

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-47-11

Rule Type: Rescission

Rule Title/Tagline: Reimbursement for Title IV-E foster care maintenance (FCM) costs for children's residential centers (CRC), group homes, maternity homes, residential parenting facilities, private foster homes, and substance use disorder (SUD) residential facilities.

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? 8/13/2020
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? 5103.03, 5101.166
5. What statute(s) does the rule implement or amplify? 5103.03, 5101.166
6. What are the reasons for proposing the rule?

As part of the Family First Prevention Services Act of 2018 (H.R. 1892), residential treatment facilities certified after October 1, 2020 must be certified as a Qualified Residential Treatment Program (QRTP). Agencies certified to operate a residential facility prior to October 1, 2020 have until 2024 to meet the QRTP requirements. A new rule with the same number was created to speak to the requirements for residential treatment facilities certified prior to October 1, 2020 and rule 5101:2-47-11.1 has been

created to speak to the requirements for a qualified residential treatment program certified after October 1, 2020.

- 7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule is being rescinded and replaced with a new rule under the same number. This rule outlined the cost report requirements for a children's residential center certified prior to October 1, 2020. The replacement rule no longer includes language regarding cost report requirements for foster homes. Foster homes are not certified as Qualified Residential Treatment Programs as part of the Family First Prevention Services Act of 2018. Language pertaining to foster homes has been removed from this rule and added to a new rule 5101:2-47-10.

- 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 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(B)(4).

- 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

Not Applicable.

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

No new costs.

- 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? Yes**

- 17. 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? 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? Yes**

Any agency that wants to establish a IV-E reimbursement rate ceiling will have to submit a cost report.

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