

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-38-04

Rule Type: Amendment

Rule Title/Tagline: PCPA requirements for completing the semiannual administrative review.

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? Yes
 - A. What is the rule's five year review date? 7/26/2021
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 2151.416, 2151.412
5. What statute(s) does the rule implement or amplify? 2151.416, 2151.412
6. What are the reasons for proposing the rule?

Five-year rule review and added language to support additional time for case review approval after submission by a caseworker and to include the notification requirements of permanency team members for a child in a Qualified Residential Treatment Program (QRTP).

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

The rule sets forth the requirements that apply to a private child placing agency (PCPA) when completing a semiannual administrative review. The paragraph order has been restructured throughout the rule and language has been updated to reflect the changes to the family case plan. Language has been included to support additional time for case review approval after submission by a caseworker. Language was added to include the notification requirements of permanency team members for a child in a Qualified Residential Treatment Program (QRTP).

- 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 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).

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

Not Applicable

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

Not Applicable.

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

No new costs.

- 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? Yes**

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

The private child placing agency (PCPA) must be licensed under current law. Licensure is dependent, in part, on complying with the standards in this rule.

- 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? Yes**

Failure to comply with the rule's provisions may result in forfeiture of an agency license.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

Agency notifications and court documents are prepared and filed as part of actions the agencies must take when completing a semiannual administrative review.

- 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**

It is not likely there will be an increase in expenditures to agencies with the new provisions to the rule.

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? 0

B. How many existing regulatory restrictions do you propose removing? 5

Paragraph (F) - For in-home supportive services cases, a review panel of at least two people shall conduct the SAR.

Paragraph (F) - The review panel shall include but not be limited to:

Paragraph (G) - For protective supervision and substitute care cases, a review panel of at least three people shall conduct the SAR.

Paragraph (G) - The review panel shall include but not be limited to:

Paragraph (H) - No less than seven days prior to the SAR, the PCPA shall provide a written invitation including the date, time, and place to all of the following: