

City of New York
Administration for Children's Services

Policy #2010/02

**SUBJECT: Referral and Admission Policy for Children Needing Nursing
Homes or Skilled Nursing Facilities**

APPROVED: John B. Mattingly

PAGE: 1 of 4

ISSUE DATE: May 19, 2010

IMPLEMENTATION RESPONSIBILITY:
Children's Services Divisions of Child
Protection, Family Preventive
Services; Family Support Services and
Foster Care Provider Agency Staff

PURPOSE: This policy summarizes the critical steps to be taken for assessment and referrals of children entering foster care or children in foster care who may require nursing home or skilled nursing facility services. This policy also speaks to three initiatives at Children's Services which play a role in the determination of the need for such services: Placement Change Conferences (PCC), Child Safety Conferences (CSC), and the use of the Child and Adolescent Needs and Strengths assessment tool (CANS).

SCOPE: This policy applies to Children's Services staff in the Divisions of Child Protection, Family Permanency Services, Family Support Services and to foster care provider agency staff. This policy should be utilized when a child entering foster care or in foster care may need temporary or long-term care in a nursing home¹ or skilled nursing facility² as outlined herein. This policy replaces Guidance # 2008/02, Referral, Admission and Monitoring Procedures for Children in Nursing Homes and Skilled Nursing Facilities, dated March 31, 2008.

POLICY: No child entering or currently in foster care may be admitted into a nursing home or skilled nursing facility without the written authorization and consent of the Deputy Commissioner of the Division of Child Protection.

This policy covers the following key elements:

- Medical criteria required for admission into a nursing home or skilled nursing facility;
- Required documentation;
- Use of Placement Change and Child Safety Conferences;

¹ A "nursing home" is defined as "a facility providing therein nursing care to sick, invalid, infirm, disabled or convalescent persons in addition to lodging and board or health-related service, or any combination of the foregoing, and in addition thereto, providing nursing care and health-related service, or either of them, to persons who are not occupants of the facility." N.Y. Pub. Health Law §2801.

² A "skilled nursing facility" is defined as an institution (or a distinct part of an institution) which "(1) is primarily engaged in providing to residents (A) skilled nursing care and related services for residents who require medical or nursing care, or (B) rehabilitation services for the rehabilitation of injured, disabled, or sick persons, and is not primarily for the care and treatment of mental diseases; (2) has in effect a transfer agreement . . . with one or more hospitals having agreements in effect . . . and (3) meets the requirements for a skilled nursing facility . . ." described in the law. 42 U.S.C. § 1395i-3.

- Roles of the Office of the Assistant Commissioner of Placement Services, Office of Child and Family Health staff, the foster care case planner and the Medical Technical Programs and Services unit in the Division of Family Support Services; and
- Approval Process.

I. Admission Criteria:

Admission to a nursing home or skilled nursing facility is limited to children entering foster care or children in foster care who:

- Are determined by a physician, nurse practitioner, or physician's assistant to have severe medical needs resulting in the inability to perform basic daily living activities independently and/or;
- Have been diagnosed with a life threatening medical condition requiring 24 hour monitoring by a physician or nurse.³

Regardless of the diagnosis, each child must be thoroughly evaluated by a physician, nurse practitioner, or physician's assistant for any additional medical or behavioral problems. All available least restrictive⁴ alternatives must be pursued before a decision is made to place a child into a nursing home or skilled nursing facility.

II. Documentation:

Foster care agencies and Child Protection Specialists (CPS) must engage appropriate Children's Services staff (see sections A and B below) in the assessment and final approval for placement of a child into a nursing home or skilled nursing facility. This should begin with the submission of all supporting documentation (including but not limited to the items listed below) directly to the appropriate Children's Services staff:

- Parental consent, where applicable⁵
- All applicable medical documentation regarding the request for admission to the nursing home or skilled nursing facility including but not limited to the most recent:
 - Diagnosis and basis for diagnosis;
 - Assistance needs for activities of daily living;
 - Nursing care needs;
 - Equipment needs;
 - Psychosocial evaluation;
 - Occupational, physical, speech, and language therapy reports;
 - Applicable forms required for admission to the nursing home or skilled nursing facility;

³ Examples include traumatic brain and/or spinal cord injury or trauma resulting in major organ damage where the child is in a persistent "vegetative" state.

