enabling them to complete the eligibility determination.~~

Example: Child enters foster care on ~~4/1/2015~~April 1st. Eligibility worker does not receive ~~all of~~ the necessary documents to determine eligibility until ~~7/15/2015~~July 15th; 106 days after the child was placed in foster care. Counting back 90 days from ~~7/15/2015~~July 15th will allow payments to begin on ~~4/17/2015~~April 17th. Payments for ~~4/1/2015 to 4/16/2015~~April 1st through April 16th are not ~~payable~~eligible for foster care reimbursement with foster care funds and are the custodial agency's financial responsibility.

FM/FN Match Symbol 623-05-15-95

FM and FN payment match symbols are only used for Title IV-E eligible children under the custody of a Human Service Zone or Division of Juvenile Services (DJS) and do not include children under the custody of a Tribe.

The match symbol of "FM" must be used for payment authorization for Title IV-E children in licensed/approved primary placements. FM cannot be used when a child is in receipt of SSI or in a secondary placement. ~~When a child is Title IV-E eligible, not in receipt of SSI, and in a primary placement, the match symbol of "FM" must be used in the payment authorization.~~

The match symbol of "FN" (state general funds) must be used for the payment authorization for months in which SSI is received. Children Title IV-E eligible in receipt of SSI, ~~or in a secondary placement~~ will remain Title IV-E eligible, but are non-reimbursable with Title IV-E funds. ~~Both~~ Title IV-E and SSI are both federally funded programs and policy. ~~Policy~~ prohibits claiming reimbursement from two separate federally funded programs for the same ~~foster care~~ expenditures.

The match symbol of "FN" (state general funds) must be used for the payment authorization for all Title IV-E secondary placements. ~~Secondary placements are non-reimbursable with federal funds as federal funds are already claimed through the primary placement authorization. The match symbol of "FN" must be used for the payment authorization for months in which SSI is received and for all secondary placements for Title IV-E eligible children.~~

~~Example: Mom with 2 children, one child receives SSI. Mom and other child are in receipt of TANF benefits. Child with SSI is placed in foster care. The SSI is more than the cost of care, in turn the county continues to receive the SSI payment. In this example, the foster child is Title IV-E eligible, however not reimbursable due to the continued receipt of the SSI and the proper match code in this example would be "FN."~~

Payment - General Principles 623-05-20-05

The CFS Eligibility unit will authorize all eligible ~~All~~ foster care standard maintenance payments ~~must be authorized prior to the last week of the month prior to~~ the scheduled standard check write (second to last working day of the month). NDDHS has an established payment schedule outlining the foster care supplemental, foster care standard maintenance, and subsidized adoption check write dates. Foster care payments will be issued

~~from NDDHS to the provider. for various programs. The calendar of payment dates is sent to all foster care providers the end of each calendar year, showing which date of the month the foster care standard maintenance pPayments will be issued from NDDHS and either mailed or direct deposited into the account of the provider.~~

Overlapping Payments

In general, when a child moves from one foster care placement to another during a month, payment ~~should~~ can be made to each provider for the day of the move. The overlapping date can be paid when a child's placement changes from:

- Facility to another facility not under the same umbrella agency.
- Facility to a family foster home or to a therapeuticPATH home.
- Therapeutic agency home to a family foster home or facility.
- Family foster home to a facility or therapeutic provider agency.

~~Overlapping dates are not allowed. The exception to this rule is when:~~

- A family foster home or approved affidavit provider receives a new provider number, the child has not moved/changed placement, but the case management system requires a new placement entry.
- A placement status change from a secondary placement to a primary placement for the same provider. The secondary placement must end the day before the primary placement start date.
- A placement change occurs between two providers licensed by within the same umbrella agency (ex: Nexus- PATH). This does not apply to a Zone family foster home, approved tribal affidavit, or out of state licensed provider. Therapeutic agencies and dual-licensed facility providers fall under the overlapping date exception.

Examples:

- ~~1. When a child moves from one provider to another provider within the same agency, only one provider is paid for the move date.~~
- ~~2. When a child moves from one level of care to a higher or lower level of care within the same facility; the umbrella facility is only paid for one day.~~

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-	Start Date	End Date

DBGR – PRTE	1/1/03	6/14/03
DBGR – RCCF	6/15/03	-

Features of the NDDHS Payment System

The ND Department of Human Services payment system is managed by the CFS Eligibility Unit. Unit staff will review and authorize all foster care payments, inclusive of children under the custody of the Tribe (Title IV-E only). ~~Features of the system are include:~~

1. Providers will receive ~~one~~ payment during the ~~regular standard~~ monthly check write for all payments authorized on behalf of children placed in their care.
2. Providers will receive ~~The monthly payment will be accompanied by a remittance advice showing each segment of every payment include for each child's care detailing the total amount received per child in placement and any reduction of payment retained to satisfy an overpayment.~~
3. The ~~main standard~~ check write ~~will be is~~ scheduled for the second to the last working day each month, with the opportunity to issue weekly supplemental payments as needed.
4. All maintenance payments will be paid at a daily rate. This means that payment amounts will vary ~~from month to month~~ based on the placement duration dates and the number of days in the month. ~~The remittance advice accompanying the payment will provide a detailed explanation.~~

~~County social services, Division of Juvenile Services, and Regional Human Service Centers are responsible for entering court order, placement, provider and care plan information into FRAME and CCWIPS in order to generate a payment to the applicable provider.~~

~~A full payment will calculate when a court order, provider license, placement date, and care plan is current for the payment month.~~

~~A partial payment will calculate when a court order, provider license, or placement date expires or ends prior to the last day of the payment month.~~

~~No payment will calculate when a court order, provider license, placement ends, or no current care plan is entered prior to the payment month.~~

~~Over or under payments may occur when additional information is entered, which effect the payment calculation. Once all information has been updated in the case management system, a payment may be issued during the next supplemental check write.~~

5. Questions about the data entry timeliness or amount of a foster care payment needs will be directed to the county office custodial case manager responsible for processing the payment.

~~6. 7.~~ Questions about submitted receipts, direct deposit or any payment related reimbursement can be directed to the CFS Eligibility Unit.

~~78.~~ Questions regarding subsidized adoption payments can be directed to the CFS Eligibility Unit central office, CFS Adoption Administrator.

~~89.~~ Deductions from foster care maintenance payments cannot be withheld from unpaid obligations incurred by the foster care provider on behalf of the foster child, such as child care, etc. Such obligations are the responsibility of the foster care provider.

~~9.~~ Effective January 2022, foster care providers will be asked required to Providers are encouraged to set up direct deposit to receive maintenance payments more quickly (typically within 24 working hours of the date in which NDDHS issues payment). If a provider chooses to get a paper check sent in the mail, NDDHS is not responsible for timeliness of the US Postal Service. Direct Deposit information must be sent to the CFS Eligibility Unit. can be sent to CFS. A provider must show third party verification by providing a bank direct deposit form or a voided check indicating the bank routing number and account number. The provider should indicate if the account is savings or checking ~~and also if they are a subsidized adoption or a foster care provider.~~

Nexus-PATH Foster Care Rates 623-05-20-35

~~Nexus-PATH ND is a private non-profit child and family services agency that began operations in North Dakota in 1994. PATH has provided evidenced-based provides services and supports to children and families in North Dakota as a licensed child placing agency. Nexus-PATH is accredited by the Council on Accreditation for Services to Children and Families (COA).~~

Billing Address:

Nexus PATH, Inc. ND
1202 Westrac Dr S, Suite 400
Fargo, ND 58103

Maintenance rates effective July 1, ~~2020~~2021:

NEXUS-PATH RATES BY PROVIDER TYPE & LEVEL	Avg. Monthly Rate (30 day)	Daily Rate
PATH TREATMENT FOSTER CARE PROVIDERS		
Intensive Treatment Foster Care (ITFC)	\$6,263 <u>\$6,388.11</u>	\$208.76 <u>\$212.94</u>
Treatment Foster Care (TFC)	\$3,393 <u>\$3,460.81</u>	\$113.10 <u>\$115.36</u>
Step Down from TFC	\$2,077 <u>\$2,118.71</u>	\$69.24 <u>\$70.62</u>
Regular Foster Care	\$2,077 <u>\$2,118.71</u>	\$69.24 <u>\$70.62</u>
Flow Through	\$ VARIED \$	\$ State Rate \$

Resources: [PATH Program Components](#)
[PATH Payment Chart](#)

NOTE: The "monthly" rate is provided for reference. The child's foster care reimbursement is paid at a daily rate, specific to the actual number of days the child is in the provider placement during in-placement for the service month. ~~The payment is made to the licensed child placing agency, inclusive of administrative costs embedded into the rate for the agency. LSS reimburses the licensed foster parents after removing administrative and service fees from the established maintenance rate. Foster care reimbursement is made to a licensed child placing agency (LCPA), the rate is inclusive of the administrative, training, case management and foster child costs. Foster parents are reimbursed an established daily rate directly from the agency, which is embedded within the agency daily rate.~~

~~ND foster care rates are reviewed and revised annually, based on legislative action. The custodian and the child's team will~~ The custodian, Nexus-PATH and child and family team participants will evaluate the child's level of care quarterly. progress at quarterly meetings to determine the appropriate level of care. If a child begins as a treatment foster care (TFC) placement, it may

be determined that ~~a lower level of care is PATH Step Down is~~ necessary and appropriate. ~~over time. If so, the custodian and PATH will sign the needed documentation at the Child & Family Team meeting. The foster care~~ When the level of care changes, the custodial case manager will be responsible to notify the ~~county eligibility worker~~ CFS Eligibility Unit of any changes in placement level/rate, inclusive of by completing a new SFN 45 immediately.

Nexus-PATH MONTHLY BILLING

Payments to Nexus-PATH ~~should~~ will not be authorized until a billing statement has been received for the appropriate service month. The amount billed is based on the level of care (ITFC rate, TFC Rate, Step Down rate, Regular rate, County Flow Through rate) and number of days in placement, not to exceed the number of days in the month. Reimbursement of overlapping days of placement from one Nexus-PATH provider to another is not allowed, with the exception of secondary placements identified as a "pre-placement visit".

