

CHAPTER 181
FAMILY PRESERVATION SUPPORTIVE AND NONREHABILITATIVE
TREATMENT SERVICES

PREAMBLE

This chapter defines and structures the supportive family assistance fund services and the non-rehabilitative treatment services available for family preservation. The supportive family assistance fund services provided in this chapter are designed to work in combination with either the nonrehabilitative treatment services also provided under this chapter or the rehabilitative treatment services provided under 441—Chapter 185, Division III.

441—181.1(234) Definitions.

“Family” includes the following members:

1. Legal spouses (including common law) who reside in the same household.
2. Natural, adoptive, or step mother or father, and children who reside in the same household.
3. A child who lives alone or who resides with a person, or persons, not legally responsible for the child’s support.

“Family assistance fund” means a fund allocated to the department’s regional offices which can be used by family preservation program service providers to purchase goods or services for families receiving family preservation treatment services.

“Family preservation supportive services” means family assistance fund services.

“Nonrehabilitative treatment need” means the child and family have a protective, supportive, or preventive need for which the child has no identified rehabilitative behavioral health treatment need. Services to address a nonrehabilitative treatment need may be directed at a family member to meet the child’s safety, treatment, or permanency need.

“Nonrehabilitative treatment service” means a service to address the nonrehabilitative treatment need of a child. Nonrehabilitative treatment services are designed either to restore a skill or function or teach a new skill or function to achieve maximum independence and functioning. These services may also be directed toward a family member to help them meet the treatment, safety, or permanency needs of a child. Nonrehabilitative treatment services are designed to meet treatment needs in one of the following programs:

1. Family-centered program.
2. Family preservation program.

“Rehabilitative treatment service” means a service designed to restore a function or skill that the child lost or never gained as a result of an interference in the normal maturational and learning process due to an individual or a parental dysfunction. The child must have the capability to learn the function or skill. Rehabilitative treatment services address the specific medical and behavioral health needs of a child receiving family-centered, family preservation, family foster care, or group care services.

“Review organization” means the entity designated by the department to make rehabilitative treatment service authorization determination.

441—181.2(234) Eligibility for family preservation supportive services. Families shall be eligible for family preservation supportive services when the department has determined there is a need for supportive services and family preservation treatment services have been authorized in compliance with the procedures of rule 441—181.4(234) or 441—185.4(234).

441—181.3(234) Family assistance fund services.

181.3(1) Eligibility. Families who are approved to receive family preservation treatment services are eligible for family assistance fund services. Families are eligible for this assistance only during the period of time they are receiving family preservation treatment services from a certified family preservation provider pursuant to 441—Chapter 185 or rule 441—181.4(234).

181.3(2) Family assistance fund purchases. Family assistance fund services shall be used solely to purchase goods or services by family preservation service providers for eligible families when the purchase meets the following requirements:

a. The purchase helps remove barriers to or is otherwise necessary to the achievement of child placement prevention goals.

b. Funds for the goods or services purchased are not otherwise available from local, state, federal or other sources in a timely manner.

c. The purchase occurs during the period of time the family is receiving family preservation treatment services.

d. The purchase is for emergency food, shelter, clothing or other time-limited emergency assistance that is directly related to the goal of reducing the risk of placement.

181.3(3) Restrictions. Family assistance funds shall not be used for goods or services the provider has agreed to provide directly, to provide a reward or incentive related to service engagement or service plan follow-through, or for any other purpose except as authorized in this chapter.

181.3(4) Regional allocation. The department shall allocate family assistance funds for each region based on that region's portion of the total state use of family assistance funds during the previous fiscal year.

181.3(5) Regional management. The regional administrator shall manage family assistance funds for that region in a manner which ensures the most effective use of the funds and compliance with the requirements of this chapter.

181.3(6) Availability of funds. The regional administrator shall administer the family assistance funds for that region contingent upon their availability. Family assistance fund services shall be discontinued when funds have been depleted. To ensure equitable treatment, use of family assistance funds shall be on a first-come, first-served basis until all funds have been obligated or depleted.

When the regional administrator determines that family assistance funds are obligated or depleted, the regional administrator shall send notice by registered mail to all providers requiring them to discontinue providing family assistance fund services for families in the region within five working days after the notice is mailed. When a notice is issued, the department's fiscal responsibility for family assistance fund services in the region shall be limited to reimbursement of actual allowable expenditures prior to the effective date of the notice.

181.3(7) Notice requiring approval prior to subsequent services. If the regional administrator determines that a provider's use of family assistance funds is inconsistent with the requirements of this chapter, the regional administrator may require written approval prior to subsequent expenditure of family assistance fund services.

a. The regional administrator shall notify the provider by registered mail. Notice shall be effective five working days after mailing.

b. When a notice is issued, the department's fiscal responsibility to the provider for family assistance fund services shall be limited to reimbursement of actual allowable expenditures prior to the effective date of the notice and for approved purchases thereafter.

181.3(8) Expenditures per family. The provider shall determine the amount, if any, of family assistance funds used for each family and may purchase goods or service for eligible families when:

- a. The purchase is consistent with the requirements in this chapter.
- b. The amount of a single purchase or the sum of multiple purchases for a family during the course of treatment services is less than \$200.
- c. The provider has not received notice from the regional administrator requiring written approval prior to subsequent family assistance fund purchases.
- d. The provider has not received notice from the regional administrator to discontinue family assistance fund services.

181.3(9) Approval prior to use. Family preservation service providers shall obtain written approval from the regional administrator or designee prior to the use of family assistance funds in the following situations and shall document approval or denial on Form 470-2412, Family Assistance Fund Report. The provider:

- a. Determines that a single purchase of \$200 or more is warranted.
- b. Determines that multiple purchases for a family during the course of family preservation treatment services totaling \$200 or more are warranted.
- c. Has received notice from the regional administrator requiring written approval prior to all subsequent purchases.

181.3(10) Denial of approval by the department. The regional administrator or designee may deny approval of a provider's request for family assistance fund purchases for the following reasons and shall document approval or denial on Form 470-2412, Family Assistance Fund Report:

- a. The regional administrator or designee determines that the risk of placement may be alleviated without the use of family assistance funds.
- b. The regional administrator or designee determines that the risk of placement will not be alleviated even with the use of family assistance funds.
- c. The proposed use is not consistent with the requirements of this chapter.
- d. The regional administrator or designee has issued a notice to discontinue family assistance fund services.

181.3(11) Denial of use by the provider. Family preservation program service providers may determine not to use family assistance fund services for a family for the following reasons:

- a. The provider determines that the risk of placement may be alleviated without the use of family assistance funds.
- b. The provider determines that the risk of placement will not be alleviated even with the use of family assistance funds.
- c. The proposed use is not consistent with the requirements of this chapter.
- d. The regional administrator has issued a notice to discontinue use of family assistance funds.
- e. The regional administrator or designee denies the provider's request for prior approval of a purchase.

181.3(12) *Payment.* Payment for family assistance fund expenditures shall consist solely of reimbursement of the actual cost of the item purchased as documented by the original receipt for each purchase and only when the purchase is consistent with the requirements stated in this chapter and documented by Form 470-2412, Family Assistance Fund Report.

Discrepancies found between information contained on the original receipt or Form 470-2412 and actual expenditures or actual use may result in immediate action by department to recover excess payment. The provider shall refund the excess payment within ten days after notification by the department.

181.3(13) *Client appeals.* Clients receiving family preservation treatment services who are denied family assistance fund services have the right to appeal adverse decisions made by the department or the family preservation service provider. Decisions made by the provider shall be appealed to the provider. Decisions made by the department shall be appealed pursuant to 441—Chapter 7.

These rules are intended to implement Iowa Code section 234.6.

441—181.4(234) Nonrehabilitative family preservation treatment service.

181.4(1) *Eligibility.* A child is eligible for nonrehabilitative family preservation treatment services when the child's family is in crisis and has children at immediate risk of placement outside the home.

181.4(2) *Service authorization.* The following procedures shall occur when a referral worker has determined that a child and family need family preservation services for a child at risk of placement because of abuse or neglect:

a. A referral shall be made to the review organization in accordance with the procedures in rule 441—185.3(234), for determination of whether a rehabilitative behavioral health care treatment need exists.

b. If the review organization determines the child has a rehabilitative behavioral health care treatment need, family preservation services shall be authorized as outlined in rule 441—185.4(234).

c. If the review organization determines the child does not have a rehabilitative behavioral health care treatment need, the referral worker shall approve nonrehabilitative family preservation treatment services, assist the family in selecting an appropriate provider, arrange for services so that in emergency situations the provider has a face-to-face contact with the family in 3 hours and in all other situations within 24 hours, and notify the provider that the family preservation case is an immediate or emergency protective case. Once services have been arranged, the referral worker shall complete Form 470-3055, Referral of Client for Rehabilitative Treatment and Supportive Services, indicating service is approved with nonrehabilitative treatment need for a duration not to exceed 60 days (actual services provided to average 45 days), and forward a copy to the provider and a copy to the department when the referral worker is with juvenile court.

181.4(3) *Provider responsibilities.* Each provider delivering family preservation treatment services regardless of the child's service eligibility needs shall meet the certification requirements in rule 441—185.10(234), be certified as defined in 441—subrule 185.11(2), have the capacity for a face-to-face contact within 3 hours of accepting an emergency referral, and have the capacity for a face-to-face contact within 24 hours for a regular referral. When a child's eligibility for family preservation treatment services is based on the child's immediate or emergency protective treatment need, the treatment plan and treatment services shall:

a. Reflect the immediate or emergency protective treatment needs of the child.

b. Include therapy, counseling, skill development, and psychosocial evaluation services which may be directed at the parent to meet the child's safety, treatment, and permanency needs.

181.4(4) *Unit of service or service unit rates.* Family preservation treatment services shall be provided through purchase of service contracts that follow the requirements and procedures of 441—Chapter 152. The unit rate for family preservation treatment services shall be the same regardless of the child's treatment need for the service. Component services shall be provided in one core set of services which includes therapy and counseling, skill development, and psychosocial evaluation. The unit of service for the family preservation program shall be the family.

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