



North Carolina Department of Health and Human Services
Division of Social Services
Regulatory and Licensing Services

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Michael F. Easley, Governor
Dempsey Benton, Secretary

Sherry S. Bradsher, Director
(919) 733-3055

October 30, 2007

Dear County Director of Social Services:

Dear Private Agency Director:

Attention: Child Welfare Supervisors and Licensing Staff

Subject: Foster Home Licensing Question and Answer Document

The foster care licensing consultants are developing a Question and Answer document related to the new foster care rules. This document will be updated periodically and will be posted at the following website: <http://www.dhhs.state.nc.us/dss/licensing>. Click on Foster Care Rules and scroll down to Questions and Answers-Licensing of Foster Homes. The Black Mountain licensing office will electronically notify you when the document has been updated and advise you to visit the website.

If you have questions related to this document please feel free to contact Rhoda Ammons (Rhoda.Ammons@ncmail.net) or Tara Foster (Tara.Foster@ncmail.net). Rhoda and Tara can also be reached at 828-669-3388.

Sincerely,

A handwritten signature in cursive script that reads "Esther T. High".

Esther T. High, Acting Chief
Family Support and Child Welfare Section

cc: Sherry S. Bradsher
Jo Ann Lamm
Sarah Barham
Local Business Liaisons Managers
Family Support and Child Welfare Services Team Leaders
Children's Services Program Representatives
Regulatory and Licensing Services Consultants

FSCWS-74-07

Questions and Answers—Licensing of Foster Homes

October 29, 2007

Capacity

Q: Can supervising agencies receive waivers for the capacity rule for family foster care?

A: Yes. The rule for family foster care states that no more than five total children shall reside in the home. This includes foster children, the foster parent's children, licensed capacity for in-home day care, children kept for babysitting, relative children living in the home or any other children living in the home. The capacity rule for family foster care will be implemented in two stages. Family foster homes that are initially licensed after September 1, 2007 cannot have more than five children in the home. Family foster homes already licensed will have until July 1, 2008 to reduce the total number of children in the home to five. More than five children may be placed in a family foster home if this means siblings will be placed together. Supervising agencies must submit a letter advising that the capacity needs to be increased in order to place siblings together. Submit the information outlined in 10A NCAC 70E .1001 (c) (1), (3) and (4).

Q: Can supervising agencies receive waivers for the capacity rule for therapeutic foster care related to the number of foster children in the home?

A: No. The capacity rule for the number of foster children in a therapeutic foster home is based on the Division of Mental Health, Mental Retardation, Substance Abuse and Division of Medical Assistance service definition. The service definition found in Division of Medical Assistance, Clinical Policy No. 8D-2 states that this treatment (therapeutic foster care) may be provided in a natural family setting with one or two surrogate family members providing services to one or two consumers. The Division of Social Services does not have the authority to waive this service definition. Supervising agencies must comply with this service definition or risk losing Medicaid funding for therapeutic foster care services for all the foster children in the home.

Q: Can supervising agencies receive waivers for the capacity rule for therapeutic foster care related to the total number of children in the home?

A: Yes. The capacity rule for therapeutic foster care states that not more than four children total shall reside in a therapeutic foster home. The four children shall include the foster parent's own children, children placed for therapeutic foster care, children placed for family foster care or any other children living in the home. Therapeutic foster parents shall not provide in-home day care or baby sitting services in the therapeutic foster home. The Division of Social Services will consider waivers related to the number of the foster parent's own children or relative children who reside in the home. We will not consider waivers for in-home day care or babysitting. The supervising agency will need to submit a waiver form and provide specific information about the ages and needs of all the children in the home. The agency will also need to document that the Child and Family Services Team has reviewed the matter and the foster parents have the skills, stamina and ability to care for all the children in the home. The waiver form will also need to provide documentation related to 10A NCAC 70E .1001 (c) (3) and (4).

Q: Is there a grandfather in period regarding compliance with capacity rules?

A: Yes. Therapeutic foster homes licensed prior to September 1, 2007 must be in compliance by January 1, 2008. Family foster homes licensed prior to September 1, 2007 must be in compliance by July 1, 2008. Homes licensed effective September 1, 2007 and after must meet the new capacity rule requirements.

