Rule Summary and Fiscal Analysis (Part A)

Department of Job and Family Services
Agency Name

Division of Social Services  Mike Lynch
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5101:2-9-36 NEW
Rule Number TYPE of rule filing

Rule Title/Tag Line Additional requirements for children's crisis care facilities.

RULE SUMMARY

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? No

2. Are you proposing this rule as a result of recent legislation? Yes
   Bill Number: SB238  General Assembly: 126  Sponsor: Sen. Niehaus

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: 5103.13
5. Statute(s) the rule, as filed, amplifies or implements: 5103.03, 5103.13

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:
   This rule is proposed to implement Ohio Revised Code section 5103.13 as enacted by Am. Sub. S.B. 238.

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:
   The rule sets forth the requirements for a facility to become licensed as a children's
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 dated references to generally accepted industry standards. This question is not applicable to any incorporation by reference to any generally accepted industry standards because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.75 (E).

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:

The rule was revised as follows:

Language was added to paragraph (H) to ensure that there are at least two staff on duty at all times.

A reference to rule 5101:2-42-66.2 was added to paragraph (I).

Paragraph (AA) was moved to a new location and is now paragraph (K).
The words "non-toilet trained" were removed in paragraph (L)(2).

Paragraph (N)(4) was added to ensure hourly observations of sleeping children.

Paragraph (O) was revised to correct grammatical errors and to remove the use of a highchair for feeding infants unless the infant has the ability to sit up on its own.

Paragraph (L)(3) referencing the OAC plumbing code was changed to correct OAC location.

Paragraph (Q) was revised to ensure that bathrooms used by children have facilities to accommodate the children's size.

Paragraph (T) was changed to allow children aged twelve months and older to have an opportunity for outdoor activity time.

In paragraph (Y), the reference to using candles during a power outage was removed.

The former paragraph (Z) referencing children not being allowed to self-administer medication was eliminated.

12. 119.032 Rule Review Date:
(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.

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The rule will have no impact on agency expenditures. Current staff will license the few facilities expected to be licensed under this rule.
14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

None

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:

It is not possible to estimate the cost of compliance with the rule. There are two facilities that are currently licensed, one under a special set of rules that have existed since 1992 and the other as a group home for children. These facilities will experience no additional costs. Any other facility that may be licensed may experience some minor cost to comply with the rule.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? No

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