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*Governor*

**NEW YORK STATE**  
**OFFICE OF CHILDREN & FAMILY SERVICES**  
52 WASHINGTON STREET  
RENSSELAER, NY 12144

**Gladys Carrión, Esq.**  
*Commissioner*

### **Administrative Directive**

<b>Transmittal:</b>	10-OCFS-ADM-14
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Administration
<b>Date:</b>	November 2, 2010
<b>Subject:</b>	<b>Adjusted Per Diem Chargeback Rates for OCFS-Operated Facilities and Programs for CY 2002, CY 2003, CY 2004, CY 2005, CY 2006, CY 2007</b>
<b>Suggested Distribution:</b>	Directors of Services Accounting Supervisors
<b>Contact Person(s):</b>	See Section VI, Other
<b>Attachments:</b>	A. Adjusted CY 2002 Per Diem Chargeback Rates B. Adjusted CY 2003 Per Diem Chargeback Rates C. Adjusted CY 2004 Per Diem Chargeback Rates D. Adjusted CY 2005 Per Diem Chargeback Rates E. Adjusted CY 2006 Per Diem Chargeback Rates F. Adjusted CY 2007 Per Diem Chargeback Rates
<b>Attachments Available Online:</b>	Rate Charts are available on the Rate Information page of the OCFS website at the address below, and are updated as needed: <a href="http://www.ocfs.state.ny.us/main/rates">http://www.ocfs.state.ny.us/main/rates</a>

### **Filing References**

<b>Previous ADMs/INFs</b>	<b>Releases Canceled</b>	<b>Dept. Regs.</b>	<b>Soc. Serv. Law &amp; Other Legal Ref.</b>	<b>Manual Ref.</b>	<b>Misc. Ref.</b>
07-OCFS-ADM-16 09-OCFS-ADM-03			Section 529 of Executive Law  Chapters 109, 110 and 111 of the Laws of 2010		

## **I. Purpose**

The purpose of this Administrative Directive (ADM) is to publish Adjusted Per Diem Chargeback Rates for Calendar Year (CY) 2002 through CY 2007 for care provided to youth placed in facilities and programs operated by the Office of Children and Family Services (OCFS).

These Adjusted Per Diem Chargeback Rates for CY 2002 through CY 2007 will be used as the basis for making bill adjustments for youth who were placed in OCFS-operated facilities during these periods. The bill adjustments calculated for each of these periods will reconcile the difference between amounts previously billed at the Final CY 2002 through CY 2007 Per Diem Chargeback Rates compared to those billed at the Adjusted Per Diem Chargeback Rates for CY 2002 through CY 2007, as specified in this ADM.

## **II. Background**

Chargeback rates for OCFS-operated facilities are used for billing the care provided to youth placed in residential programs directly operated by OCFS. Chapters 109, 110 and 111 of the Laws of 2010 collectively require OCFS to reissue the chargeback rates for CY 2002 and thereafter to remove the adjustment that was made each year to reduce the costs to localities related to the discontinued use of certain federal funds for such costs. These Adjusted Per Diem Chargeback Rates eliminate the \$12 million credit adjustment in State funds that was made each year to the rates for CY 2002 through CY 2007, which resulted in approximately \$6 million total in lower costs to localities each year. Each year, this adjustment was made as the last step in the rate setting process after all other calculations had been completed. The Final Per Diem Chargeback Rate for CY 2008 and each subsequent Per Diem Chargeback Rate issued by OCFS will be calculated without the \$12 million credit for the cost of care. The Final CY 2008 Per Diem Chargeback Rate is expected to be published with the third quarter billing for CY 2010.

Chapters 109, 110 and 111 of the Laws of 2010 further provide that, if a social services district fails to provide reimbursement to OCFS for any per diem chargeback rate within 60 days of receiving a bill for services, or by the date certain set by OCFS for providing reimbursement, whichever is later, New York State (the State) may exercise its set-off rights by withholding the amount due from any amounts due and owing to the district from OCFS under the Executive Law or the Social Services Law.

## **III. Program Implications**

The Adjusted Chargeback Rates for CY 2002 through CY 2007 as specified in this ADM have been approved in accordance with Section 529 of the Executive Law. These rates will be used by OCFS to bill for the differences between the Final Rates for youth placed in applicable OCFS-operated facilities in CY 2006 as previously set forth in 07-OCFS-ADM-16 issued on December 21, 2007, and in CY 2002 through CY 2005 and CY 2007, as previously set forth in 09-OCFS-ADM-03 issued on February 3, 2009, and the Adjusted Per Diem Chargeback Rates for youth placed in applicable OCFS-operated facilities during the same periods.

Adjustments for the Adjusted Per Diem Chargeback Rates for CY 2002 through CY 2007 will be included in the second quarter CY 2010 bills.

#### **IV. Required Action**

Chargeback bills for the second quarter CY 2010 bill will include rate adjustments for CY 2002 through CY 2007 using the approved Adjusted Per Diem Chargeback Rates for CY 2002 through CY 2007 specified in this ADM. The State may exercise its set-off rights and reduce other payments due to any district that fails to pay its bill within 60 days of receiving the bill or the date certain put in the bill, whichever is later.

