

**Rule Summary and Fiscal Analysis (Part A)****Department of Job and Family Services**

Agency Name

**Division of Social Services**

Division

**Mike Lynch**

Contact

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**5101:2-9-14**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Medications.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **5103.03**

5. Statute(s) the rule, as filed, amplifies or implements: **5103.02, 5103.03**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being proposed for amendment as a result of the five year review.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule provides requirements regarding medications. Paragraph (A) was added to require that a staff person or any other person administering medication to a child in a residential facility do so in accordance with Chapter 4723. of the Revised Code

and Chapter 4723-13 of the Administrative Code. Paragraph (B) was amended to allow a "licensed health professional authorized to prescribe drugs" to review a child's regiment of medication.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

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 ORC 121.71 to 121.74 pursuant to ORC 121.76(A)(3).

This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the ORC because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.76(A)(1).

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not Applicable

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

*Not Applicable.*

12. 119.032 Rule Review Date: **8/9/2010**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this

rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

### **FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0.00

This amended rule will not impact the agency's projected budget during the current biennium.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Foster care residential facilities will experience an increase in expenditures due to current requirements in the Ohio Revised Code and the Ohio Administrative Code that require the services of a certified nurse to administer medications to children in foster care residential centers. To the extent that each center's administrative costs are dependent upon the number of children who may need medications to be administered by a certified nurse, costs associated with this rule cannot be estimated.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **Yes**

You must complete Part B of the Rule Summary and Fiscal Analysis in order to comply with Am. Sub. S.B. 33 of the 120th General Assembly.

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

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Rule Number: 5101:2-9-14

**Rule Summary and Fiscal Analysis (Part B)**

1. Does the Proposed rule have a fiscal effect on any of the following?

(a) School  
Districts

(b) Counties

(c) Townships

(d) Municipal  
Corporations

**No**

**Yes**

**No**

**No**

2. Please provide an estimate in dollars of the cost of compliance with the proposed rule for school districts, counties, townships, or municipal corporations. If you are unable to provide an estimate in dollars, please provide a written explanation of why it is not possible to provide such an estimate.

To the extent that a foster care residential facility is owned by a county, there will be a cost of compliance associated with the implementation of this rule. However, to the extent that each facility's administrative costs are dependant upon the number of children, the type of medication prescribed and the current staff already employed, the cost can not be estimated.

3. If the proposed rule is the result of a federal requirement, does the proposed rule exceed the scope and intent of the federal requirement? **No**

4. If the proposed rule exceeds the minimum necessary federal requirement, please provide an estimate of, and justification for, the excess costs that exceed the cost of the federal requirement. In particular, please provide an estimate of the excess costs that exceed the cost of the federal requirement for (a) school districts, (b) counties, (c) townships, and (d) municipal corporations.

*Not Applicable.*

5. Please provide a comprehensive cost estimate for the proposed rule that includes the procedure and method used for calculating the cost of compliance. This comprehensive cost estimate should identify all of the major cost categories including, but not limited to, (a) personnel costs, (b) new equipment or other capital costs, (c) operating costs, and (d) any indirect central service costs.

Foster care residential facilities will experience an increase in expenditures due to current requirements in the Ohio Revised Code and the Ohio Administrative Code that require the services of a certified nurse to administer medications to children in foster care residential centers. To the extent that each center's administrative costs

are dependent upon the number of children who may need medications to be administered by a certified nurse, costs associated with this rule cannot be estimated

(a) Personnel Costs

Foster care residential facilities will experience an increase in expenditures due to current requirements in the Ohio Revised Code and the Ohio Administrative Code that require the services of a certified nurse to administer medications to children in foster care residential centers. To the extent that each center's administrative costs are dependent upon the number of children who may need medications to be administered by a certified nurse, costs associated with this rule cannot be estimated.

(b) New Equipment or Other Capital Costs

None.

(c) Operating Costs

Foster care residential facilities will experience an increase in expenditures due to current requirements in the Ohio Revised Code and the Ohio Administrative Code that require the services of a certified nurse to administer medications to children in foster care residential centers. To the extent that each center's administrative costs are dependent upon the number of children who may need medications to be administered by a certified nurse, costs associated with this rule cannot be estimated.

(d) Any Indirect Central Service Costs

Foster care residential facilities will experience an increase in expenditures due to current requirements in the Ohio Revised Code and the Ohio Administrative Code that require the services of a certified nurse to administer medications to children in foster care residential centers. To the extent that each center's administrative costs are dependent upon the number of children who may need medications to be administered by a certified nurse, costs associated with this rule cannot be estimated.

(e) Other Costs

Foster care residential facilities will experience an increase in expenditures due to current requirements in the Ohio Revised Code and the Ohio

Administrative Code that require the services of a certified nurse to administer medications to children in foster care residential centers. To the extent that each center's administrative costs are dependent upon the number of children who may need medications to be administered by a certified nurse, costs associated with this rule cannot be estimated.

6. Please provide a written explanation of the agency's and the local government's ability to pay for the new requirements imposed by the proposed rule.

The residential facility's ability to pay for the new requirement can not be accurately determined due to the potential for Medicaid reimbursement. The facility may be reimbursed through Medicaid or the individual dispensing the medication may be reimbursed through Medicaid if the proper Medicaid guidelines are met. Medicaid reimbursement may vary due to circumstances unique to each facility and the individual dispensing the medication. .

7. Please provide a statement on the proposed rule's impact on economic development.

There will not be an impact on economic development.