

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5101:2-47-26.1

**Rule Type:** Amendment

**Rule Title/Tagline:** Public children services agencies (PCSA), private child placing agencies (PCPA), private noncustodial agencies (PNA): Title IV-E cost report filing requirements, record retention requirements and related party disclosure requirements.

**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? 1/25/2019
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, 5101.145, 5103.03, 5153.166
5. What statute(s) does the rule implement or amplify? 5101.141, 5101.145, 5103.03, 5153.166
6. What are the reasons for proposing the rule?

Public Law 115-123, the Family First Prevention Services Act, allows for Title IV-E agencies to claim Title IV-E Foster Care Maintenance (FCM) for a child placed with a parent in a licensed residential family-based treatment facility for up to 12 months and for five year rule review.

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

This rule clarifies the cost report filing requirements, the deadlines for filing the cost report, and record retention requirements. In paragraph (B) the reference to the CFR Part 225 and Part 230 were revised to the most recent versions. The date of the cost report instructions for JFS 02911 was revised. In addition, facility types of "residential care facilities" and "substance use disorder (SUD) residential facilities" were added throughout the rule.

- 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. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule incorporates one or more dated references to the Code of Federal Regulations (CFR). This question is not applicable to any dated incorporation by references to the CFR because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(D).

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 rules 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 dates and is generally available to persons affected by this rule via the inner-web at <http://innerapp.odjfs.oh.us/forms/inner.asp> or on the internet at <http://www.odjfs.state.oh.us/forms/inter.asp> in accordance with RC 121.75(E).

- 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. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

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No fiscal effects expected on current or future budgets.

- 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**

### **III. Common Sense Initiative (CSI) Questions**

- 15. Was this rule filed with the Common Sense Initiative Office? Yes**

- 16. 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**

Private child placing agencies and private non-custodial agencies and substance use disorder residential facilities are required to be certified by the state of Ohio.

- 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**

There are no fines or civil penalties for non-compliance, but rather the risk of possible forfeiture of certification through denial or revocation.

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

This rule requires the completion of the JFS 02911, "Title IV-E Single Cost Report" for the reporting of their placement costs and their administrative costs for providing substitute care.