



2010-2011 Contract Oversight Report of Limited Scope Monitoring Results

**State of Florida
Department of
Children and Families**

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Miami Contract Oversight Unit
Report 1011-1723
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Our Kids of Miami-Dade/Monroe, Inc. Contract KJ114

The Department of Children and Families (DCF) Contract Oversight Unit (COU) monitored Our Kids of Miami-Dade/Monroe, Inc. for compliance with some contractual requirements. The scope was limited and directed by the contract manager, considering a risk-based analysis of the contract and of available information. The preliminary results were discussed at the exit conference on January 20, 2011.

This report is produced using a snapshot perspective of contract compliance at a point in time. For complete information on the provider's compliance with contract terms and conditions, please contact the contract manager.

The purpose of this report is to provide information to the contract manager and to programs about provider noncompliance with the contract, as required by section 402.7305, Florida Statutes (F.S.) and by Children and Families Operating Procedure (CFOP) 75-8.

Contract KJ114 Attachment I, A.2.a. states:

The Lead Agency shall deliver foster care and related services pursuant to s.409.16, F.S., and prevention services, pursuant to s. 20.19, F.S., while ensuring each child's safety, well being and permanency.

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The following abbreviations are used in this report.

CBC = Community-Based Care

CEO = Chief Executive Officer

CFR = Code of Federal Regulations

F.A.C. = Florida Administrative Code

FCMA = Full Case Management Agency

HIPAA = Health Insurance and Accountability Act

ICPC = Interstate Compact on the Placement of Children

IL = Independent Living

JRSSR = Judicial Review Social Study Report

OK = Our Kids of Miami-Dade/Monroe, Inc.

OKOP = Our Kids Operating Procedure

RTI = Road to Independence

SIL = Subsidized Independent Living

SSI = Supplemental Security Income

TANF = Temporary Assistance for Needy Families

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Findings

Safety Plans for Sexually Reactive Children

Contract Reference(s): Contract KJ114, Attachment I, B.1.a.6)

Monitoring Method: Review of 15 children's case files and interview with provider staff.

Area of Noncompliance	Required by...
7 of 15 children identified as sexually reactive did not have a safety plan completed when placed in an out-of-home care placement.	65C-28.004(10)(b), F.A.C. 65C-28.004(11)(a)5., F.A.C.
3 of 8 completed safety plans were not completed on or before the date of placement.	65C-28.004(10)(b), F.A.C. 65C-28.004(11)(a)5., F.A.C.
6 of 8 completed safety plans did not include a requirement of placing the child who has exhibited sexually abusive or reactive behaviors in a private bedroom.	65C-28.004(11)(a)5.a., F.A.C.

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Adoption Subsidy and Disclosure

Contract Reference(s): Contract KJ114, Attachment I, B.1.d.6), B.1.d.7), and B.1.a.16)

Monitoring Method: Review of 21 adoption files and interview with provider staff.

Area of Noncompliance	Required by...
The provider did not maintain all required documentation of the child's eligibility for adoption assistance in the adoption subsidy file.	Contract KJ114, Attachment I, B.1.a.16) CFOP 175-71, 6-5.a. Title IV-E Maintenance Adoption Assistance Checklist
The provider did not have an approved adoption disclosure procedure.	Contract KJ114, Attachment I, B.1.d.7)
19 of 21 adoption disclosure forms were not fully completed.	63.085(2)(a), F.S. Contract KJ114, Attachment 1.B.1.d.6)

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Overcapacity Waivers

Contract Reference(s): Contract KJ114, Attachment I, B.1.a.6)

Monitoring Method: Review of 14 overcapacity waivers and interview with provider staff.

Area of Noncompliance	Required by...
The CEO did not sign the approval of overcapacity waiver/assessments for homes with over 5 children in the home or homes with more than 2 children under 2 years of age in the home.	65C-13.032(3)(b), F.A.C. Alan Abramowitz Memo dated March 19, 2010
The waiver/assessment did not contain the following required elements. <ul style="list-style-type: none"> • A determination that the prohibition of the placement would be contrary to the child’s best interest. • The medical, mental, physical and behavioral needs of each child in the home. • Information concerning how the needs of any particularly vulnerable child currently in placement can be adequately protected. • Verification that there are no active complaints, licensing standards violations, active abuse reports, or foster care referrals for the proposed placement. 	65C-13.032(3)(a)4., F.A.C. 65C-13.032(3)(b)1.a., F.A.C. 65C-13.032(3)(b)1.e., F.A.C. 65C-13.032(3)(b)1.g., F.A.C.
2 of 8 initial overcapacity waivers reviewed were for homes over-capped pending an increase in capacity, but the homes were not relicensed with an increased capacity prior to the expiration of the waiver and no subsequent waiver was completed.	65C-13.032(3)(b)1.h., F.A.C.
6 of 11 overcapacity placements that required a home visit within 7 days of the child’s placement did not have documentation of the visit.	65C-13.032(3)(b)2.c., F.A.C.

