

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5101:2-9-35

**Rule Type:** Amendment

**Rule Title/Tagline:** Additional programmatic requirements regarding behavior management.

**Agency Name:** Department of Job and Family Services

**Division:** Division of Social Services

**Address:** OFC- 4200 E. 5th Ave., 2nd fl. L2-01 P.O. Box 183204 Columbus OH 43218-3204

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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?** 2/9/2023
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 5103.03
5. **What statute(s) does the rule implement or amplify?** 5103.02, 5103.03
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 proposed as a result of the five year review.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule provides guidance to foster care residential facilities on more detailed behavior management regulations. Paragraph (B) has been reformatted for clarity and additional identification to be documented for the purpose of administrative review and identify trends with the purpose of lowering incidents of injury.

9. **Does the rule incorporate material by reference? No**
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.**

*Not Applicable*

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

*Not Applicable*

## **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.

0.00

No fiscal effects on current or future budgets.

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

Estimated monthly cost of review of aggregate data is \$46.26. Estimated wage of \$23.13 per hour and review of 2 hours.

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.**

Not Applicable.

### 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 by ODJFS requires the agency to comply with the 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 may result in revocation of the certificate.

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

The report of information contained within the aggregate data that reflects the use of restrictive treatment is a condition of compliance.

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? Yes

Estimated minimal increase due to review of monthly aggregate data for incidence of physical restraint.

### 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? Yes

A. How many new regulatory restrictions do you propose adding to this rule? 0

B. How many existing regulatory restrictions do you propose removing from this rule? 1

(B) When there is an unusually high incidence of the use of isolation and/or physical restraint, the administrator or designee shall review the agency's

policies on behavior intervention, physical restraint, and isolation to determine how such incidents can be reduced.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable