

5101:2-5-04

Recertification of an agency to perform specific functions.

- (A) Not less than one hundred fifty days prior to the expiration date of an agency's current certificate, the Ohio department of job and family services (ODJFS) shall send notification to the agency by certified mail, return receipt requested, that the certificate is due to expire and ~~an~~ a JFS 01290 "Application for Certification of Agency Functions" (rev. 9/2006) for the agency's use in applying for recertification.
- (B) In addition to the JFS 01290, an agency shall submit additional documentation including, but not limited to, an audit if one is required and the information required by rule 5101:2-5-02 of the Administrative Code. Such additional documentation shall be submitted at the time of recertification or whenever such information is changed by the agency.

The first time that a private child placing agency (PCPA) or private noncustodial agency (PNA) seeks recertification, it shall submit to ODJFS with its application, as a condition of recertification, a copy of an independent audit of its first year of certification, unless the auditor of state has audited the PCPA or PNA during that year and the audit sets forth that no money has been illegally expended, converted, misappropriated, or is unaccounted for or sets forth findings that are inconsequential, as defined by government auditing standards. If the auditor of state has audited the PCPA or PNA, a copy of that audit shall be submitted. For a PCPA or PNA to be eligible for recertification, the independent audit must demonstrate that the PCPA or PNA operated in a fiscally accountable manner in accordance with state laws and rules and any agreement between the agency and a PCSA. All audits required by this ~~section~~ rule shall be conducted in accordance with government auditing standards.

After the first recertification, when a PCPA or PNA seeks recertification, it shall submit to ODJFS with its application, as a condition of recertification, a copy of an independent audit for the two most recent previous years it is possible for an independent audit to have been conducted, unless the auditor of state has audited the PCPA or PNA during those years and the audit sets forth that no money has been illegally expended, converted, misappropriated, or is unaccounted for or sets forth findings that are inconsequential, as defined by government auditing standards. The independent audit shall be completed no later than six months after the end of the agency's fiscal year. If the auditor of state has audited the PCPA or PNA, a copy of that audit shall be submitted. For a PCPA or PNA to be eligible for recertification, the independent audit must demonstrate that the PCPA or PNA operated in a fiscally accountable manner in accordance with state laws and rules and any agreement between the agency and a PCSA. As used in this ~~section~~ rule, "government auditing standards" means the government auditing standards published by the comptroller general of the United States general accounting office. The requirements of paragraph (B) of this rule do not apply to a public children services agency (PCSA) or to a local public entity that is not a PCSA.

- (C) An agency seeking recertification shall submit all information and documentation required for recertification to the appropriate ODJFS ~~district~~ field office not less than ninety days prior to the date of expiration of its current certificate. Failure of an agency to submit an application for recertification within the timeframes required by this rule may cause a lapse in certification or a delay in issuance of a certificate.
- (D) When an application for recertification is received and found to be incomplete or incorrectly completed, the recertification application shall be returned to the applicant for completion and resubmission to ODJFS. A recertification application shall not be considered to have been submitted until it is received by the appropriate ODJFS ~~district~~ field office in complete and correct form.
- (E) Not less than one hundred twenty days prior to the expiration date of an existing certificate, ODJFS shall request, by certified mail, return receipt requested, that an agency submit a list of all records, as prescribed by ODJFS, from which a sample will be selected for review during the site inspection.
- (F) An agency shall return the list of records requested by ODJFS, pursuant to paragraph (E) of this rule, within fourteen calendar days of receipt of the ODJFS request. Failure of an agency to submit the list of records as requested shall not cause the start of the recertification review to be delayed but may cause a lapse in certification or a delay in issuance of a certificate.
- (G) If an agency's list of records as requested by ODJFS, pursuant to paragraph (E) of this rule, is received by ODJFS within the timeframe specified in paragraph (F) of this rule, ODJFS shall select a random sample of records from the list to be reviewed during the site inspection and shall provide the identity of these records to the agency two weeks prior to the scheduled site inspection.
- (H) If an agency's list of records is not received by ODJFS within the timeframes specified in paragraph (F) of this rule, ODJFS may elect to do a random selection of records at the time of the site inspection with no prior notice to the agency of the identity of the records to be reviewed.
- (I) Prior to the expiration date of an agency certificate, ODJFS shall conduct a recertification study of an agency to assess compliance with the requirements of Chapter 5101:2-5 of the Administrative Code and all other Administrative Code chapters applicable to the functions the agency is certified to perform. Such recertification study shall include at least one site visit to the primary location of the agency and every residential facility. Site visits to an agency's branch office locations shall be at the discretion of ODJFS.

- (J) An agency administrator or staff person shall not deny ODJFS access to any relevant records, information, personnel, residential facility, residents, offices or areas of the agency in the course of a recertification study or at any other time.
- (K) Upon completion of all record reviews and site inspections, ODJFS shall conduct an exit interview with the administrator or designee. The purpose of the exit interview is to inform the administrator of the findings of the study inspection. Any areas of noncompliance will be presented in writing on a ~~JFS 01391 "Summary of Findings of Noncompliance"~~ summary of noncompliance and explained to the administrator or designee during the exit interview. The signature of the administrator or designee on the ~~JFS 01391~~ summary of noncompliance shall signify only that the administrator or designee has received the ~~JFS 01391~~summary of noncompliance.

Effective: 12/11/2006

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

CERTIFIED ELECTRONICALLY

Certification

11/08/2006

Date

Promulgated Under: 119.03
Statutory Authority: 5103.03
Rule Amplifies: 5103.02, 5103.03, 5103.0323
Prior Effective Dates: 12/30/66; 10/1/86; 7/2/90 (Emer.); 10/1/90; 1/1/91;
9/18/96; 1/1/03