

**MEMORANDUM**

TO: Michael Lynch, Ohio Department of Job and Family Services

FROM: Whitney Sullinger, Regulatory Policy Advocate

DATE: December 19, 2012

RE: **CSI Review - Foster Care Five-year review**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

The Ohio Department of Job and Family Services (ODJFS) submitted a rule package to the CSI Office for review consisting of four amended rules. ODJFS reviewed rules 5101:2-5-04.1, 5101:2-5-14, 5101:2-5-15 and 5101:2-5-34 of the Ohio Administrative Code (OAC) as part of the five-year review process required by ORC 119.032. The rules were submitted to CSI on August 7, 2012 and the comment period ended on August 14, 2012. Since that time, ODJFS and the CSI Office have engaged in discussions about the rules and BIA, and a revised BIA was submitted to the CSI Office December 5, 2012.

The rule package contains regulations permitting agencies to use accreditation in lieu of ODJFS certifications, ensuring the medical needs of treatment-level foster children are met, limiting use of college interns and volunteers in certified foster care agencies, and developing case plans for children who are directly placed into foster care facilities by their parents or legal guardians. The

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impact on providers in adhering to these rules and reporting any required information is justified by the need to ensure the safety of children in substitute care.

After reviewing the BIA, the CSI Office requested that ODJFS revise a few of its answers in order to more fully flesh out the stakeholder input, implementation and adverse impact. The BIA has since been revised and provides additional information concerning the previously listed areas.

The CSI Office is not suggesting any further changes with respect to the rules or the BIA for the following reasons:

- The one comment received requested language be reworded and a new National Accreditation process be implemented. ODJFS chose not to change the wording and agreed to hear suggestions on the accreditation topic.
- The revised BIA submitted by ODJFS is accurate and complete and does not raise any ongoing issues.
- Generally, the rule package satisfactorily meets the standards espoused by the CSI Office.

Recommendation

For the reasons explained above this office does not have any recommendations regarding this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Department should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office