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Overcapacity Waivers (Continued)

Contract Reference(s): Contract KJ114, Attachment I, B.1.a.6)

Monitoring Method: Review of 14 overcapacity waivers and interview with provider staff.

Area of Noncompliance	Required by...
2 of 10 waivers for placements in homes that were over-capped pending increase of licensed capacity did not have written or verbal approval prior to placement.	65C-13.032(4)(a), F.A.C. Alan Abramowitz Memo dated March 19, 2010

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Foster Home Licensing

Contract Reference(s): Contract KJ114, Attachment I, B.1.c.1), B.1.c.3), B.1.c.13), B.6.a.4), and B.6.a.7)

Monitoring Method: Review of 15 licensing files, 3 foster home licensing studies of provider staff, provider policies and procedures, and interview with provider staff.

Area of Noncompliance	Required by...
The provider did not have an approved operating procedure that addresses how foster and adoptive parents are advised of the person to contact in the event of delayed or non-delivery of payments to address and resolve the issue.	Contract KJ114, Attachment I, B.6.a.7)
The provider did not have an approved operating procedure that requires review and approval by its Executive Director for the submission of a licensing application for prospective foster parents who are employees or relatives of employees of the provider, or its subcontractors within the provider's service delivery system.	Contract KJ114, Attachment I, B.1.c.13) and B.6.a.4)
1 of 3 foster home licensing studies of provider employees was not signed. Therefore, it could not be determined if this foster home study was completed by an agency separate from the agency that employed the prospective foster parent.	Contract KJ114, Attachment I, B.1.c.13) and B.6.a.4)
6 of 15 home studies on file did not include all required signatures. 2 were not signed by either the person completing the home study or his or her supervisor and 4 more were not signed by the supervisor.	65C-13.028(3)(u)4., F.A.C. Contract KJ114, Attachment I, B.1.c.1)
10 of 13 re-licensure attestations reviewed were not submitted to the Department 30 days prior to the expiration of the foster home licenses.	65C-13.028(1)(a), F.A.C. Contract KJ114, Attachment I, B.1.c.3)
3 of 14 foster homes with children in the home had no documentation on file on file that children in the home were interviewed face-to-face by the licensing specialist.	65C-13.028(2)(a), F.A.C. Contract KJ114, Attachment I, B.1.c.1)

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Exit Interviews

Contract Reference(s): Contract KJ114, Attachment I, B.1.a.6)

Monitoring Method: Review of 16 children who met criteria for 19 exit interviews conducted for the period of April 2010 to June 2010.

Area of Noncompliance	Required by...
5 of 19 exit interviews were not completed on time.	65C-28.017(1)(a), F.A.C.
19 of 19 exit interview forms did not contain all the specific questions required in Rule 65C-28.017, F.A.C.	65C-28.017(2), F.A.C.
8 of 9 exit interview forms related to foster homes licensed by OK were not placed in the licensing files.	65C-28.017(5)(b), F.A.C.

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Family Engagement in Case Planning

Contract Reference(s): Contract KJ114, Attachment I, B.1.a.6)

Monitoring Method: Review of 13 case plans for documentation of family engagement in case plan completion.

Area of Noncompliance	Required by...
7 of 13 case plans that required engagement of the family did not contain signatures of the parents.	39.6011(3), F.S.

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TANF Eligibility Requirements

Contract Reference(s): Contract KJ114, Attachment I, B.1.a.16)

Monitoring Method: Review of 8 children's records for Request for TANF Funds/Eligibility Determination Forms.

Area of Noncompliance	Required by...
4 of 8 children did not have a TANF eligibility form.	CFOP 175-93, 2-3.
3 of 4 children who had a TANF eligibility form did not have eligibility information accurately documented on the form.	CFOP 175-93, 2-4.

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Pre-Independent Living

Contract Reference(s): Contract KJ114, Attachment I, B.1.b.3)

Monitoring Method: Review of documentation for 18 children, ages 13 through 14, in the pre-independent living program for the period of July 2009 to August 2010.

