

When Out of State Placement can be made without licensure or contract with ODHS:

Scenario 1 (Page 77, lines 25-30):

**There is no CCA placement in Oregon that is suitable for the child and provides services and treatments that are medically necessary and medically appropriate for the child, and the services and treatments are approved by the responsible Medicaid entity for coverage by Medicaid.**

*Note: This does not require that residential treatment be medically necessary. It also does not require that the out of state placement provides these services. Finally, this is not limited to services that constitute medical treatment or to treatment in licensed health facilities. This provision also refers to the need for placement. It does not refer to the need for treatment.*

*This provision is also distinguishable from the other provisions in that it does not require that the program be a child caring agency that is licensed in another state.*

⇒ **Approvals required:**

- **Child Welfare Director or a designee of the Child Welfare Director**
- **Medicaid Director or a designee of the Medicaid Director**

⇒ **Eligible placement types**

- **Any type of facility or placement without restriction**

Scenario 2 (Page 78, lines 1-9)

**The child is an Indian Child, the placement complies with the placement preferences under ORICWA and it is a tribally specific program or program affirmatively requested by the child's tribe.**

*Note: There is consensus on this provision. There is no known opposition to compliance with ICWA and ORICWA. However, it is worth noting that not a single placement prior to 2020 was in a tribally operated or funded facility, or in a facility that was tribally specific. However, tribal youth were disproportionately represented among the children sent out of state. 14% of the youth sent out of state were tribal youth.*

⇒ **Approvals required:**

- **Child Welfare Director or a designee of the Child Welfare Director**

⇒ **Eligible placement types**

- Youth regional treatment center operated or funded by the Indian Health Service and serves the needs of Indian children or youth; or
- The placement is affirmatively requested by the child's tribe

Scenario 3 (Page 78, lines 10-19)

**The child is living in another state subject to an ICPC placement, such as relative foster care or a pre-adoptive placement. The child needs residential placement and there is a facility that provides the types of treatment or services that are medically necessary and medically appropriate consistent with rules adopted by OHA for the children and young adults with special health needs program.**

⇒ **Approvals required:**

- **Child Welfare Director or a designee of the Child Welfare Director**
- **Medicaid Director or a designee of the Medicaid Director**

⇒ **Eligible placement types:**

- **Must be a child caring agency**

Scenario 4 (Page 78, lines 20-24)

**An adoption or foster care agency in the same state as the placement approves and monitors the program.**

*This provision does not require any collaboration with Medicaid, nor does it require that there be any need for residential placement, any type of treatment or any specific services. It would simply allow ODHS to place a child in **any residential program** approved by **any adoption or foster care agency in any state to which Oregon chooses to send a child**. On page 73, lines 12-16, all out of state foster and adoption agencies are exempted from licensure by ODHS.*

⇒ **Approvals required:**

- **Child Welfare Director or a designee of the Child Welfare Director**

⇒ **Eligible placement types:**

- **Any type of placement or facility without restriction**

Scenario 5 (Page 78, lines 25- Page 79 line 4)

**The closest provider to the child's community that can provide the treatment or services that are medically necessary and medically appropriate is located in a neighboring state. The services and treatment are consistent with rules adopted by the Oregon Health Authority for the administration of the children and young adults with special health needs program.**

⇒ **Approvals required:**

- **Child Welfare Director or a designee of the Child Welfare Director**
- **Medicaid Director or a designee of the Medicaid Director**

⇒ **Eligible placement types:**

- **Must provide services or treatments consistent with rules adopted by OHA for the administration of the authority's program providing benefits for children and young adults with special health needs.**