MEMORANDUM

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

FROM: Paula Steele, Regulatory Policy Advocate

DATE: August 1, 2013

RE: **CSI Review – Five-year Review Chapters 5 and 9** (OAC 5101:2-5-38, 5101:2-9-04, 5101:2-9-07, 5101:2-9-09, 5101:2-9-15, 5101:2-9-18, 5101:2-9-26, 5101:2-9-27, 5101:2-9-31, and 5101:2-9-35)

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

This rule package consists of ten amended rules and is being reviewed by the Ohio Department of Job and Family Services (ODJFS) in accordance with the five-year review requirement of ORC 119.032. The Division of Social Services' rules address issues pertaining to foster care and children's residential centers. The rule package was filed with the CSI Office on May 31, 2013, and the comment period for the rules closed on June 5, 2013. One comment was received during the public comment period.

The Chapter 5 rule specifically provides guidance to the agency regarding the administrative requirements for foster caregiver training stipends and reimbursement of stipends to the agencies.

Chapter 9 rules provide guidance to residential facilities for a multitude of items, including facility maintenance, emergencies, resident handbooks, and recreation.

According to the BIA, stakeholder outreach began in 2012 and included the Ohio Association of Child Caring Agencies, the Ohio Family Care Association, and the Ohio Council of Behavioral Health and Family Service Providers. In addition, the rules went through the Department's Clearance process in February 2013. During that time two comments were received. The Department felt the issue brought forth in the first comment was already addressed in a separate rule and required no further changes.

The second comment resulted in a change to make the rule more clear.

The public comment expressed concerns regarding the Chapter 5 rule and the inability to know when a person is certified and when payment is due. ODJFS responded that the Statewide Automated Child Welfare Information System (SACWIS) is being upgraded to include a notification that will go out to every agency that registers training in the system once the caregiver becomes certified. The Department indicated that the proposed changes were a result of a growing problem with private agencies entering training into the system prior to certification, in order to obtain their training allowances. The proposed amendment eliminates any question about whose responsibility it is to enter the information and pay the stipend.

Upon review of the proposed rule and BIA, the CSI Office has determined that the rule package satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rules justifies the adverse impact identified in the BIA.

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