

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-42-66.2

Rule Type: Amendment

Rule Title/Tagline: Documentation of comprehensive health care for children in placement.

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?** Yes
 - A. **What is the rule's five year review date?** 3/27/2024
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 provides guidance to agencies on the requirements to document and maintain a record of physical health examinations, developmental and psychological assessments, and treatment for each child in the care or custody of an agency. The rule has been amended to include providing the child's health record to a child emancipating from custody. In addition, the rule is being amended to remove the revision date from the form referenced in the 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 127.75 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.

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This will have no impact on revenues or expenditures.

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**

It is required for any private child placing agency to be licensed and follow the requirements set forth by this rule in order to conduct business.

- 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**

If the agency were to fail to comply with the requirements set forth in rule, the action against the agency would be license forfeiture resulting in close of business.

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

Expenditures related to the agency complying with the requirement of the rule to proceed with a revocation or denial of foster care certificate.

- 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? 8

5101:2-42-66.2 (A) The custodial public children services agency (PCSA), private child placing agency (PCPA), and private noncustodial agency (PNA) is to document and maintain in the case record a record of physical health examinations, developmental and psychological assessments, and treatment for each child in the care of custody of a PCSA, PCPA, or PNA pursuant to rule 5101:2-5-10 of the Administrative Code.

5101:2-42-66.2 (C) A record of a child's health care shall contain, but not be limited to, the following, when applicable.

5101:2-42-66.2 (D) The custodial PCSA, PCPA, or PNA shall keep the parents, guardian, or custodian informed of the physical health care, mental health care, and developmental care provided the child during the child's substitute care placement.

5101:2-42-66.2 (D) Such information shall be shared at least every six months or at the time of each semiannual administrative review as required by rule 5101:2-38 of the Administrative Code.

5101:2-42-66.2 (D) The parents, guardian, or custodian shall be informed and consulted anytime a child in substitute care experiences a serious health, mental health or medical emergency.

5101:2-42-66.2 (E) A substitute caregiver shall have access to all health care information to provide daily care for the child.

5101:2-42-66.2 (H) The custodial PCSA or PCPA shall provide a copy of the child's health care record to the child's parent, guardian, custodian, or prefinalized adoptive parent pursuant to this rule, and rule 5101:2-48-16 of the Administrative Code, as applicable.

5101:2-42-66.2 (I) A PCSA shall maintain a record of a child's health care as a distinct part of the child's case record pursuant to rule 5101:2-33-23 of the Administrative Code, if 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.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable