

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-1-01

Rule Type: Amendment

Rule Title/Tagline: Children services definitions of terms.

Agency Name: Department of Job and Family Services

Division: Division of Social Services

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I. Rule Summary

1. Is this a five year rule review? No
 - A. What is the rule's five year review date? 6/1/2024
2. Is this rule the result of recent legislation? Yes
 - A. If so, what is the bill number, General Assembly and Sponsor? HB 265 - 134 - Manning and Patton
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 2151.412, 2151.421, 5103.03, 5103.6018, 5103.617, 5153.166
5. What statute(s) does the rule implement or amplify? 2151.01, 2151.011, 2151.031, 2151.421, 5103.03, 5153.16
6. What are the reasons for proposing the rule?

The proposed amendments are a result of the implementation of HB 265 and HB 239 of the 134th General Assembly, as well as updating certain terms throughout the rule.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

5101:2-1-01 contains definitions used throughout 5101:2. Proposed changes to the rule include adding a definition of a "Family Preservation Center" (definition #127) and "Residential Infant Care Center" (definition #273). Additionally, a definition was added for a "Qualified Residential Treatment Program" (definition #257) and "Professional Treatment Staff" (definition #246) as well as clarifications of current term language were made.

8. Does the rule incorporate material by reference? Yes

9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(a).

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(d).

This rule incorporates one or more references to a form or a digital application into which data is entered. This question is not applicable to any incorporation by reference to forms or digital data applications because such reference is exempt from compliance with RC 121.75 to 121.74 pursuant to RC 121.75(B)(4).

This rule incorporates one or more dated references to a federal act or acts. This question is not applicable to any dated incorporation by reference to a federal act because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A)(2)(c).

This rule incorporates one or more dated references to the U.S. Code. This question is not applicable to any dated incorporation by reference to the U.S. Code because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A)(2)(a).

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Rule authority has been revised to include 5103.6018 and 5103.617. HB 265 of the 134th General Assembly expanded rule authority and this was not included during original filing.

II. Fiscal Analysis

- 11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not Applicable.

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not Applicable.

- 13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

- 15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable.

III. Common Sense Initiative (CSI) Questions

- 16. Was this rule filed with the Common Sense Initiative Office? Yes**

- 17. Does this rule have an adverse impact on business? No**

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**

- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

- A. How many new regulatory restrictions do you propose adding to this rule? 0
- B. How many existing regulatory restrictions do you propose removing from this rule? 2

(B)(246)(d)(i)- Professional treatment staff of a PCPA or a PNA shall be a licensed social worker, a licensed independent social worker, a licensed professional counselor, a licensed professional clinical counselor, a counselor trainee, a licensed marriage and family therapist, a licensed independent marriage and family therapist, a certified chemical dependency counselor, a licensed medical doctor or doctor of osteopathy, a licensed psychologist, a master's level or registered nurse with responsibility for providing agency services for a child placed in a treatment foster home or a medically fragile foster home.

(B)(246)(d)(ii) Professional treatment staff of a PCSA who are exempted from the licensing requirements of Chapter 4757. of the Revised Code shall meet the requirements of sections 5153.112 and 5153.122 of the Revised Code.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**