

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5122-30-31

**Rule Type:** Amendment

**Rule Title/Tagline:** Background investigations for employment.

**Agency Name:** Department of Mental Health and Addiction Services

**Division:**

**Address:** 30 East Broad Street Columbus OH 43215

**Contact:** Howard Henry **Phone:** 614-752-8365

**Email:** Howard.Henry@mha.ohio.gov

#### I. Rule Summary

1. Is this a five year rule review? No
  - A. What is the rule's five year review date? 1/1/2023
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? 5119.34
5. What statute(s) does the rule implement or amplify? 5119.34
6. What are the reasons for proposing the rule?

The three rules in this package are being adopted/amended in response to the federal Family First Prevention Services Act and its requirement to implement standards for Qualified Residential Treatment Program (QRTP) in order to continue receiving Title IV-E funding, and in response to current federal Title IV-E funding requirements under the Social Security Act (42 USC 671) and recent amendments to the ORC for background checks.

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

Rule 5122-30-31 is the current background check rule for licensed residential facilities and is being amended to meet the current federal Title IV-E funding requirements and the ORC and to adjust for lessons learned since the rule was initially adopted .

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

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

The rule was updated to make some of the record keeping provisions clearer and clarify the uses of the ARCS system.

## **II. Fiscal Analysis**

- 11. 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.

0.0

Not applicable.

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

For rule 5122-30-31, the changes will result in an increase of fees for individuals obtaining BCI checks. The current Ohio BCI check is \$22, and the additional FBI check is typically \$24. Although that fee may vary based upon the provider of the background check service. All other additional checks required by the rule have no additional cost to either the individual or the provider.

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

15. 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**

16. Was this rule filed with the Common Sense Initiative Office? Yes

17. 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

Licensees must conduct background checks on employees.

- 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

Licensees could be revoked for failure to conduct background checks.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No

- 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

Licensees will spend a nominal amount on extra background checks.

### **IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

18. 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?

Not Applicable

- B. How many existing regulatory restrictions do you propose removing?

Not Applicable

