

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

- (A) ~~Any~~An applicant seeking to operate a 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 electronically submit a complete and correct 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 ninetyone hundred-twenty 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.
- (C) ~~In addition to the JFS 01290, an~~ An applicant shall submit other all materials or and documentation required by ODJFS including, but not limited to: by the JFS 01290.
- ~~(1) A copy of the applicant's table of organization;~~
  - ~~(2) A copy of the applicant's mission statement;~~
  - ~~(3) A description of the specific functions the 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 for each specific function the applicant is requesting certification to perform.~~
- (D) Any PCSA which intends to operate a residential facility shall electronically file a complete and correct JFS 01290 with ODJFS to be certified to operate ~~such~~ the facility not less than ninetyone hundred-twenty days prior to the intended date of commencing operation.
- (E) Applicable rules for agencies.

- (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, 5101:2-33, 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.
- ~~(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.~~
- ~~(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.~~
- ~~(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 the agency has applied for certification to perform.~~
- ~~(F)~~ (F) The application shall be submitted to the appropriate ODJFS ~~district~~field office. The date of initial application shall be the date of receipt as noted by the ODJFS district office date stamp. The application shall not be considered to have been filed until it is submitted to the appropriate ODJFS field office in complete and correct form.
- ~~(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.~~

~~(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.~~

(G) An application may be denied by ODJFS for failure to comply with any requirement of this rule or for any reason specified in rule 5101:2-5-07 of the Administrative Code.

~~(L)~~(H) If an application is approved by ODJFS a certificate shall be issued. An agency shall not operate until a certificate is issued by ODJFS.

~~(M) If ODJFS denies the application, written notification of such denial stating the reasons for the denial and delineating the specific 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.~~

~~(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.~~

~~(O) ODJFS shall not certify an 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)~~(I) When an amended application application to amend the certificate 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~~one hundred-twenty days prior to the anticipated operation of the new function, it shall electronically submit ~~an~~a complete and correct amended JFS 01290 to ODJFS requesting certification of the additional function, ~~and~~All additional information as required by ODJFS ~~according for certification of~~ to the new function ~~for which the agency is seeking to amend its certificates~~shall be submitted with the JFS 01290.

(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

~~operate~~ 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 intended relocation or operation 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) If a residential facility has become uninhabitable, due to an emergency situation, the agency shall:

(a) Immediately notify any agency with children in placement and ODJFS of the emergency.

(b) Relocate the facility and any children in placement.

(c) Submit an amended JFS 01290 to ODJFS immediately after relocating.

~~(3)~~(4) When an agency certified to operate one or more functions listed in rule 5101:2-5-03 of the Administrative Code seeks to ~~operate~~ relocate or add 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~~thirty days prior to the anticipated operation of the new office ~~or residential facility~~. In emergency situations the agency shall follow the procedures in their agency policy developed pursuant to rule 5101:2-5-13.1 of the Administrative Code.

~~(4)~~(5) ~~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.~~An agency shall submit a JFS 01290 to ODJFS not less than ten days prior to any of the following changes:

(a) When an agency ceases to operate a certified function.

(b) When an agency ceases to operate a branch office.

(c) When an agency ceases to operate a residential facility.

~~(5)~~(6) ~~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.~~Not less than sixty days prior to

implementing a change in a children's residential center or group home, an agency shall submit a JFS 01290 to ODJFS indicating the agency wishes to change any of the following:

- (a) Sex of the children served.
- (b) Age range of the children served.
- (c) Number of the children served.

~~(6)~~(7) ~~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. An agency shall submit a JFS 01290 to~~ notify ODJFS within ten days after implementing a change to any of the following positions of its governing body:

- (a) The administrator.
- (b) The chairperson.
- (c) The president.

~~(7)~~(8) ~~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. If an agency wishes to change the agency name, the agency shall submit a JFS 01290 to notify ODJFS not later than thirty days prior to implementing a name change. The agency shall submit the following information along with the JFS 01290:~~

- (a) A copy of any amended articles of incorporation authorizing the name change.
- (b) A copy of the minutes of the governing body meeting authorizing the name change.

~~(Q)~~(J) 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 correctly listed on the most recent JFS 01290 on file with ODJFS.

~~(R)~~(K) 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)(L)~~ 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~~ the agency shall not request certification of another function by ODJFS or ~~that seeks to expand the operation~~expansion 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: 08/01/2010

R.C. 119.032 review dates: 04/01/2010 and 08/01/2015

CERTIFIED ELECTRONICALLY

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Certification

06/11/2010

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Date

Promulgated Under: 119.03  
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Rule Amplifies: 5101.24, 5103.02, 5103.03, 5153.16, 5153.27  
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