

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-5-03

Rule Type: Amendment

Rule Title/Tagline: Certification of an agency to perform specific functions.

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?** 9/23/2022
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 265 - 134
- Manning and Patton
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 5103.03, 5103.6018, 5103.617, 5103.54, 5153.166
5. **What statute(s) does the rule implement or amplify?** 5103.03, 5153.16
6. **What are the reasons for proposing the rule?**

This rule is being proposed for amendment due to the passage of HB 265 of the 134th General Assembly which establishes two new categories of foster care residential facilities. It is also being amended for the five year review.

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

This rule sets forth guidance on the types of foster care certifications an agency may receive from ODJFS. Paragraphs (A), (C), and (D) were amended to add the new facility types of residential infant care centers and family preservation centers.

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. 121.75, 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 121.75(A)(1)(a).

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Rule authority has been revised to include 5103.6018 and 5103.617. HB 265 of the 134th General Assembly expanded rule authority and this was not included during original filing.

II. Fiscal Analysis

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

No expected fiscal effects on current or future budgets.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

If an agency engages in these activities, the rule establishes a license and the requirements thereof.

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
15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not applicable.

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes
17. 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

Certification of an agency by the Ohio Department of Job and Family Services is contingent, in part, upon compliance with this rule.
 - 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

Lack of compliance can result in denial of initial certification.
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

Agencies must designate the type of function they wish to operate for a foster care agency.
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

B. How many existing regulatory restrictions do you propose removing from this rule?

Not Applicable

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

Not Applicable