

5101:2-5-02                    **Application for an agency to perform specific functions;  
amended applications.**

(A) Any private child placing agency (PCPA) or private noncustodial agency (PNA) with the purpose of performing any of the functions specified in rule 5101:2-5-03 of the Administrative Code shall file an JFS 01290 "Application for Certification of Agency Functions" (rev. 9/2006) with the Ohio department of job and family services (ODJFS) to be certified to engage in the specific functions which it intends to perform not less than ninety days prior to the intended date of commencing operation.

(B) A local public entity (LPE) that is not a public children services agency (PCSA) that operates one or more of the functions specified in rule 5101:2-5-03 of the Administrative Code shall be considered by ODJFS as though the local public entity is a PNA. Unless a specific exception is made, references throughout Chapters 5101:2-5, 5101:2-7 and 5101:2-9 of the Administrative Code to a PNA or to an agency shall apply to a LPE that is not a PCSA. "Local public entity" (LPE) as used in this Chapter of the Administrative Code means a county, including county courts, a municipal corporation, a combination of counties, a combination of municipal corporations, or a combination of one or more counties and one or more municipal corporations and that is not a PCSA.

~~(B)~~(C) In addition to the JFS 01290, an agency applicant shall submit other materials or documentation required by ODJFS including, but not limited to:

- (1) ~~Organization structure~~ A copy of the applicant's table of organization;
- (2) A copy of the applicant's mission ~~Mission~~ statement;
- (3) A description ~~Description~~ of the specific functions ~~which~~ the agency applicant is requesting certification to perform; and
- (4) A copy of each policy required by rule 5101:2-5-13 of the Administrative Code or any other rule in Chapter 5101:2-5, 5101:2-7 or 5101:2-9 of the Administrative Code ~~Policy statements~~ for each specific function ~~which~~ the agency applicant is requesting certification to perform.

~~(C)~~(D) Any PCSA which intends to operate a residential facility shall file ~~an~~ a JFS 01290 with ODJFS to be certified to operate such facility not less than ninety days prior to the intended date of commencing operation.

~~(D)~~(E)

- (1) Any PCSA, PCPA or PNA certified to perform functions listed in rule

5101:2-5-03 of the Administrative Code shall comply with all provisions of Chapters 5101:2-5, 5101:2-7, 5101:2-9, ~~5101:2-5-33~~ 5101:2-33, 5101:2-39, 5101:2-42, 5101:2-44, 5101:2-47 and 5101:2-48 of the Administrative Code applicable to the agency's performance of functions listed on its certificate. For agency noncompliance with applicable administrative rules, ODJFS may require the agency to submit and comply with a corrective action plan or may deny initial certification, or in the case of a certified agency, deny renewal of a certificate or revoke the PCSA's, PCPA's or PNA's certificate pursuant to Chapter 119. of the Revised Code.

- (2) Any PCSA performing any function listed in rule 5101:2-5-03 of the Administrative Code not requiring certification by ODJFS shall comply with all applicable provisions of Chapters 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-33, 5101:2-39, 5101:2-42, 5101:2-44, 5101:2-47 and 5101:2-48 of the Administrative Code. For PCSA noncompliance with applicable administrative rules when performing any function not requiring certification, ODJFS may take any action permitted under division (C) of section 5101.24 of the Revised Code.

~~(E)~~(F) At the time of application, the applicant shall document a plan for ongoing funding that shall include a projected one year budget detailing anticipated income and expenditures and ensuring funding to provide services relevant to each function proposed to be operated by the applicant. The budget shall show all anticipated income and expenditures in dollars.

~~(F)~~(G) Upon receipt of an application, ODJFS shall review all material submitted by the applicant and shall conduct at least one site visit before taking any action to approve or deny the applicant for initial certification.

~~(G)~~(H) Approval of an application for certification shall be based on ODJFS assessment that the applicant is in compliance with requirements of this chapter, and with requirements of Chapters 5101:2-7, 5101:2-9, 5101:2-39, 5101:2-42, 5101:2-47 and 5101:2-48 of the Administrative Code, which apply to the specific functions ~~which~~ the agency has applied for certification to perform.

~~(H)~~(I) The application shall be submitted to the appropriate ODJFS district office. The date of initial application shall be the date of receipt as noted by the ODJFS district office date stamp.

~~(I)~~(J) When an application is received and found to be incomplete or incorrectly completed, it shall be returned to the applicant for completion and resubmission. Such application shall not be considered to have been filed until it is resubmitted to the appropriate ODJFS district office in complete and correct form.