- Example: A child changes placement from one Nexus-PATH TFC home to another on the 3rd of the month, only one Nexus-PATH TFC provider can be reimbursed for the 3rd. The placements must be updated in the case management system with the first placement ending on the 2nd of the month, and the new TFC provider placement beginning on the 3rd.

The Nexus-PATH billing office will send a child specific separate bill to ~~the financial county~~ CFS Eligibility Unit for each child monthly. ~~The county should receive the bill on or around the 12th of the month following the month of service. The Nexus-PATH payments payment amount is~~ are not automatically calculated by the payment system and ~~will~~ require manual data entry by the ~~county~~ assigned eligibility worker. The bill must be kept in the foster care eligibility file for auditing purposes.

Itemized Bill:

1. Child specific - one bill per child
2. Provider specific - for bills containing multiple providers, each provider must have an approved placement in FRAME and payment authorization must be made to each provider based on the billed dates and amount specific to that provider. The CFS Eligibility Unit will not ~~Do not~~ authorize a lump sum payment to only one provider if multiple placements exist during the billing cycle, each provider will be reimbursed based on placement dates.

3. Secondary placements in a therapeutic home when a child is in a primary treatment placement are not reimbursable (~~PATH to PATH~~TFC to TFC). However, if the child is transitioning to a Nexus-PATH home from a non-PATH provider (~~county-Zone~~ home, residential, etc.) the "pre-placement" can be reimbursed as a secondary placement. If a Nexus-PATH pre-placement visit is occurring from a TFC provider to a Nexus-PATH Regular provider, a secondary placement is allowed for reimbursement.
- ~~5. Irregular Payments payments must be approved pre-approved by the primary custodial case manager. Receipts and signed approval form will be submitted for verification purposes.~~
4. The ~~county-CFS Eligibility Unit~~ will authorize reimbursement to Nexus-PATH as the designated payee on behalf of the licensed provider.
- ~~6.5. Nexus-PATH will directly reimburse the foster parents.~~

Nexus-PATH Overpayments

If there is an overpayment made to a Nexus-PATH provider, ~~the Children & Family Services (CFS)-CFS Eligibility Unit~~ can auto-recoup the overpayment during either the supplemental or standard check write so long as the provider has a foster care placement. An SFN 839 Foster Care Overpayment Notification will be sent to the Nexus-PATH billing office to notify them of the overpayment and provide instructions for repayment.

Nexus-PATH Irregular Payments

Allowable irregular payment reimbursements per policy 623-05-25-05 are ~~authorized approved~~ through the ~~custodial case manager~~county as follows:

1. All irregular payments must be eligible and ~~pre-approved~~ as set forth in policy; ~~monitored by the primary foster care case manager.~~ The custodial case manager is responsible to monitor the child's irregular payment annual maximums allowed per category to ensure adequate funds are available prior to approval.
- ~~4. Foster care case managers must provide the eligibility worker with documentation of the approved irregular expenses.~~
- ~~5. After approval to purchase, the PATH provider will deliver receipts to a designated PATH case worker. The PATH case worker will distribute the receipts to the county case manager for reimbursement to PATH.~~
2. Receipts must be sent to the Nexus-PATH case worker for submission will ~~distribute~~ the receipts to the Nexus-PATH billing office. All irregular

~~payments require a receipt for to request reimbursement for the provider.~~ Nexus-PATH will attach the receipts to the monthly invoice. Receipts received directly from a foster parent or custodial case manager at the CFS Eligibility Unit for a Nexus-PATH provider will be returned to the custodial case manager for proper routing to the Nexus-PATH case worker.

~~3. Nexus-PATH will bill the county itemizing create an itemized bill with the standard maintenance rate for the specific level of care placement dates and any pre-approved irregular expenses. PATH will submit a copy of the required irregular payment receipts along with the bill for reimbursement.~~

~~PATH, the agency, will directly reimburse the foster parents.~~

~~4. If Nexus-PATH's billing office has questions regarding the amount received over and above the standard foster care rate, the county worker/custodial case manager will be contacted for placement date clarification.~~

How to Authorize the Irregular Payments in the payment system:

The ND payment system allows only two irregular payment codes to be authorized to Nexus-PATH ITFC or TFC providers:

1. Code 53 - transportation to school
2. Code 71 – parent/infant care

~~If a TFC provider is caring for a child in step down, regular or a flow through placement, the CFS Eligibility Unit will manually combine all All other allowable irregular payments for PATH Step Down, County Flow Through offered by a TFC provider must be added to the maintenance payment amount for the billable month.~~

Nexus-PATH Regular Foster Care:

Eligibility workers must authorize irregular payments separately when a child is placed in a Nexus-PATH Regular foster home. ~~If a child is considered a "PATH Regular" placement but is in a PATH TFC home due to specific circumstances, any irregular payments for the child will need to be added manually to the standard maintenance payment. The payment system limits which irregular payments can be authorized for a TFC provider.~~