

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-5-09.1

Rule Type: New

Rule Title/Tagline: Background checks for college interns, subcontractors, volunteers, employees, board presidents, officers, administrators and foster caregivers.

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? No
 - A. What is the rule's five year review date?
2. Is this rule the result of recent legislation? Yes
 - A. If so, what is the bill number, General Assembly and Sponsor? HB 33 - 135
- Edwards
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 2151.86, 5103.03, 5103.0310, 5103.037, 5103.18
5. What statute(s) does the rule implement or amplify? 109.572, 2151.86 , 5103.0310, 5153.11, 5153.111
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable

7. What are the reasons for proposing the rule?

This rule is being introduced as a result of HB 33 to add new criminal codes for prohibitive offenses for foster caregivers and employees of private agencies. The rule is also introduced to combine all background check requirements from three other rules into this rule to make it easier for agencies to locate the information.

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

This is a new rule that consolidates all background check requirements into one location to make it easier for agencies to locate. Appendix A was added which is the former appendix A for rule 5101:2-7-02. Appendix B was added which is the former appendix A for rule 5101:2-5-09. Appendix C was added that lists the rehabilitation criteria for foster caregivers and Appendix D that lists the rehabilitation criteria for agency employees. New criminal codes were added to appendix A and B to align with statutory changes in HB 33 of the 135th General Assembly.

9. Does the rule incorporate material by reference? Yes

10. 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).

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 rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(d).

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

This rule is being refiled to correct items in appendix A and appendix B of this rule. The change in appendix A was to adjust the margins. The change to appendix B was to correct the page number sequence.

II. Fiscal Analysis

- 12. 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.

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This will have no impact on revenues or expenditures.

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

No new costs.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

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

No expected fiscal effects on current or future budgets.

III. Common Sense Initiative (CSI) Questions

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

- 18. 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 and re-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 revocation of an agency's certification or denial of re-certification.

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

Agencies must conduct and review criminal background checks and other background checks for employees, subcontractors, interns and volunteers in order to comply with this rule.

- 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 Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. **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

- D. **Please justify the adoption of the new regulatory restriction(s).**

Not Applicable