⁴ See 18 N.Y.C.R.R. § 430.11. (discussing appropriateness of placements).

⁵ Obtaining parental consent shall conform to the policy set forth in Procedure No. 102/Bulletin 99-1, *Guidelines for Providing Medical Consents for Children in Foster Care* (amended)

- Copy of child's most recent educational records including: (if applicable)
 - Individualized Education Program (IEP);
 - Individualized Family Service Plan (IFSP);
 - Early Intervention (EI) evaluations;
 - Letter from treating physician that documents child's ability to participate in his/her usual school program or child's need for time limited home/hospital instruction and the medical basis for the home/hospital instruction request.

A. For Cases in the Division of Child Protection:

If a CPS identifies a child that may need the services of a nursing home or a skilled nursing facility, a Child Safety Conference should be utilized to explore the service needs and develop a recommendation. The Medical Services Consultant assigned to the appropriate Borough Office should be part of the Child Safety Conference to assist the CPS in identifying and accessing a facility that is best suited to meet the child's medical needs. The CPS shall also invite a representative from the facility being considered so that admission requirements and procedures can be discussed if necessary. If it is determined that the child's needs can only be met in a nursing home or a skilled nursing facility, the CPS will forward the supporting documentation, conference summary sheet and a nursing home placement request to the Office of the Assistant Commissioner of Placement Services (OPA) via interoffice mail as part of a complete referral package.

OPA will review all submitted documentation and will arrange for the administration of a Child and Adolescent Needs and Strengths (CANS) assessment tool. From that review and assessment, OPA will forward a recommendation for the least restrictive setting that will meet the child's needs and will send this recommendation to the Director of the Medical Technical Programs and Services (MTPS) unit in the Office of Child and Family Health (OCFH). This unit will review the recommendations and documents with the Senior Director for Clinical Programs and Services. The final recommendation regarding the medical necessity of the placement will be issued by the Assistant Commissioner of OCFH.

B. For Cases in the Division of Family Permanency Services (FPS)

If a case planner for a foster care agency identifies a child that may need the services of a nursing home or a skilled nursing facility, a Family Team Conference (FTC) shall be utilized to explore the service needs and develop a recommendation. The foster care provider should explore inviting a representative from the Medical Technical Programs and Services (MTPS) unit in the Office of Child and Family Health (OCFH) to help support the discussion around the child's medical needs. The provider shall also invite a representative from the facility being considered so that admission

requirements and procedures can be discussed if necessary.

If the FTC consensus is that the child's needs can only be met in a nursing home or a skilled nursing facility, the case planner will submit the supporting documentation (as outlined in section II above) and the FTC summary sheet directly to the Director of the Office of Family Permanency (OFPTC) -Child Evaluation Unit by either faxing the information to 212-676-7556 or by e-mail to ruby.cunningham@dfa.state.ny.us. The Director of the OFPTC Child Evaluation Unit will then forward the original set of medical documents, together with the nursing home placement request, to OPA as well as to the Director of the MTPS unit in the OCFH.

OPA will review all submitted documentation and will arrange for administration of a Child and Adolescent Needs and Strengths (CANS) assessment tool. The MTPS unit will review the documents with the Senior Director for Clinical Programs and Services. The final recommendation regarding medical necessity will be discussed by the Assistant Commissioner of OCFH with the Assistant Commissioner of OPA.

III. Final Approvals:

If placement in a nursing home or skilled nursing facility is recommended by all reviewing parties, OPA staff will forward supporting documentation to the Deputy Commissioner of the Division of Child Protection for final approval.

No child entering or currently in foster care may be admitted into a nursing home or skilled nursing facility without the written authorization and consent of the Deputy Commissioner of the Division of Child Protection.

For DCP cases, arrangements for the child's admission into the facility will be arranged by the CPS with the facility representative. For FPS cases, arrangements for the child's admission into the facility will be arranged by the case planning agency with the facility representative.

Should you have any additional questions and concerns, please contact Beatrice Aladin, Director, Health Policy and Planning, Office of Child and Family Health at Beatrice.Aladin@dfa.state.ny.us.