~~(J)~~(K) When an application remains pending for a period of longer than one year due to the failure of an applicant to submit any material or documentation as required, ODJFS shall initiate action to deny certification pursuant to Chapter 119. of the Revised Code.

~~(K)~~(L) If an application of an agency is approved by ODJFS a certificate shall be issued.

~~(L)~~(M) If ODJFS denies the application, written notification of such denial stating the reasons for the denial and delineating the specific ~~law and rule~~ federal law(s), Ohio law(s) and/or Administrative Code rule(s) with which the applicant is not in compliance shall be sent to the applicant by certified mail, return receipt requested.

~~(M)~~(N) All actions of ODJFS with respect to denial of an application shall be subject to the requirements of Chapter 119. of the Revised Code and Chapter 5101:6-50 of the Administrative Code.

~~(N)~~(O) ODJFS shall not certify an agency applicant to perform a given function when that function is already licensed, regulated, operated under the direction of, or otherwise certified by the department of education, a local board of education, the department of youth services, the department of mental health, the department of alcohol and drug addiction services or the department of mental retardation and developmental disabilities.

(P) When an amended application is required.

(1) When an agency certified to operate a function listed in rule 5101:2-5-03 of the Administrative Code seeks to operate another function that is required to be certified by rule 5101:2-5-03 of the Administrative Code, not less than ninety days prior to the anticipated operation of the new function, it shall submit an amended JFS 01290 to ODJFS requesting certification of the additional function and additional information as required by ODJFS according to the new function for which the agency is seeking to amend its certificate.

(2) When an agency certified to operate one or more functions listed in rule 5101:2-5-03 of the Administrative Code seeks to relocate an office or a residential facility, except in an emergency situation where an office or residential facility becomes uninhabitable for any reason, it shall notify ODJFS not less than sixty days prior to the relocation by submitting an amended JFS 01290 to ODJFS requesting certification of the relocated offices or residential facilities at the new location. In emergency situations where an office or residential facility has become uninhabitable, the agency shall immediately notify any agency with children in placement and ODJFS of the emergency, relocate the office or facility and any children in placement and

submit the amended JFS 01290 to ODJFS immediately after the relocation.

- (3) When an agency certified to operate one or more functions listed in rule 5101:2-5-03 of the Administrative Code seeks to operate an additional office or residential facility it shall submit a JFS 01290 which lists the additional office or facility to ODJFS not less than sixty days prior to the anticipated operation of the new office or residential facility.
  - (4) When an agency ceases to operate a certified function, a branch office or a residential facility it shall submit a JFS 01290 to ODJFS within ten days of the change showing that the certified function, branch office or residential facility is no longer requested to be certified.
  - (5) When an agency wishes to change the number, age range or sex of children served in a children's residential center or group home it shall submit a JFS 01290 to ODJFS not less than sixty days prior to implementing the change to notify ODJFS of the requested change.
  - (6) When an agency wishes to change its administrator or the chairperson or president of its governing body it shall notify ODJFS of the change not later than ten days after the change has been implemented by submitting a JFS 01290 to ODJFS reflecting the change.
  - (7) When an agency wishes to change the name of the agency, it shall submit a JFS 01290 to ODJFS reflecting the name change, a copy of any amended articles of incorporation authorizing the name change, and a copy of the minutes of the governing body meeting authorizing the name change not later than thirty days prior to implementing the name change.
- (O) An agency shall not operate any function requiring certification by ODJFS that has not been certified by ODJFS. An agency shall not operate an office or residential facility that is not listed on the most recent JFS 01290 on file with ODJFS.
- (R) The certificate issued by ODJFS to the agency shall be posted in a prominent place so that visitors to the agency may view it.
- (S) When a PCSA, PCPA or PNA is currently operating one or more functions requiring certification by ODJFS on a temporary certificate, ODJFS shall not accept an application from the agency that requests certification of another function by ODJFS or that seeks to expand the operation of an existing certified function. ODJFS shall not approve a PCSA to operate a function specified in rule 5101:2-5-03 of the Administrative Code that is not required to be certified by ODJFS when the PCSA is currently operating another function not requiring certification by ODJFS at an unacceptable level of compliance as determined by the most current ODJFS review of the function.

Effective: 12/11/2006

R.C. 119.032 review dates: 08/04/2006 and 05/01/2011

CERTIFIED ELECTRONICALLY

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Certification

11/08/2006

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Date

Promulgated Under: 119.03  
Statutory Authority: 5103.03, 5153.16  
Rule Amplifies: 5101.24, 5103.02, 5103.03, 5153.16, 5153.27  
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9/18/96 (Emer.); 10/21/96; 1/1/03.