

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-47-26.2

Rule Type: Amendment

Rule Title/Tagline: Cost report "Agreed Upon Procedures" engagement.

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
5. What statute(s) does the rule implement or amplify? 5101.145
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 outlines the requirement for a private child placing agency (PCPA), a private noncustodial agency (PNA), residential care facility, or substance use disorder (SUD) residential facility that completes a JFS 02911 JFS "Title IV-E Single Cost Report" to have an annual JFS 02913 "Title IV-E Agreed Upon Procedures Engagement" conducted for its cost report. Changes include correcting the title of JFS 02911-I "Instructions for Completing JFS 02911, Title IV-E Single Cost Report" and updating the revision date to 8/2018.

- 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 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 dated 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 to provide substitute care.

- 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 the placement costs and the administrative costs for providing substitute care. The agency also obtains the services of a Certified Public Accountant to perform testing of their cost report by completing the JFS 02913 "Title IV-E Agreed Upon Procedures" engagement.