

ARTICLE 13. FEDERAL SOCIAL SERVICES BLOCK GRANT ACT

NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 2) to the Division of Family and Children (470 IAC 13) by P.L.9-1991, SECTION 132, effective July 1, 1992. Wherever in any promulgated text there appears a reference to 490 IAC 2, substitute 470 IAC 13.

Rule 1. Administration

470 IAC 13-1-1 Definitions

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-10

Sec. 1. (a) "Adults" means individuals who are age eighteen (18) or older.

(b) "Applicant" means an individual who makes formal application for or makes a request for social services.

(c) "Board" means the interdepartmental board for the coordination of human service programs.

(d) "Children" means individuals who are less than eighteen (18) years of age.

(e) "Family", for income eligibility purposes, means one (1) or more adults and children, if any, related by blood or law or otherwise living as a family unit and residing in the same household. Where adults, other than spouses, reside together, each is considered a separate family. Emancipated minors and children living under the care of individuals not responsible for that care are considered one-person families.

(f) "Necessary rates" are rates that are based upon costs which are usual and customary for the provision of the service being performed.

(g) "Provider" means the social service entity (individual, firm, partnership, corporation, state or local governmental unit, company, or association) under contract to provide social services.

(h) "Reasonable rates" are rates that are comparable and competitive with the going rate for comparable services in the locality where services are to be provided. If there are no other providers in the geographic area, reasonable and necessary rates are rates that are comparable and competitive on a statewide basis.

(i) "Recipient" means an eligible applicant who actually receives social services.

(j) "Social services" means services purchased using Federal Social Services Block Grant Act funds and state and local funds.

(k) "Social Services Block Grant Act (42 U.S.C. 1397)" means payments made to the state pursuant to Title XX of the Social Security Act (Sec. 1397(a)(1)), and within 490 IAC 2 the term is synonymous with the term SSBG Act. *(Division of Family Resources; 470 IAC 13-1-1; filed Dec 5, 1983, 3:01 pm: 7 IR 348; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 2-1-1) to the Division of Family and Children (470 IAC 13-1-1) by P.L.9-1991, SECTION 132, effective July 1, 1992.*

470 IAC 13-1-2 Service development

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-10

Sec. 2. The board shall, on an annual basis, define and describe in detail the services to be purchased with SSBG Act funds. *(Division of Family Resources; 470 IAC 13-1-2; filed Dec 5, 1983, 3:01 pm: 7 IR 348; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 2-1-2) to the Division of Family and Children (470 IAC 13-1-2) by P.L.9-1991, SECTION 132, effective July 1, 1992.*

470 IAC 13-1-3 Purchase of services

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-10

Sec. 3. The following requirements apply to the purchase of services:

(1) The board authorizes the director of the social services fiscal office to enter into contracts for purchase of service on behalf of the board.

(2) Except for county departments of public welfare, the purchase of social services shall be made through written contracts

which specify types of services to be provided, measurable service units, unit rates of reimbursement, units to be provided, total dollars, eligible categories of recipients, service delivery sites, and fiscal and program responsibilities. For county departments of public welfare, contracts shall specify types of services to be provided, eligible categories of recipients, total dollars, and fiscal and program responsibilities.

(Division of Family Resources; 470 IAC 13-1-3; filed Dec 5, 1983, 3:01 pm: 7 IR 348; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 2-1-3) to the Division of Family and Children (470 IAC 13-1-3) by P.L.9-1991, SECTION 132, effective July 1, 1992.

