

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5101:2-47-23.1

**Rule Type:** Amendment

**Rule Title/Tagline:** Title IV-E agency contracting and contract monitoring.

**Agency Name:** Department of Job and Family Services

**Division:** Division of Social Services

**Address:** OFC- 4200 E. 5th Ave., 2nd fl. L2-01 P.O. Box 183204 Columbus OH 43218-3204

**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?** 4/28/2021
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?** 5101.141, 5103.03, 5153.166
5. **What statute(s) does the rule implement or amplify?** 5101.141, 5103.03, 5153.166
6. **What are the reasons for proposing the rule?**

With the passage of the Family First Prevention Services Act, a Qualified Residential Treatment Program is required to provide six months of aftercare support for any youth placed into a QRTP for more than fourteen days. QRTP may also provide aftercare services to the youth. Language was added the contracting requirements for agencies to use the Title IV-E Schedule B Aftercare Services Rate Information if the agency chooses to contract for six months of aftercare services for a youth placed into a qualified residential treatment program (QRTP) in addition to the the aftercare support.

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

This rule sets forth the requirements when a Title IV-E agency contracts with a private network provider for substitute care placements. The rule requires the Title IV-E agency to enter all contracting and rate schedule information into the statewide automated child welfare information system (SACWIS) to be able to enter a placement with a QRTP. Language was added when a Title IV-E Agencies contracts with a Qualified Residential Treatment Program (QRTP) for six months of aftercare services.

- 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).

- 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?**

Any increases in cost on the private network providers will be passed on to the IV-E agencies as part of the per diem for maintenance and administrative costs. The IV-E agency will be able to claim reimbursement for all eligible children. If an agency

chooses to contract for QRTP aftercare services, those costs are funded through other sources.

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? Yes**

A Qualified Residential Treatment Program (QRTP) must be licensed.

- 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**

Any agency not licensed as a QRTP by 2024 will not be able to receive a IV-E rate so children placed in their facility can receive IV-E foster care maintenance reimbursement.

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

The QRTP will be required to report all costs for compliance on their IV-E Cost Report to allow for reimbursement rate ceilings to be determined for any foster care maintenance reimbursement.

- 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 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? Yes**

**A. How many new regulatory restrictions do you propose adding? 0**

**B. How many existing regulatory restrictions do you propose removing? 2**

Paragraph (D) Any additional contracting requirements and non-substitute care services agreed upon by the Title IV-E agency and the PCPA or PNA shall be entered in SACWIS as an addendum to the agreement for Title IV-E agencies and providers for the provision of child placement.

Paragraph (I) Each Title IV-E agency shall have until their next contract renewal or three years from the effective date of this rule, which ever comes earlier to implement.