Area of Noncompliance	Required by...
1 of 11 children who should have had a referral for independent living during the review period did not have one completed.	65C-28.009(5)(b), F.A.C.
9 of 10 children who had a referral completed did not have it completed timely.	65C-28.009(5)(b), F.A.C.
3 of 14 children who should have had a pre-independent living assessment during the review period did not have one completed.	65C-28.009(5)(c), F.A.C.
8 of 11 children who had a pre-independent living assessment did not have it completed timely.	65C-28.009(5)(c), F.A.C.
6 of 11 completed pre-independent living assessments were not signed by the children.	409.1451(4)(a)5., F.S.
4 of 11 children who had a pre-independent living assessment did not have documentation on file regarding who is responsible for assisting the child developing skills identified and within what time frame.	65C-28.009(5)(c)4., F.A.C.
6 of 15 children who had a case plan since turning 13 years old did not have a case plan that included an education and career path.	409.1451(3)(b)1., F.S.

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Pre-Independent Living (Continued)

Contract Reference(s): Contract KJ114, Attachment I, B.1.b.3)

Monitoring Method: Review of documentation for 18 children, ages 13 through 14, in the pre-independent living program for the period of July 2009 to August 2010.

Area of Noncompliance	Required by...
<p>1 of 13 IL staffings did not address the following required elements.</p> <ul style="list-style-type: none"> • SIL program including requirements and benefits. • Detailed information was given to the child regarding RTI, Bright Futures program, and tuition fee exemption. • Child's wishes regarding adoption. 	<p>65C-28.009(4)(a)3., F.A.C. 65C-28.009(4)(a)4., F.A.C. 65C-28.009(4)(a)5., F.A.C.</p>
<p>2 of 16 children who had a JRSSR since their assessment and IL staffing did not have that information included in the JRSSR.</p>	<p>409.1451(4)(a)5., F.S.</p>

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Independent Living – Life Skills

Contract Reference(s): Contract KJ114, Attachment I, B.1.b.3)

Monitoring Method: Review of documentation for 14 children, ages 15 through 16, in the life skills program for the period of July 2009 to August 2010.

Area of Noncompliance	Required by...
3 of 3 children who should have had a referral for independent living during the review period did not have one completed.	65C-28.009(6)(c), F.A.C.
1 of 10 children who were required to have an age appropriate assessment completed during the review period did not have this assessment completed.	65C-28.009(6)(c), F.A.C.
4 of 9 children who had an age appropriate assessment completed during the review period did not have it completed timely.	65C-28.009(6)(c), F.A.C.
1 of 9 children who had an age appropriate assessment completed during the review period did not have documentation on file regarding who is responsible for assisting the child to develop the skills identified on the assessment and within what timeframe.	65C-28.009(6)(e), F.A.C.
7 of 14 children did not have a case plan that included an educational and career path.	409.1451(3)(b)1., F.S.
5 of 12 children who were due for a staffing during the review period did not have the staffing completed timely.	409.1451(4)(b)3., F.S.
1 of 6 IL staffings where the child had received prior IL services did not evaluate the child's progress in skill development.	65C-28.009(4)(a)1., F.A.C.
1 of 6 IL staffings where the child had received prior IL services did not evaluate the child's progress in education and work goals.	65C-28.009(4)(a)1., F.A.C.

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Independent Living – Life Skills

Contract Reference(s): Contract KJ114, Attachment I, B.1.b.3)

Monitoring Method: Review of documentation for 14 children, ages 15 through 16, in the life skills program for the period of July 2009 to August 2010.

Area of Noncompliance	Required by...
7 of 12 IL staffings did not include the SIL program and benefits.	65C-28.009(4)(a)3., F.A.C.
1 of 12 IL staffings did not include detailed information on services provided by the RTI program, and on other grants, scholarships, and waivers, including the Bright Futures program, including eligibility requirements, grade requirements, and the application processes.	409.1451(4)(a)4., F.S.
6 of 12 IL staffings did not address the child's wishes regarding adoption.	65C-28.009(4)(a)5., F.A.C.

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Independent Living – Subsidized Independent Living

Contract Reference(s): Contract KJ114, Attachment I, B.1.b.3)

Monitoring Method: Review of documentation for 3 youths who were in the SIL program and were age 16 during some or all of the review period, for the period of July 2009 to August 2010.