Payments or correspondence about bills should be directed as follows:

NYS Office of Children and Family Services  
Bureau of Financial Operations / Accounting Unit  
52 Washington St., South Bldg. Room 204  
Rensselaer, New York 12144

#### **V. Systems Implications**

The Juvenile Justice Information System (JJIS) allows for the electronic distribution of the quarterly chargeback rate bills. If you need to add additional staff to the distribution list for the bills, please e-mail that list to the following address: [ocfs.sm.bfo.finance@ocfs.state.ny.us](mailto:ocfs.sm.bfo.finance@ocfs.state.ny.us)

#### **VI. Other**

Contacts for questions about the issues related to this ADM are as follows:

For questions concerning rate-related issues, please contact Emily Stewart, OCFS Rate Setting, at 518-474-2812, or Ed Tang, OCFS Rate Setting, at 518-474-9737. These individuals can also be contacted by e-mail as follows: [Emily.Stewart@ocfs.state.ny.us](mailto:Emily.Stewart@ocfs.state.ny.us) or [Edward.Tang@ocfs.state.ny.us](mailto:Edward.Tang@ocfs.state.ny.us)

For placement-related questions about specific youth, please contact Ralph Morano of the Bureau of Classification and Movement at (518) 486-4642, or by e-mail as follows: [Ralph.Morano@ocfs.state.ny.us](mailto:Ralph.Morano@ocfs.state.ny.us)

For payment questions, please contact Mark Sullivan of the Bureau of Financial Operations at (518) 486-6973, or by e-mail as follows: [Mark.Sullivan@ocfs.state.ny.us](mailto:Mark.Sullivan@ocfs.state.ny.us)

Copies of this ADM should be shared with accounting supervisors and other staff associated with OCFS residential programs.

**VII. Effective Date**

This directive is effective as of the date of its issuance.

*/s/ Thomas S. Tipple*

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**Issued By:**

Name: Thomas S. Tipple

Title: Deputy Commissioner

Division/Office: Administration

**Attachment A****Adjusted Calendar Year 2002 - Section 529 Per Diem Rates**

<b>Level</b>	<b>Program</b>	<b>Per Diem Rates</b>
1	Secure Residential Services	307.58
2	Limited Secure Residential Services	283.60
3	Non-Community Based Residential Services	283.66
4	Community Residential Homes	244.44
5	Family Foster Care	72.46
6	Evening Reporting Centers	166.48

**Adjusted Calendar Year 2002 - Title IV-E Per Diem Rates**

<b>Level</b>	<b>Program</b>	<b>Title IV-E Per Diem Rates</b>
3	Non-Community Based Residential Services	240.28
4	Community Residential Homes	236.28
5	Family Foster Care	67.16

**Attachment B****Adjusted Calendar Year 2003 - Section 529 Per Diem Rates**

<b>Level</b>	<b>Program</b>	<b>Per Diem Rates</b>
1	Secure Residential Services	376.60
2	Limited Secure Residential Services	292.92
3	Non-Community Based Residential Services	299.98
4	Community Residential Homes	260.26
5	Family Foster Care	106.08
6	Evening Reporting Centers	174.94

**Adjusted Calendar Year 2003 - Title IV-E Per Diem Rates**

<b>Level</b>	<b>Program</b>	<b>Title IV-E Per Diem Rates</b>
3	Non-Community Based Residential Services	252.04
4	Community Residential Homes	256.18
5	Family Foster Care	99.76

**Attachment C****Adjusted Calendar Year 2004 - Section 529 Per Diem Rates**

<b>Level</b>	<b>Program</b>	<b>Per Diem Rates</b>
1	Secure Residential Services	380.70
2	Limited Secure Residential Services	312.58
3	Non-Community Based Residential Services	296.54
4	Community Residential Homes	312.22
5	Family Foster Care	102.96
6	Evening Reporting Centers	201.30

**Adjusted Calendar Year 2004 - Title IV-E Per Diem Rates**

<b>Level</b>	<b>Program</b>	<b>Title IV-E Per Diem Rates</b>
3	Non-Community Based Residential Services	279.94
4	Community Residential Homes	295.74
5	Family Foster Care	95.66

**Attachment D****Adjusted Calendar Year 2005 - Section 529 Per Diem Rates**

<b>Level</b>	<b>Program</b>	<b>Per Diem Rates</b>
1	Secure Residential Services	374.82
2	Limited Secure Residential Services	339.72
3	Non-Community Based Residential Services	327.38
4	Community Residential Homes	359.94
5	Family Foster Care	108.10
6	Evening Reporting Centers	210.50

**Adjusted Calendar Year 2005 - Title IV-E Per Diem Rates**

<b>Level</b>	<b>Program</b>	<b>Title IV-E Per Diem Rates</b>
3	Non-Community Based Residential Services	277.38
4	Community Residential Homes	351.98
5	Family Foster Care	101.08



**Attachment E****Adjusted Calendar Year 2006 - Section 529 Per Diem Rates**

<b>Level</b>	<b>Program</b>	<b>Per Diem Rates</b>
1	Secure Residential Services	406.48
2	Limited Secure Residential Services	359.14
3	Non-Community Based Residential Services	353.26
4	Community Residential Homes	448.26
5	Family Foster Care	119.02
6	Evening Reporting Centers	249.92

**Adjusted Calendar Year 2006 - Title IV-E Per Diem Rates**

<b>Level</b>	<b>Program</b>	<b>Title IV-E Per Diem Rates</b>
3	Non-Community Based Residential Services	308.10
4	Community Residential Homes	440.56
5	Family Foster Care	114.26

**Attachment F****Adjusted Calendar Year 2007 - Section 529 Per Diem Rates**

<b>Level</b>	<b>Program</b>	<b>Per Diem Rates</b>
1	Secure Residential Services	439.70
2	Limited Secure Residential Services	432.26
3	Non-Community Based Residential Services	533.08
4	Community Residential Homes	354.60
5	Family Foster Care	140.84
6	Evening Reporting Centers	301.42

**Adjusted Calendar Year 2007 - Title IV-E Per Diem Rates**

<b>Level</b>	<b>Program</b>	<b>Title IV-E Per Diem Rates</b>
3	Non-Community Based Residential Services	461.58
4	Community Residential Homes	332.74
5	Family Foster Care	133.60