

## 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:** 30 E Broad Street Columbus OH 43215

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#### I. Rule Summary

1. Is this a five year rule review? No
  - A. What is the rule's five year review date? 8/5/2027
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, 5101.141, 5153.166
5. What statute(s) does the rule implement or amplify? 5103.03, 5101.141, 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?

OAC 5101:2-47-23.1 "Title IV-E Agency Contracting and Contract Monitoring"  
The rule has been amended to incorporate OAC rule 5101:2-47-24 "The IV-E agency contract and contract monitoring requirements for placement of children with a parent in a substance use disorder (SUD) residential facility."

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

OAC 5101:2-47-23.1 "Title IV-E Agency Contracting and Contract Monitoring"  
The rule has been amended to incorporate OAC rule 5101:2-47-24 "The IV-E agency contract and contract monitoring requirements for placement of children with a parent in a substance use disorder (SUD) residential facility". Each Title IV-E agency is to complete the agreement for Title IV-E agencies and providers for the provisions of a child placement, including the schedule A, the agreement is to be signed by the Title IV-E agency and SUD residential facility. The terms "substance use disorder SUD residential facility" was added to (D), (E), and (F). The per diem amounts including the reimbursable maintenance costs for children placed in SUD residential facilities are clarified in (I)(7), (8), and (9) and minor grammatical changes in (A), (B), (E), (F), (G), (H), (I) and (J). References to Ohio Automated Child Welfare Information System (SACWIS) has been updated throughout the rule to refer to the automated system as "Ohio SACWIS".

**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 121.75 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.**

R.C. 121.95(A) for regulatory restriction requirements under S.B. 9. removed the word shall from 5101:2-47-23.1 (B) Each Title IV-E agency shall

## **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. 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? No**

- 18. Does this rule have an adverse impact on business? No**

- 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? 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? 10

5101:2-47-23.1(A) Pursuant to RC 121.95(F) Each Title IV-E agency, as defined in rule 5101:2-1-01 of the Administrative Code, shall

5101:2-47-23.1(B) Pursuant to RC 121.95(F) Each Title IV-E agency shall

5101:2-47-23.1(C) Pursuant to RC 121.95(F) Each Title IV-E agency shall

5101:2-47-23.1(D) Pursuant to RC 121.95(F) The negotiated and agreed upon per diem rates for placement maintenance and placement administration shall

5101:2-47-23.1(D) Pursuant to RC 121.95(F) The negotiated and agreed upon per diem rates for placement maintenance and placement administration shall are to be specified for all levels of care in Ohio SACWIS on the "schedule A" and shall

5101:2-47-23.1(F) Pursuant to RC 121.95(F) The negotiated and agreed upon per diem rate for maintenance shall

5101:2-47-23.1(F) Pursuant to RC 121.95(F) The negotiated and agreed upon per diem rate for maintenance shall is to be the amount paid directly to the foster caregiver. The agreed upon maintenance payment shall

5101:2-47-23.1(G) Pursuant to RC 121.95(F) Invoicing procedures shall

5101:2-47-23.1(G) Invoicing procedures shall is to correspond to the agreed upon per diem rates as specified on the "schedule A" in Ohio SACWIS and on the "agreement," including all attachments, exhibits and addenda. All invoices shall

5101:2-47-23.1(H) Each Title IV-E agency shall

- 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