MEMORANDUM

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

FROM: Sydney King, Regulatory Policy Advocate

DATE: March 10, 2014

RE: **CSI Review – Children's Residential Centers, Group Homes, and Residential Parenting Facilities (OAC 5101:2-9-02, 5101:2-9-03, 5101:2-9-05, 5101:2-9-06, 5101:2-9-08, 5101:2-9-10, 5101:2-9-11, 5101:2-9-12, 5101:2-9-14, 5101:2-9-16, 5101:2-9-17, 5101:2-9-19, 5101:2-9-20, 5101:2-9-21, 5101:2-9-22, 5101:2-9-23, 5101:2-9-24, 5101:2-9-25, 5101:2-9-28, 5101:2-9-29, 5101:2-9-30, 5101:2-9-32, 5101:2-9-34, and 5101:2-9-36)**

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 twenty-four amended rules being proposed by the Ohio Department of Job and Family Services (ODJFS) pursuant to the five-year review requirement of ORC 119.032. The rule package was filed with the CSI Office on January 21, 2014 and the comment period for the rule closed on January 27, 2014. A revised BIA was provided on February 28, 2014. No comments were received during the public comment period.

The rule package provides the requirements for children's residential facilities, residential parenting facilities, and crisis care facilities. A residential facility provides non-secure care and supervision twenty-four hours a day to children. Children may reside in the facility for short or long periods. According to ODJFS, county agencies, private individuals, and private

organizations can all operate residential facilities. The rules regulate the child care environments, staffing, training, child records, general safety and health procedures, documentation of incidents, distribution of medicines, transportation, and administrative policies and procedures.

According to the BIA, stakeholders were involved in providing feedback prior to the clearance process. Stakeholder outreach included gathering input from Ohio Association of Child Caring Agencies (OACCA), the Ohio Family Care Association, representatives from county agencies, and the Ohio Council of Behavioral Health and Family Services Providers during the Midwest Child Welfare Implementation Center (MCWIC) meetings. The rules were amended during the stakeholder outreach and also during the clearance comment period. No comments were received during the CSI public comment period.

ODJFS states that potential adverse impacts on residential care facility providers are administrative costs associated with the required staffing levels, and costs associated with orientation and training. Many of these cost estimates can vary depending on the facility and the needs of the children. ODJFS indicated that providers are anxious for the rules to be implemented because they decrease the staffing level requirements and will save facilities money.

During the CSI review, additional adverse impacts were identified. The impacts include requirements for certifications, criminal record checks, vehicle inspections, and permits. Costs associated for serving varied nutritious meals, documenting incidents, record retention, and maintaining a hygienic and safe environment were also identified. ODJFS states the additional costs for state and federal criminal records checks are approximately $60. The required CPR/first aid certificate costs are estimated to be $50. ODJFS reached out to a stakeholder for the costs associated with the fire safety certification and was told it was free but difficult to schedule. Building permit costs can vary by county. Additionally, there are no fees associated with vehicle inspections. Training requirements can cost anywhere from $500-800 per employee annually. ODJFS indicated that there have not been any facility issues with regards to these requirements. According to ODJFS, the county agency sets the rates for the facility contracts and varies by county.

ODJFS states the rules are necessary and justified in order to accomplish the requirement set forth in Ohio Revised Code 5103.03. ODJFS is charged with the oversight of children in substitute care and each of these rules contributes to the overall safety and well-being of the children.

After reviewing the proposed rules and the revised 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 is justified.

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