

**MEMORANDUM**

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

FROM: Sydney King, Regulatory Policy Advocate

DATE: April 7, 2015

RE: **CSI Review – Independent Living Services (OAC 5101:2-42-19)**

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 one amended rule being proposed by the Ohio Department of Job and Family Services (ODJFS). The rule package was filed with the CSI Office on February 20, 2015 and the comment period for the rules closed on February 27, 2015.

The rule package requires Private Noncustodial Agencies (PNAs), Public Children Services Agencies (PCSAs) and Private Child Placing Agencies (PCPAs) to provide independent living services to children in custody. The rule is amended to implement federal mandates that require PCPAs, PNAs, and PCSAs to provide the services to children ages fourteen years and up. The current rule requires the services for children sixteen years old and up.

The BIA describes ODJFS' stakeholder outreach to include soliciting emails from stakeholders. The stakeholder comments and responses were provided in the BIA. During the CSI public comment period, a comment was received suggesting that a lowered age would stretch agency resources and would not be as beneficial as extending the service to ages above 21. ODJFS responded to the comment, providing an explanation for the amendment stating it is a result of

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federal requirements.

The BIA identifies the adverse impacts as the administrative costs associated with performing an independent living service assessment but focuses on the impact to PCPAs and PNAs because the PCSAs, as public entities, are not businesses. Because the rule was not submitted as a five-year rule review, ODJFS was only required to analyze the impacts of the amendments to the rule. ODJFS estimates that an additional 2,000 children will need to be assessed but the time necessary to complete the assessments depends on the child. An assessment can include academic support counseling, study skills, tutoring, career preparation, budgeting, and fiscal management. ODJFS states the adverse impacts are justified because the amendments are required by federal mandates.

After reviewing the proposed rule 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 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