470 IAC 13-1-4 Payment for services

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-10

Sec. 4. Except when approved by the board, payment for social services purchased under contract shall be made on a reimbursement basis after services have been rendered to individual recipients. Except for county departments of public welfare, reimbursements shall be made for documented units of service provided to eligible recipients. For county departments of public welfare, reimbursements shall be based upon an approved cost allocation plan. *(Division of Family Resources; 470 IAC 13-1-4; filed Dec 5, 1983, 3:01 pm: 7 IR 349; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 2-1-4) to the Division of Family and Children (470 IAC 13-1-4) by P.L.9-1991, SECTION 132, effective July 1, 1992.*

470 IAC 13-1-5 Rates of payment

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-10

Sec. 5. Rates of payment for units of social services purchased shall be reasonable and necessary for performance of services delivered, for maintenance of sound business practices, and for fulfilling the purpose of the service. Providers shall maintain records which support costs of service provision and methods used to establish rates. *(Division of Family Resources; 470 IAC 13-1-5; filed Dec 5, 1983, 3:01 pm: 7 IR 349; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 2-1-5) to the Division of Family and Children (470 IAC 13-1-5) by P.L.9-1991, SECTION 132, effective July 1, 1992.*

470 IAC 13-1-6 Discrimination prohibited

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-10

Sec. 6. Contracted providers of social services shall comply with the requirements of the Civil Rights Act of 1964. Contracted providers shall not discriminate against any recipient or applicant for services under the contract or any employee or applicant for employment, to be employed in the performance of the contract with respect to hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of sex, race, color, religion, national origin, ancestry, or handicap. *(Division of Family Resources; 470 IAC 13-1-6; filed Dec 5, 1983, 3:01 pm: 7 IR 349; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 2-1-6) to the Division of Family and Children (470 IAC 13-1-6) by P.L.9-1991, SECTION 132, effective July 1, 1992.*

470 IAC 13-1-7 Nonsectarian services required

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-10

Sec. 7. Services under contract shall be nonsectarian in nature. (*Division of Family Resources; 470 IAC 13-1-7; filed Dec 5, 1983, 3:01 pm: 7 IR 349; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA*) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 2-1-7) to the Division of Family and Children (470 IAC 13-1-7) by P.L.9-1991, SECTION 132, effective July 1, 1992.

470 IAC 13-1-8 Provider records; retention, review, and audit

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-10

Sec. 8. Contracted providers of social services shall retain all service delivery and documentation records, service applications, and financial books and records for a period of at least three (3) years subsequent to the end of each contract period. Said records shall be subject at all reasonable times to inspection, review and audit by any persons duly authorized by the board. Records under audit shall be retained until the audit is finalized. (*Division of Family Resources; 470 IAC 13-1-8; filed Dec 5, 1983, 3:01 pm: 7 IR 349; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA*) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 2-1-8) to the Division of Family and Children (470 IAC 13-1-8) by P.L.9-1991, SECTION 132, effective July 1, 1992.

470 IAC 13-1-9 Documentation of delivery of services

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-10

Sec. 9. Services provided under contract shall be documented on an individual recipient basis as services are delivered. The board delegates to the social services fiscal office responsibility for development of written procedures for proper methods of documentation. Such procedures will be provided to providers of social services. (*Division of Family Resources; 470 IAC 13-1-9; filed Dec 5, 1983, 3:01 pm: 7 IR 349; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA*) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 2-1-9) to the Division of Family and Children (470 IAC 13-1-9) by P.L.9-1991, SECTION 132, effective July 1, 1992.

470 IAC 13-1-10 Payment for services conditioned upon availability of funds; recovery of payments; fees for services

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-10

Sec. 10. The following financial requirements shall apply to the purchase of services:

- (1) Payment for contracted services is subject to and conditioned upon the availability of SSBG Act funds; to the extent that:
 - (A) Should such funds be reduced, the board is under no obligation to pay for services rendered except to the extent that funds are available.
 - (B) Should such funds be denied the board pursuant to a financial or program audit of the board, the board may recover said funds by either setting off against amounts due and owing the contracted provider of social services under any current agreement or by demanding repayment from the contracted provider of social services.
- (2) Should funds be denied the contracted provider of social services pursuant to a financial or program audit of the provider by the board or its representatives, the board may recover said funds by either setting off against amounts due and owing the contracted provider of social services under any current agreement or by demanding repayment from the contracted provider of social services.
- (3) Fees for social services purchased under contract shall not be imposed upon the recipient of service other than fees permitted by the contract. Providers shall make reasonable efforts to collect fees and shall maintain documentation on file of such efforts.