Medication Administration Training

Q: What exactly is required for the medication administration training? What curriculum should be used?

A: Agencies usually provide this training during MAPP training. Some agencies contract with a nurse or pharmacist to provide the training. The information that is outlined in the licensing rules (10A NCAC 70E .1102) can serve as the curriculum. We suggest that foster parents practice using a Medication Administration (MAR) Log during the training. Agencies may format a MAR log in accordance with the rules.

High School Diploma Requirement

Q: In a therapeutic foster home with two parents, is it ok if only one parent has a high school diploma or GED?

A: Yes. One foster parent can be designated the primary therapeutic foster parent. This individual must have a high school diploma or GED. The other foster parent without the HS diploma or GED will still have to meet all other licensing requirements. A waiver request (DSS-5199) is needed in this instance. On the waiver form the supervising agency will need to provide the name of the primary therapeutic foster parent and indicate if this individual is a high school graduate or has a GED. The supervising agency will need to state that this foster parent is responsible for recording therapeutic notes, maintaining the medication administration log and other written requirements. The supervising agency will also need to provide the name of the other foster parent and indicate that this individual meets all other licensing requirements.

The waiver request form (DSS-5199) and approval letter from the licensing authority need to be filed with the High School Diploma/ GED credentials in the foster parents file maintained by the supervising agency.

Accessing Revised & New Forms

Q: How do I access current licensure forms? Which forms have been revised and what are the new forms?

A: To access forms go to the following website:
<http://info.dhhs.state.nc.us/olm/forms/forms.aspx?dc=dss>

Make sure you use the most current versions of the forms dated 09/01/07. A list of revised and new forms can be found in Attachment B at the following website:
http://www.dhhs.state.nc.us/dss/licensing/foster_care_rules.htm

Conflict of Interest

Q: Do currently licensed foster parents have to transfer to a new agency if they are employees of or have a familial relationship with their current supervising agency?

A: Foster homes licensed prior to September 1, 2007 are grandfathered-in and do not have to meet the requirements of the Conflict of Interest rule if they remain continually licensed.

Q: Are there instances when a license should be transferred even though they are covered by being grandfathered-in?

A: Yes. In some instances the agency may determine that they cannot continue to supervise the home objectively, or foster parents may request to be transferred to another agency.

Q: If a foster family allows their license to terminate or lapse after being grandfathered-in, still considered under the grandfather clause if they request to be relicensed?

A: No. Once a license terminates and the foster parent wishes to reapply, they lose their grandfathered-in status. They must meet the requirements of the Conflict of Interest rule. (For example, a grandfathered-in foster parent allows their license to lapse due to failure to relicense and the termination date is 12/05/07. The foster parent requests to be relicensed in February 2008. This

foster parent is no longer eligible for grandfathered-in status, and must meet the Conflict of Interest rule).

Required Applicants

Q: Do all adults in the household have to be trained and meet all requirements of foster parents?

A: Effective September 1, 2007 Applicants who are married are PRESUMED to be co-parents and both must be licensed. Currently licensed homes where one spouse is not licensed must come into compliance by 09/01/08.

Effective September 1, 2008, any adult 21 years of age or older, living in currently licensed or newly licensed foster homes who has responsibility for the care, supervision, or discipline of the foster child shall complete all licensing requirements. The supervising agency shall assess each adult's responsibility for the care, supervision, or discipline of the foster child. If clear evidence is provided to the licensing authority that another adult household member is not providing care for children, that person does not have to meet this requirement.

Q: If there are more than two adults in the home who must meet licensure requirements will all of their names be on the foster home license and in the state foster home licensing system.

A: No. Only two names can currently be listed on a license in association with a facility ID#. Only one facility ID# is assigned per household. However, it is imperative that documentation is in the agency and state licensing files showing that all individuals who are required to meet training and licensure requirements have done so. If a person who has met all the licensing requirements, moves out of the home and desires to remain licensed, they will be issued their own facility ID# and license. The Division of Social Services has plans to revise the Foster Care Licensing System data base to include more than two names.