

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-42-66.1
Rule Type: Amendment
Rule Title/Tagline: Comprehensive health care for children in placement.
Agency Name: Department of Job and Family Services
Division: Division of Social Services
Address: 30 E Broad Street Columbus OH 43215
Contact: Michael Lynch **Phone:** 614-466-4605
Email: Michael.Lynch@jfs.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 11/21/2023
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?** 5153.166, 5103.03
5. **What statute(s) does the rule implement or amplify?** 5103.03, 5153.16
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.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule guidelines for the public children service agencies (PCSAs) and private child placing agencies (PCPAs) on the coordination and prevision of health care for each child in the agency's care or in the custody, placed into substitute care. Paragraph (C) was amended to remove restrictive language regarding medical screenings when a child's placement changes or when a child is placed into foster care directly from a medical setting.

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).

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? 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? Yes

Agencies must follow the procedures and guidelines for providing medical care to children in custody and reporting required medical care in OhioSACWIS.
 - 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? 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? 19

5102:2-42-66.1 (E)(2)(a) Removing the requirement that a medical screening be completed when a child moves from one substitute care setting to another and if a child is placed into a substitute care setting directly from the hospital.

5102:2-42-66.1 (A) The public children services agency (PCSA) or private child placing agency (PCPA) shall coordinate comprehensive health care for each child in its care or custody who enters into substitute care or has a placement change.

5102:2-42-66.1 (A) In coordinating comprehensive health care, the PCSA or PCPA shall attempt arrange for health care from the child's existing and previous medical providers as well as involve the parent, guardian, or custodian in the planning and delivery of health care services.

5102:2-42-66.1 (B) If applicable, when petitioning for custody, the PCSA or PCPA shall determine whether the parent, guardian or custodian has health care insurance and / or financial resources to provide comprehensive health care.

5102:2-42-66.1 (B)(1) If insurance or financial resources are available, the PCSA or PCPA shall request financial support.

5102:2-42-66.1 (B)(2) If insurance or financial resources are not available, the PCSA or PCPA shall assess the child's eligibility for medicaid, Title IV-E, supplemental security income (SSI), or other assistance programs.

5102:2-42-66.1 (B)(2) Unless an application for Title IV-E has been submitted, the PCSA or PCPA shall apply for medicaid on behalf of the child no later than thirty days after the date of the child's placement into substitute care.

5102:2-42-66.1 (C) The PCSA or PCPA shall ensure a medical screening is completed within five working days of each child entering into substitute care or when a child's placement changes to prevent possible transmission of common childhood communicable diseases and to identify any symptoms of illness, injury, or maltreatment.

5102:2-42-66.1 (C) The medical screening shall be conducted by one of the following:

5102:2-42-66.1 (D) The PCSA or PCPA shall arrange for the following health care pursuant to rule 5160-1-14 of the Administrative Code and the "Bright Futures" guidelines (rev. 2/2017) for a child who is in substitute care.

5102:2-42-66.1 (D)(1) The agency shall ensure an annual comprehensive physical exam is completed no later than thirty days after the anniversary date of the child's last physical,...

5102:2-42-66.1 (D)(1) ... which shall include a vision and hearing screening.

5102:2-42-66.1 (D)(6) The agency shall ensure a follow-up dental examination is completed every six months from the date of the last dental examination with a thirty day grace period for scheduling purposes.

5102:2-42-66.1 (D)(8) Pursuant to section 2152.72 of the Revised Code, if a child has been adjudicated delinquent for any crimes listed in section 2152.72 of the Revised Code, the agency shall ensure a psychological examination of the child is completed within sixty days of the child's entry into substitute care.

5102:2-42-66.1 (D)(8) Prior to any subsequent placements, the agency shall ensure a new psychological examination is completed unless either of the following apply:

5102:2-42-66.1 (E) For a medicaid eligible child, the PCSA or PCPA shall:

5102:2-42-66.1 (F) Comprehensive health care pursuant to paragraph (D) of this rule is not required if the child's placement episode is less than sixty days; however the PCSA or PCPA, shall coordinate health care whenever the child has a condition which indicates a need for treatment during the placement episode.

5102:2-42-66.1 (D) The agency shall ensure:

5102:2-42-66.1 (E)(2)(a) removes requirement of ODM Health Check and pregnancy relates services information sheet" to be completed when a child moves to a subsequent placement.

- C. **If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. **Please justify the adoption of the new regulatory restriction(s).**

Not Applicable