(*Division of Family Resources; 470 IAC 13-1-10; filed Dec 5, 1983, 3:01 pm: 7 IR 349; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA*) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 2-1-10) to the Division of Family and Children (470 IAC 13-1-10) by P.L.9-1991, SECTION 132, effective July 1, 1992.

470 IAC 13-1-11 Limitation on services

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-10

Sec. 11. The following services limitations shall apply to the purchase of services.

(1) Except when temporary emergency shelter is provided as a protective service, room and board services shall be available only if room and board is a minor but essential adjunct to the service of which it is a part and is necessary to achieve the objective of that service.

(2) Except in family planning services, rehabilitation services or initial detoxification of a substance dependent individual, medical care shall be available only if medical care is a minor but essential adjunct to the service of which it is a part and is necessary to achieve the objective of that service.

(3) Child day care services shall be purchased under contract only if the provider is licensed by the state department of public welfare to provide child day care services.

(4) Educational services shall not be provided if such service is made available in local public school systems.

(5) Except services to substance dependent individuals or rehabilitation services, social services shall not be provided in and by employees of any hospital, skilled nursing facility, intermediate care facility, or prison, to any individual living in such an institution. Institutional employees includes staff, contractors, or other individuals whose activities are under the professional direction or direct supervision of the institution.

(6) Emergency shelter services shall be available as a protective service to children and adults who are in danger of abuse, neglect or exploitation for a period not to exceed thirty (30) days per episode for adults or thirty (30) days in a six (6) month period for children.

(Division of Family Resources; 470 IAC 13-1-11; filed Dec 5, 1983, 3:01 pm: 7 IR 350; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 2-1-11) to the Division of Family and Children (470 IAC 13-1-11) by P.L.9-1991, SECTION 132, effective July 1, 1992.

470 IAC 13-1-12 Eligibility for services

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13-10

Sec. 12. (a) The board delegates responsibility to develop procedures necessary to determine eligibility for social services to the social services fiscal office.

(b) The board shall specify family income limits for services and whether documentation or declaration of income shall be permitted in eligibility determination.

(c) Social services recipients shall be residents of the state but there shall be no requirement as to duration of residence. Recipients who are temporary residents of the state shall be eligible for services. Transients are considered to be temporary residents.

(d) Prior to any reimbursement for social services, recipients shall be enrolled into the service by using forms and procedures prescribed by the social services fiscal office. When required, written applications shall be signed by the applicant or the applicant's authorized representative. If the applicant is incompetent, incapacitated, a minor, a ward of the court, or in emergency situations, an interested person or provider representative acting in behalf of the applicant may sign. For family planning services, all service recipients must sign the application to document that services are requested voluntarily.

(e) The provider shall determine each applicant's eligibility for services and shall complete the application form with information provided by or in behalf of the applicant.

(f) The following individuals shall be financially eligible for social services:

(1) individuals who receive aid to families with dependent children (AFDC), supplemental security income (SSI), or Medicaid benefits;

(2) individuals whose gross monthly family income is below income limitations specified by the board for each service;

(3) individuals who receive protective services specified by the board as being available without regard to income;

(4) individuals under age six (6) or age sixteen (16) or older who are mentally retarded or developmentally disabled for services specified by the board;

(5) individuals who are wards of the court or county department of public welfare for services specified by the board;

FEDERAL SOCIAL SERVICES BLOCK GRANT ACT

(6) individuals who are adjudicated delinquents and who are paroled or released from Indiana youth authority facilities or on probation status under juvenile court jurisdiction, adults and juvenile offenders in the custody of the department of correction, and adult offenders and ex-offenders for services specified by the board.

(g) Individuals must be determined to be in need of services by their request for services or as otherwise specified for each service. *(Division of Family Resources; 470 IAC 13-1-12; filed Dec 5, 1983, 3:01 pm: 7 IR 350; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: 20071121-IR-470070448RFA) NOTE: Transferred from the Interdepartmental Board for the Coordination of Human Service Programs (490 IAC 2-1-12) to the Division of Family and Children (470 IAC 13-1-12) by P.L.9-1991, SECTION 132, effective July 1, 1992.*

*