

PROCEDURE

Series:	Operating Procedures	COA: N/A CFOP: 175-64
Procedure Name:	STFC Capacity Waivers	
Procedure Number:	OP1172	
Review Date:	(1)05/03/16, (2) 02/10/2020	
Revision #/Date:	N/A	
Effective Date:	07/11/14	
Applicable to:	All BFP Licensed Family Foster Homes	

PURPOSE: The purpose of this policy is to establish the method used by the Community Based Care Lead Agencies of the Community Based Care Integrated Health (CBCIH) 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. CBCIH has subcontracted with the Community Based Lead Agencies within the State to coordinate and to act as liaison in the STFC Waiver process for eligible children.

PROCEDURE:

References

Florida Administrative Code 65C-13
Florida Department of Children and Families CFOP 175-64
Florida Medicaid Community Behavioral Health Services Coverage and Limitations Handbook
CBCIH Procedure 106

Definitions

CBCIH Regional Coordinators are 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.

Lead Agency means 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.

Medicaid means “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).

Multi-Disciplinary Team means a core team of individuals involved with a specific child/youth, which should include the CBC Point of Contact, 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.

Waivers in Therapeutic Foster Homes

- (1) The Florida Administrative Code s. 65C-13.001 (1) (c) and 65E-10.014 limits therapeutic foster homes to no more than two children per home. Subsequently, The Department of Children and Families licensing have determined that there is no provision in licensing standards that allow a waiver to be granted in a Therapeutic Foster Home (TFC) for more than two children. Further, evidence-based practice supports placement limitations at this level. This ensures a focus on individualized care required for young children appropriate for this level of escalated placement. However, the Medicaid Community Behavioral Health Services Coverage and Limitations Handbook allows an exception to the two-child limit in Specialized Therapeutic Foster Care (STFC) in the case of siblings, provided the foster home has the licensed capacity for the number of children placed there.
- (2) In order to request an exception to the two-child limit for a STFC home, a capacity waiver must first be obtained from Brevard Family Partnership for that home (as outlined through the above process). Any waivers for STFC level of care homes must be approved by the MDT/IDT.

Medical Necessity Criteria

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.

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. 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.

This procedure acknowledges that the ability to grant an STFC Waiver does exist, however it may exist in various forms based upon local need and the system of care. The STFC Waiver process is coordinated by BFP and will be completed by BFP staff. The STFC Waiver Process will be conducted as outlined in the Community and Behavioral Health and Limitations Handbook.

If BFP wishes to approve a waiver for a Specialized Therapeutic Foster Care Home within the Sunshine Health Child Welfare Specialty Plan, the following steps outlined below shall be followed:

- I. The foster care licensing rule 65C-13.001(1) (b) states that Therapeutic Foster homes are limited to 2 children. There is language for waivers under certain circumstances.
- II. In accordance with Florida Administrative Code:
 - Foster Home Capacity: No more than 2 specialized or regular foster care children or children committed to juvenile justice may reside in a home being reimbursed for specialized therapeutic foster care services.
- III. A "regular/traditional" foster care child who is currently residing in a home that is licensed as an STFC foster home may accept another child who is an STFC eligible child with ***the multidisciplinary team's approval of the match with the STFC child presented for placement consideration, and providing 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.
- IV. 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 in writing each waiver.
- V. If the waiver is denied by the multidisciplinary team, BFP may still make the placement, but will not receive Medicaid STFC funding and BFP will be responsible for making payment arrangements for the placement. In addition, BFP will ensure ongoing assessment of the viability of this placement.



- VI. If BFP grants an STFC home, a waiver will follow their agency's Operating Procedure and/or Lead Agency contract language regarding overcapacity waivers, including obtaining the CEO's signature approving this waiver.
- VII. In the event that the initial placement identified for the child is an "out of region" STFC placement, a waiver will be required for that placement; the "sending" CBC must notify the CBCIH Regional Coordinator.
 - a. If a waiver is required in an "out of region placement" after the child has been placed in the out of district placement, the sending CBC Behavioral Health Coordinator shall ensure that the Behavioral Health Coordinator from the "receiving" CBC is notified and can participate in the MDT review.
 - b. 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.
- VIII. For the purposes of monitoring visits, BFP shall ensure all waivers are maintained in a central location to ensure easy access.

BY DIRECTION OF THE CHIEF EXECUTIVE
OFFICER:

PHILIP J. SCARPELLI
Chief Executive Officer
Brevard Family Partnership Family of Agencies

APPROVAL DATE: 3/21/2020