

**Rule Summary and Fiscal Analysis (Part A)****Department of Job and Family Services**

Agency Name

**Division of Social Services**

Division

**Michael Lynch**

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**5101:2-42-65**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Caseworker visits and contacts with children in substitute care.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **5103.03, 5153.166**

5. Statute(s) the rule, as filed, amplifies or implements: **5103.03, 5153.166**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Five year review.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule amendment sets forth the regulations regarding caseworker visits and contacts with the child and the substitute caregivers.

In paragraph (C)(1) "or group home" and "rule 5101:2-5-03" were stricken and "chapter 5101:2-5" was added.

In paragraph (C)(1)(d) "foster" was stricken and "substitute" was added and "two" was stricken and replaced with "three."

In paragraph (C) (2) "For a child placed in a treatment or medically fragile foster home certified in Ohio in which the foster caregiver is providing care for a child for whom a special, exceptional, or intensive needs difficulty of care payment is made pursuant to rule 5101:2-47-18 of the Administrative Code:" was stricken and replaced with "For a child for whom a special, exceptional, or intensive needs difficulty of care payment is made pursuant to rule 5101:2-47-18 of the Administrative Code and placed in a treatment or medically fragile foster home certified pursuant to chapter 5101:2-5 of the Administrative Code:" was added.

In paragraph (C)(2)(c) "every two weeks within the treatment or medically fragile foster home, with each substitute caregiver receiving one fact to face visit in a two month period when there are two licensed substitute caregivers for the home." was stricken and replaced with "should occur twice monthly, but not within the same week. One of the monthly visits shall occur within the treatment or medically fragile foster home."

A new subsection (d) was added and reads "In a foster home which has two substitute caregivers on the certificate, assure that each caregiver receives at least one of the fact-to-face visits referenced in paragraphs (C)(2)(a) to (C)(2)(c) of this rule in each three-month period. If a caregiver is out of the home for the entire three month period (e.g. military leave or extended hospital stay) the caregiver is exempt from the visits for that time period."

In paragraph (C)(3) "children's residential center (CRC)" was stricken and "residential facility as defined in rule 5101:2-1-01 of the Administrative Code" was added and "certified in Ohio" was stricken.

In paragraph (C)(3)(a) "CRC" is stricken and replaced with "residential facility and the child as developmentally appropriate"; and ", not including the first day of placement." was added.

In paragraph (C)(3)(b) "CRC" is stricken and replaced with "residential facility." The same change occurred in paragraph (C)(3)(c).

In paragraph (C)(4) "certified in Ohio" and "is fully responsible" was stricken and "has responsibility" has been added.

In paragraph (C)(4)(a) "seven days of placement" was stricken and "the first week of

placement, not including the first day of placement." was added.

In paragraph (D) "rule 5101:2-33-22" has been stricken and added are "rules 5101:2-33-23 and 5101:2-33-70"

In paragraph (E) ", the agency shall follow the directives in chapter 5101:2-52 of the Administrative Code." was added and ":" was stricken, including subsections (1), (2) and (3).

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

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 121.76(A)(3).

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not applicable.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

*Not Applicable.*

12. 119.032 Rule Review Date: **4/30/2014**

(If the rule is not exempt and you answered NO to question No. 1, provide the

scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

### **FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0.00

This proposed rule will not impact the agency's projected budget during the current biennium.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

No new costs.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

### **S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to

R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

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

PCPAs must be certified and must hold a valid certificate to provide services and supervision of children placed into substitute care.

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 will result in the suspension or termination of certification.

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

Documentation of visits must be recorded in the child's case record.