

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-47-26

Rule Type: Amendment

Rule Title/Tagline: Title IV-E agencies, private child placing agencies (PCPA), private noncustodial agencies (PNA): penalties for failure to comply with fiscal accountability procedures.

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?** 5101.145, 5101.146, 5101.147, 5101.148, 5101.24, 5101.11
5. **What statute(s) does the rule implement or amplify?** 5101.145, 5101.146, 5101.147, 5101.148
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 penalties that can be enacted if an identified agency fails to comply with ODJFS fiscal accountability procedures. Changes include adding facility types of "residential care facilities" and "substance use disorder (SUD) residential facilities" 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 references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(A)(1).

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).

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

Yes, this rule applies to licensed substitute care child welfare public and private agencies and 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

This rule establishes corrective action plans and penalties for non-compliance with fiscal accountability procedures for public and private agencies. Failure to comply with rule may result in denial or revocation of certification; cost of canceling the private agency's reimbursement ceiling; cost of audit findings and time and cost of developing a corrective action plan.

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

This rule sets forth a fiscal accountability procedures compliance process for a Title IV-E agency, private child placing agency (PCPA), private noncustodial agency (PNA), and substance use disorder (SUD) residential facility. Corrective Action Plans (CAP) are developed to correct areas determined to be in noncompliance by the IV-E agencies, PCPA, PNA, or SUD residential facility. If a Title IV-E agency, PCPA, PNA, or SUD residential facility is determined by ODJFS to have been solely or partially responsible for an adverse audit or quality control finding, final disallowance of federal financial participation, or other

sanctions or penalties issued by the federal government, they are required to reimburse ODJFS for the amount ODJFS pays to the federal government. If the rule did not exist, ODJFS would not be assured that non-compliance is corrected and ODJFS would be required to pay for all federal overpayments based on the non-compliance found.