Area of Noncompliance	Required by...
1 of 3 SIL youth's living arrangements was not assessed and a report of the assessment was not provided to the independent living coordinator by the service worker.	65C-28.009(7)(e)7.d., F.A.C.
1 of 3 SIL youth did not have a written agreement developed with the youth and the CBC.	65C-28.009(7)(e)2., F.A.C.
1 of 1 SIL youth who had been in the SIL program more than one year did not have an annual review and update of the written agreement.	65C-28.009(7)(e)2., F.A.C.
1 of 3 SIL case plans did not include a description of the skills of the youth and a plan for the youth to learn additional identified skills.	409.1451(4)(c)3., F.S. 65C-28.009(7)(e)3.b.i., F.A.C.
1 of 3 SIL case plans did not include a description of youth's behaviors indicating an ability to be responsible and a plan for developing additional responsible behaviors.	409.1451(4)(c)3., F.S. 65C-28.009(7)(e)3.b.iii., F.A.C.
1 of 3 SIL case plans did not include a plan for future educational, vocational, and training skills.	409.1451(4)(c)3., F.S.
2 of 3 SIL case plans did not include present financial and budgeting capabilities and a plan for improving resources and capabilities.	409.1451(4)(c)3., F.S.
1 of 3 SIL case plans did not include a description of the proposed residence.	409.1451(4)(c)3., F.S.
2 of 3 SIL case plans did not include documentation that the youth understands the specific consequences of his or her conduct in the SIL program.	409.1451(4)(c)3., F.S. 65C-28.009(7)(e)3.b.iv., F.A.C.

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Independent Living – Subsidized Independent Living (Continued)

Contract Reference(s): Contract KJ114, Attachment I, B.1.b.3)

Monitoring Method: Review of documentation for 3 youths who were in the SIL program and were age 16 during some or all of the review period, for the period of July 2009 to August 2010.

Area of Noncompliance	Required by...
1 of 3 SIL case plans did not include documentation of proposed types of services to be provided by the provider and other agencies.	409.1451(4)(c)3., F.S. 65C-28.009(7)(e)3.b.ii., F.A.C.
1 of 3 SIL case plans did not include documentation of the nature and frequency of contacts to be provided by the provider and other agencies involved.	409.1451(4)(c)3., F.S.
1 of 3 SIL case plans did not include a plan for maintaining or developing relationships with family, other adults, friends, and the community as appropriate.	409.1451(4)(c)3., F.S. 65C-28.009(7)(e)3.b.v., F.A.C.
3 of 3 SIL youths did not receive 2 contacts per week for the first 3 months living independently in the program.	65C-28.009(7)(e)4.a., F.A.C.
3 of 3 SIL youth case counselors did not maintain weekly contact with the independent living coordinator for the first 3 months of the youth participating in the program.	OKOP 175-81, 5.d.(1)
2 of 2 SIL youths in the program longer than 3 months had a counselor who did not maintain monthly contact with the independent living coordinator after the first 3 months of the youth participating in the program.	OKOP 175-81, 5.d.(1)

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Incident and Abuse Reporting

Contract Reference(s): Contract KJ114, Standard Contract I.K.

Monitoring Method: Review of 30 incident and 33 abuse reports for April through June 2010 and incident reporting policies and procedures.

Area of Noncompliance	Required by...
6 of 30 incident reports were not reported timely, including 1 of 5 client injuries not reported immediately, 1 of 5 suicide attempts not reported immediately, 1 of 6 elopements not reported immediately, and 2 of 5 altercations not reported within 24 hours.	OKOP 7000-60-001
3 of 33 cases of suspected abuse were not reported immediately to the Florida Abuse Hotline.	39.201(2)(a), F.S.

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Client Trust Funds

Contract Reference(s): Contract KJ114, Attachment I, B.6.a.10)

Monitoring Method: Review of 11 client trust fund files for April through June 2010 and review of client trust fund policies and procedures.

Area of Noncompliance	Required by...
9 of 11 client files reviewed did not include documentation that the appropriate individuals were notified of their right to request fee waiver of assessed fees for cost of care and/or change in personal allowance.	CFOP 175-59, 9.d.
1 of 11 client trust SSI accounts reviewed exceeded the \$2,000 asset limit.	CFOP 175-59, 8.a.
2 of 2 client trust SSI accounts that had account balances which exceeded \$1,500 did not have an expenditure plan developed or submitted by the case manager to the CBC fiscal office.	CFOP 175-59, 9.b.(2)(a)

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Subcontractor Notarized Affidavit

Contract Reference(s): Contract KJ114, Attachment I, B.2.d.2)

Monitoring Method: Review of documentation and interview of contract manager.

Area of Noncompliance	Required by...
The lead agency did not obtain notarized affidavits, during the review period, to assure that each subcontractor had none of the disqualifying conditions specified in the lead agency's contract with DCF.	Contract KJ114, Attachment I, B.2.d.2)

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Children’s Mental Health Wraparound Funding

Contract Reference(s): Contract KJ114, Attachment I, D.16.

Monitoring Method: Review of 26 instances of services purchased with children’s mental health wraparound funding and associated case file documentation.

Area of Noncompliance	Required by...
1 of 26 instances of mental health wraparound services purchased did not meet eligibility criteria for this funding type because the child served did not have a diagnosable mental, behavioral, or emotional disorder.	Contract KJ114, Attachment I, D.16. Section 1912(c) Public Health Services Act as amended by Public Law 102-321.

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ICPC

Contract Reference(s): Contract KJ114, Attachment I, B.6.a.8)

Monitoring Method: Review of 13 home studies due in April and May 2010 and interview with provider staff.

Area of Noncompliance	Required by...
8 of 13 home studies requested by another state were not completed timely.	Public Law 109-239, Section 4.

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Background Screening

Contract Reference(s): Contract KJ114, Attachment I, B.2.b.1)

Monitoring Method: Review of 19 personnel files for level II background screening requirements including 5 personnel hired on or after August 1, 2010 and 14 hired prior to August 1, 2010 and interview with provider staff.

Area of Noncompliance	Required by...
All 5 personnel hired on or after August 1, 2010 signed affidavits of good moral character that did not include all disqualifying offenses as of that date.	39.001(2)(a-b), F.S. 435.05(2), F.S.
2 of 14 personnel hired prior to August 1, 2010 did not have documentation in the personnel file that an employment history check was completed.	435.03(1), F.S.

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Professional Qualifications

Contract Reference(s): Contract KJ114, Attachment I, B.2.b.1)

Monitoring Method: Review of 19 personnel files for professional qualifications and interview with provider staff.

Area of Noncompliance	Required by...
2 of 19 personnel with job descriptions requiring a degree or diploma did not have one in the personnel file.	65C-15.016(2)(e), F.A.C.

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Employment Eligibility Verification

Contract Reference(s): Contract KJ114, Standard Contract, I.C.2.d.

Monitoring Method: Review of 27 I-9 forms.

Area of Noncompliance	Required by...
4 of 27 I-9 forms were not dated by the employee on or before the date of hire. All 4 were not dated at all.	8 CFR 274a.2.(b)(1)(i)(A)
7 of 27 I-9 forms were not dated by the employer within 3 business days of the date of hire. 6 were not dated at all, and 1 was not dated timely.	8 CFR 274a.2.(b)(1)(ii)
2 of 27 I-9 forms were not fully completed in Section 2 by the employer. 1 was missing date of hire. 1 was missing the organization name and address.	8 CFR 274a.2.(b)(1)(ii)(B)

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Inventory

Contract Reference(s): Contract KJ114, Attachment I, B.3.d.

Monitoring Method: Review of 33 inventory items identified on OK inventory report dated June 30, 2010.

Area of Noncompliance	Required by...
2 of 5 stolen items did not have a police report number documented on the incident report.	OKOP 4000-20-001

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Transportation

Contract Reference(s): Contract KJ114, Attachment I, B.1.a.10).

Monitoring Method: Review of transportation logs of 3 FCMA vehicles used for transporting children.

Area of Noncompliance	Required by...
1 of 3 vehicle transportation logs did not document the specific list of children being transported in the vehicle.	Contract KJ114, Attachment I, B.1.a.10) 402.305(10), F.S. 65C-22.001(6)(f)1., F.A.C.

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No Findings Identified

Findings were not identified in the following areas of scope.

Topic or Area of Review	Method and Scope
Support to the deaf and hard-of-hearing	Observation of posted notices at FCMA's and review of a sample of personnel files for employee attestations affirming familiarity with Section 504 and the Americans with Disabilities Act.
Data security and protection of health information	Observation of 17 laptops for encryption, interview with provider staff including the data security officer and the HIPAA privacy officer, and review of HIPAA and data security policies and procedures.
Relative and non-relative placements	Review of 15 home studies associated with relative and non-relative placements.
Minor parents in custody	Review of 6 client records for requirements regarding minor parents in the custody of the Department.
Public access to records	Review of policies and procedures.
IV-E eligibility	Review of 15 client records for IV-E eligibility.

This contract oversight monitoring was conducted in accordance with CFOP 75-8. It was led by Brian Thompson. The team members were Sandra Pruetto, Cheryl Walls, Jessica Manfresca, Fred Carey, Leslie Frye, Eunice Mobley, Monica Maragh, Michael Greene, Brian Browne, Joy Jowdy, and Frantz Nazaire.

Please address inquiries to Brian Thompson, Miami COU Manager, at (305) 377-5419.