

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-40-02

Rule Type: New

Rule Title/Tagline: Supportive services.

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?
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? 2151.412, 2151.421, 5153.166
5. What statute(s) does the rule implement or amplify? 2151.412, 5153.16, 2151.421
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

Five-year rule review. This is the new rule based on rescind and new; fifty percent guideline.
8. 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) and a public children services agency (PCSA) when supportive services are provided or arranged to children and families or caretakers. Restructuring and streamlining the requirements occurred through the rule. Revisions were made to remove language contained throughout resulting from a consent decree in August 1986. The conditions of the consent judgment were met, and the order was terminated in May 1998. Additionally, the Ohio Department of Job and Family Services (ODJFS) issued the Family, Children and Adult Services Procedure Letter No. 409 (PCSA Workforce Strategies) identifying supported workforce strategies to allow flexibility in child protection casework practice requirements. One of the workforce strategies identified removed the letter of assurance requirement contained in this rule.

9. Does the rule incorporate material by reference? Yes
10. 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 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).

11. 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

12. 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.

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

No new costs.

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

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

- 16. 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

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

- 18. 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**

The adverse impact includes specific expenditures and the report of information. The adverse impacts of the requirements set forth in the rule include the time required to obtain, document, and share information as well as time spent completing forms (e.g., referral forms, family case plans, etc.). Whether the PCPA is arranging or providing services to a family, documentation, referrals, and status updates and reports are required.

- 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 Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

- 19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

- A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

- B. How many existing regulatory restrictions do you propose removing from this rule?

Not Applicable

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

Not Applicable

- D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable