

**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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**5101:2-42-66.1**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Comprehensive health care for children in placement.****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 sets forth the requirements of an agency to coordinate comprehensive health care for children in its care or custody.

The changes within this rule are as follows:

In paragraph (A) "or private non custodial agency (PNA)" was stricken and another reference of "or PNA" was stricken.

Paragraph (B) "or PNA" was stricken.

(B)(1) and (B)(2) "or PNA" was stricken.

Paragraph (C) "or PNA" was stricken.

The new paragraph (D) "The PCSA or PCPA shall arrange for the following health care for a child who is n substitute care, the agency shall ensure:

(D)(1) No later than 60 days after the child's placement into substitute care the agency is to obtain a comprehensive physical exam which will include a vision and hearing screening. The agency shall secure an annual comprehensive physical exam no later than 30 days after the anniversary date of the child's last physical which shall include a vision and hearing screening.

(D)(2) A child age three or under receives required pediatric care as prescribed by a licensed physician pursuant to rule 5101:3-14-03 of the Administrative Code.

(D)(3) A child age three or under is referred to the county Help Me Grow Program when a screening or assessment indicates the child has or is at risk of a developmental disability or delay.

(D)(4) A psychological examination for a child adjudicated delinquent is conducted within 60 days of the child's entry into substitute care unless a psychological examination was conducted within twelve months prior to the date the child was placed in substitute car and a copy is file in the child's case record. If no psychological examination of the child is available, an examination to detect mental and emotional disorders shall be performed by:

(D)(4)(a) A licensed independent social worker

(D)(4)(b) A licensed social worker

(D)(4)(c) A licensed professional clinical counselor

(D)(4)(d) A licensed professional counselor

(D)(5) The arrangement for and secure appropriate immunizations. If a child's record of previous immunizations is unavailable at the time of the comprehensive physical exam, and it is reasonable to assume that the child has received immunizations, immunizatinos may be postponed until an immunization record is

available for review.

(D)(6) Treatment for any diagnosed medical or psychological need is initiated within sixty days of the diagnosis, unless treatment is required sooner.

(D)(7) To document health information about the child in the child's case record within the state automated child welfare system (SACWIS) pursuant to rule 5101:2-42-66.2 of the Administrative Code for the PCSA. The PCPA shall document health information about the child in the child's case record.

(D)(8) A dental exam for a child over three years of age no later than six months after the child's placement into substitute care. The agency shall secure annual dental reexamination no later than thirty days after the anniversary date of the child's last dental examination."

The original (D) and subsections (1)(2)(3)(4)(5)(6)(7)(8) and (8)(a)(b)(c)(d) and (9), (9)(a)(b)(c)(d)(e)(f)(g)(h)(i) were stricken.

In paragraph (E) (1) "The child has received a comprehensive health care screening or exam within three months prior to placement in substitute care and the results of the comprehensive health care examination are obtained by the PCSA, PCPA, or PNA are filed in the case record" was stricken and "A child has received a comprehensive physical exam within three months prior to placement in substitute care and the results of the comprehensive physical exam are obtained by the PCSA, PCPA and maintained in the case record." was added.

New paragraph (F) "For a medicaid eligible child, the PCSA or PCPA shall:

(F)(1) Coordinate with the county department of job and family services (CDJFS) healthchek coordinator to secure a healthchek screening exam. The agency may authorize the substitute caregiver, managed care coordinaotr, medical providers and custodial parents to serve as a liaison with the CDJFS healthchek coordinator to schedule and arrange transportation.

(F)(2) Complete the JFS 03528 "Healthchek and Pregnancy Related Services Information Sheet" (rev. 5/2011) and return the form to the CDJFS healthchek coordinator." was added.

In paragraph (G) "or PNA" was stricken.

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).

This rule incorporates one or more dated references to an ODJFS form or forms. Each cited ODJFS form is dated and is generally available to persons affected by this rule via the inner-web at <http://innerapp.odjfs.state.oh.us/forms/inner.asp> or on the inter-net at <http://www.odjfs.state.oh.us/forms/inter.asp> in accordance with RC 121.75(E).

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:

In paragraph (F)(2) the revision date of JFS form 03528 changed to (3/2014) as the form has recently been revised.

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 are certified by ODJFS.

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 suspension or termination of certification.

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

PCPAs must document the coordination of health care for children in agency custody in the child's case record. There must be verification that health screenings and medical appointments have been set.