

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-40-05

Rule Type: New

Rule Title/Tagline: PCSA requirements for providing family first prevention 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, 2151.429, 5103.03
6. **What are the reasons for proposing the rule?**

The rule is being adopted as new as a result of federal legislation known as the Bipartisan Budget Act of 2018 (H.R. 1892) and the Further Consolidated Appropriations Act, 2020- Family First Transition Act PL 116-94.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This new rule sets forth the PCSA requirements for implementing the Family First Prevention Services program to assist the PCSAs in the provision of prevention services to families.

- 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 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 also 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).

- 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.

0.00

From 4/1/2021-10/1/2021 ODJFS will bear the program and service costs in test counties that choose to opt in to the Family First prevention services pilot through the use of Family First Transition Act funding.

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

PCSA's may choose to offer prevention services or not based on their individual community resources, relationships, and needs. However, if a PCSA opts to offer prevention services they must adhere to program guidelines. ODJFS provides existing

oversight and monitoring of PCSAs and no additional costs would be incurred at the county or state level for compliance.

The Family First Prevention Services Act requires the use of Title IV-E clearinghouse rated evidence based practices which must also be on Ohio's approved IV-E Prevention Plan. These services are rendered by qualified providers and monitored to ensure fidelity to the scientific model. ODJFS has issued a request for proposal for a Center of Excellence to monitor the quality of services in Ohio.

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?** No
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? No

A. How many new regulatory restrictions do you propose adding?

Not Applicable

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

Not Applicable