

**MEMORANDUM**

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

FROM: Sophia Papadimos, Regulatory Policy Assistant

DATE: July 16, 2014

RE: **CSI Review – Office of Families and Children: Penalties for Failure to Comply With Fiscal Accountability Procedures (OAC 5101:2-47-26)**

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 one rule being amended by the Ohio Department of Job and Family Services (ODJFS) pursuant to the five-year review requirement of ORC 119.032. The rule pertains to fiscal accountability procedures for agencies involved in implementing Ohio's foster care system – public agencies, private child placing agencies (PCPAs), and private noncustodial agencies (PNAs). The rule package was submitted to the CSI Office on July 7, 2014 and the comment period was held open through July 14, 2014. No comments were received during this time.

Ohio Administrative Code section 5101:2-47-26 includes Corrective Action Plans (CAP) which are developed to correct areas determined to be in non-compliance by the public agency, PCPA or PNA. If a public agency, PCPA, or PNA is determined by ODJFS to have been responsible for an adverse audit, quality control finding, or other sanctions or penalties issued by the federal government, it is required to reimburse ODJFS for the amount ODJFS pays to the federal government. This rule is being amended to correct references to the Ohio Revised Code.

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If an agency fails to comply with this rule, the result may be a denial or revocation of certification. The time and costs associated with developing a CAP represent an additional adverse impact. However, adverse impacts will only apply to agencies that are found not in compliance. Fiscal accountability procedures are necessary to ensure areas of non-compliance are corrected and not repeated.

After reviewing the proposed rule and associated BIA, the CSI Office has determined the purpose of the rule 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