

**MEMORANDUM**

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

FROM: Sydney King, Regulatory Policy Advocate

DATE: February 11, 2015

RE: **CSI Review – New Children Services Licensing Rules (OAC 5101:2-9-37 and 5101:2-9-38)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (O.R.C.) §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 two new rules being proposed by the Ohio Department of Job and Family Services (ODJFS). The rule package was filed with the CSI Office on December 4, 2014 and the comment period for the rules closed on December 12, 2014.

Recently-enacted legislation requires residential facilities to develop a community-engagement plan and provide information to local authorities and community members. Ohio Administrative Code 5101:2-1-01 (not included in this rule package) defines a residential facility as “a group home, children's crisis care facility (as defined in rule 5101:2-9-36 of the Administrative Code), children's residential center, or residential parenting facility where twenty-four hour child care is provided by child care staff employed or contracted by an agency.” The rules outline information required to be provided to all county, municipal, or township law enforcement agencies, emergency management agencies, and fire departments. The rules also require a community engagement plan and outline details required to be included in the plans. This includes staff training on the implementation of the community engagement plan.

The BIA describes an involved stakeholder review of the rule package. Stakeholders included the Ohio Association of Child Caring Agencies (OACCA), Public Children's Services Association of Ohio (PCSAO) and the Neighbors Seeking Responsible Group Homes (NSRGH). The BIA details the input received and the amendments made as a result of the input.

ODJFS states the adverse impacts are the costs associated with training, development of the community engagement plan, and providing the required information to local and municipal authorities. One public comment was submitted by OACCA addressing the estimated costs in the BIA. The comment stated the actual costs are significantly higher than ODJFS's estimated costs of \$60 to \$100. OACCA stated that training could cost larger agencies over \$6,000. ODJFS explained estimated costs are lower because the hour of community engagement plan training can be included in the annual continuing education requirements for employees of residential facilities, and therefore residential facilities would not need to develop new training opportunities for employees. However, the costs described by OACCA can be incurred if the residential facilities have already completed the twenty-four hours of training required annually and need to host an additional training session for employees. In the public comment, OACCA did not object to the rule package moving forward.

After reviewing the proposed rules and the 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 are 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