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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>	12-OCFS-ADM-06
<b>To:</b>	Local District Commissioners Executive Directors of Authorized Voluntary Agencies
<b>Issuing Division/Office:</b>	Administration
<b>Date:</b>	July 18, 2012
<b>Subject:</b>	<b>Maximum State Aid Rates Effective April 1, 2012, through June 30, 2012</b>
<b>Suggested Distribution:</b>	Directors of Services Accounting Supervisors
<b>Contact Person(s):</b>	David Haase (518) 486-6404; or by email at <a href="mailto:David.Haase@ocfs.state.ny.us">David.Haase@ocfs.state.ny.us</a>
<b>Attachments:</b>	None
<b>Attachments Available Online:</b>	

### **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>
11-OCFS-ADM-13		18 NYCRR Part 427	SSL 398-a EL 4402 EL 4405	Standards of Payment for Foster Care of Children – Program Manual	

## I. Purpose

The purpose of this Administrative Directive (ADM) is to issue Maximum State Aid Rates (MSARs) for Foster Care Programs and In-State Committee on Special Education (CSE) Maintenance Rates for State Education Department (SED) approved Residential Schools, **effective April 1, 2012, through June 30, 2012.**

## II. Background

As part of the 2012-13 State Budget Provisions specified in Chapter 56 of the Laws of 2012, such provisions amended Chapter 59 of the Laws of 2011 by suspending the legislative cost-of-living adjustment (COLA) that was scheduled for implementation April 1, 2012.

## III. Program Implications

All MSARs and CSE Maintenance Rates in effect for the period of July 1, 2011, to March 31, 2012, are extended for the balance of the rate year to June 30, 2012, based on the above referenced provisions in Chapter 56 of the Laws of 2012. **All rate policies and requirements of local departments of social services (LDSSs) previously specified for the 2011-12 rate year in 11-OCFS-ADM-13, dated November 23, 2011, are applicable to MSARs and CSE Maintenance Rates extended to June 30, 2012.**

## IV. Systems Implications

Existing procedures for processing MSAR payments and reimbursing claims will continue to be applicable.

## V. Rate Consultations / Rate Adjustments

The purpose of issuing MSARs is to specify the OCFS-approved maximum reimbursement program rates for state and federal claiming purposes, as well as to provide guidance to LDSSs in their contract negotiations with providers of foster care. **MSAR payment requirements, pursuant to Section 398-a (2-a) of the SSL, prohibit LDSSs from paying less than the MSAR established by OCFS for each congregate care rate and for each administrative/services rate for a therapeutic, special needs, or emergency foster home program operated by a voluntary agency, as specified in 05-OCFS-ADM-04.**

Where an LDSS agrees to contract for a rate that is greater than the published MSAR, no federal or state reimbursement is available for the amount that exceeds the MSAR.

However, OCFS can assist the local district and/or the voluntary agency in developing a program intensification request to increase the MSAR.

OCFS regulation 18 NYCRR 427.9 allows the LDSS and/or the voluntary foster care agency to request a rate consultation in regard to a promulgated MSAR, as follows:

- For the LDSS that is requesting rate consultation, such a request must be submitted in writing and be received by OCFS within 30 days of the date a rate is issued (as specified in 18 NYCRR 427.9 and in Chapter 9 of the Standards of Payments for Foster Care of Children Program Manual). The LDSS should send such requests for a rate consultation to:

Derek Holtzclaw, Director  
Bureau of Budget Management  
Rm. 314 South  
52 Washington Street  
Rensselaer, NY 12144

- A voluntary agency requesting a rate consultation must use the Web-based Statewide Standards of Payment (SSOP) system to submit its request electronically. Pursuant to OCFS regulations, such requests must be received (in this case, electronically) within 30 days of the date a rate is issued.

**Note: In accord with OCFS regulations, rate policies are not subject to consultation or appeal.**

## VI. Effective Date

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

*/s/ Mikki Ward-Harper*

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**Issued By:**

Name: Mikki Ward-Harper

Title: Deputy Commissioner (Acting)

Division/Office: Administration