



**Office of Children
and Family Services**

KATHY HOCHUL
Governor

SHEILA J. POOLE
Commissioner

September 21, 2021

Alfonso Nicholas
Program Manager
Administration for Children and Families
Region II
26 Federal Plaza Rm. 4114
New York, NY 10278

Dear Mr.  Nicholas:

The Family First Prevention Services Act (Public Law 115-123) defines a “qualified individual” (QI) as a trained professional or licensed clinician who is not an employee of the state agency and who is not connected to, or affiliated with, any placement setting in which children are placed by the state.

In PI-18-07, the Administration for Children and Families (ACF) advised, “The title IV-E agency may request that HHS waive the ‘qualified individual’ requirements as part of the title IV-E plan submission...” Specifically, if a title IV-E agency would like to request a waiver to allow QIs with responsibility for performing the assessments under section 475A(c)(1)(A) of the Social Security Act, to be employees of the agency and/or connected to or affiliated with any placement setting in which children are placed by the agency, the title IV-E agency must submit Attachment XI of the Pre-print (Attachment D).

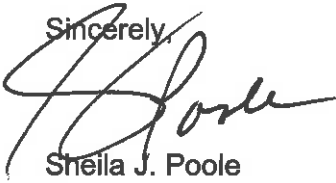
The New York State Office of Children and Family Services (OCFS) submitted a QI waiver request on July 28, 2021. Following submission of the waiver request, New York State (NYS) was asked to provide additional information regarding who at the agency will designate the QI to complete child-specific assessments of the appropriateness of the placement in a Qualified Residential Treatment Program (QRTP). NYS submits the following response:

The local department of social services supervisor, assigned case manager or caseworker will submit, in writing, a referral to the entity for which the services of a QI have been contracted to complete the child-specific assessment of appropriateness of placement in a QRTP. Such assessment may be completed prior to a child’s placement in a QRTP but must be completed within thirty (30) days of a child’s placement in a QRTP to determine whether the placement in the QRTP is the most appropriate setting for the child.

In a subsequent discussion with ACF, NYS was advised that approval of the QI waiver prior to the title IV-E plan submission could be requested, with a justification as to the need for this action. OCFS is formally requesting approval of the QI waiver prior to the submission of the IV-E plan to facilitate the necessary

QRTP requirements, most notably, allowing the counties to hire and contract with QIs to meet the effective date of September 29, 2021, for FFPSA implementation in New York State.

Sincerely,

A handwritten signature in black ink, appearing to read "Sheila J. Poole". The signature is fluid and cursive, with the first name being the most prominent.

Sheila J. Poole
Commissioner