

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

Agency Name: Ohio Department of Job and Family Services

Regulation/Package Title: SACWIS Access

Rule Number(s): 5101:2-33-70

Date: 4/20/2015

**Rule Type:**

☐ New

☒ Amended

☒ 5-Year Review

☐ Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

### **Regulatory Intent**

**1. Please briefly describe the draft regulation in plain language.**

*Please include the key provisions of the regulation as well as any proposed amendments.*

This Business Impact Analysis covers one amended rule. OAC rule 5101:2-33-70 entitled "Statewide automated child welfare information system (SACWIS) access" sets forth the requirements for staff to access, utilize and be trained regarding the confidential information contained within SACWIS. The revisions are a result of recommendations from private agencies

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regarding the access Wendy's Wonderful Kids (WWK) recruiters have when contracting with an agency for child-specific recruitment. The following is a brief explanation of the proposed changes:

This rule provides guidance to agencies regarding access, use, and training on the confidential information contained within the SACWIS system. Paragraph (B) was added to clarify when data may be accessed in the SACWIS system. Paragraph (I)(13) was revised to correct the name of the National Child Abuse and Neglect Data System. Paragraph (N) was added to allow for staff who are employed as Wendy's Wonderful Kids recruiters for agencies other than the custodial agency to have direct access to the SACWIS system.

**2. Please list the Ohio statute authorizing the Agency to adopt this regulation.**

Rule Number	Statutory Authority
Rule 5101:2-33-70	ORC 5101.134

**3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**

*If yes, please briefly explain the source and substance of the federal requirement.*

Yes. SACWIS includes mandated information related to child abuse/neglect/dependency reports/services, child protection and foster care services, adoption services, provider and homestudy/licensing information, Medicaid and Title IV-E eligibility and disbursement data to meet the 90 functional requirements identified by the US Department of Health and Human Services, Administration for Children and Families, Children's Bureau Division. The federal authority governing state SACWIS systems is described in 45 CFR 1355. Yes, the state of Ohio is required to comply with federal SACWIS standards as well as child welfare mandates.

There are many federal requirements related to the functional requirements of a SACWIS. Background and policy guidance related to SACWIS is available at the following link: [http://archive.acf.hhs.gov/programs/cb/systems/sacwis/at\\_oism\\_001.htm](http://archive.acf.hhs.gov/programs/cb/systems/sacwis/at_oism_001.htm). While there are 90 specific functionality standards, as well as established federal data elements and reports, some of the guidelines/references are all encompassing. For example federal law requires that a state's system must operate as a: "Statewide System - A statewide system must operate uniformly as a single system (including the application software) throughout the State and must encompass all political subdivisions which administer programs provided under title IV-E." The SACWIS is also required to meet the following general federal provision: CFR

1355.52 (a) (4) "Provide for more efficient, economical and effective administration of the programs carried out under a State plan approved under title IV-B and title IV-E."

**4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

This rule does not exceed federal requirements.

**5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

OAC rule 5101:2-33-70 implements the federal requirement to ensure IV-E sub recipient agencies and Private Child Placement Agencies enter mandated child welfare information electronically as new system functionality is implemented and new development is approved and funded by the US Department of Health and Human Services, Administration for Children and Families (ACF). The rule ensures critical child welfare information relating to the safety, wellbeing, eligibility and permanency of children in custody is available and entered directly into the state's electronic system.

**6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

SACWIS development, schedule, budget and project priorities are negotiated and approved each year by the ACF through the required Advance Planning Document Update process and through required federal monitoring and site visit reviews of the system itself. The rule ensures private agencies can directly enter demographic information pertinent to foster care / adoption licensing as well as demographic information on homes licensed to provide direct physical care of children in custody. The measure of success includes:

a) Ohio submits accurate (meets quality thresholds established by ACF) and timely (submits data in November and May of each year) Adoption Foster Care Analysis Reporting (AFCARS) data to ACF as required by law.

Enforcement: SACWIS contains an online AFCARS exception report that enables users to identify missing or inaccurate federally required data. In addition, ACF provides a data quality utility where quality thresholds are established for particular data elements to ensure state data is submitted accurately.

b) Ohio ensures accurate data entry for IV-E subrecipient courts to process federal financial reimbursement timely (each month) and accurately (free of system errors) to ensure local courts receive entitled federal reimbursement for the room and board costs of youth in custody in foster care.

Enforcement: SACWIS contains online financial processing functionality to enable a court to identify data entry errors/inconsistency that would result in a denial of federal reimbursement. Users may identify discrepant data, make the correction and process the payment. SACWIS reports identify outstanding payment rosters that have not been accurately processed.

c) Ohio ensures accurate data entry for private agencies to process training stipend and allowance reimbursement claims timely (each month) and accurately (free of system errors) to ensure private agencies receive entitled reimbursement for the expenses they incur for providing training to prospective foster parents.

Enforcement: SACWIS contains online financial processing functionality to enable a private agency to identify data entry errors/inconsistencies that would result in a denial of reimbursement. Users may identify discrepant data, make the correction and process the payment. SACWIS reports identify outstanding payment rosters that have not been accurately processed.

### **Development of the Regulation**

#### **7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

*If applicable, please include the date and medium by which the stakeholders were initially contacted.*

The rules were presented to several interest groups during the Partners for Ohio's Families' rule review process, including 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. They were also presented in a training/feedback format to groups of private and public stakeholders, as well as the Ohio Adoption Planning Group (OAPG), the Institute for Human Services (IHS), OACCA, the public and private coordinator's meetings at the Central Ohio Regional Training Center, as well as being presented during a training open to all public and private agency contacts regarding the WWK program. Many of these interest groups were part of the Partners for Ohio Families (PFOF) meetings that the Office of Families and Children (OFC) conducted during 2011-2012. The meetings were held in person and also allowed for online input toward rule suggestions and changes. The rule was posted on the Ohio Rule Review website in 2014, and went through the internal and external clearance process in February 2015. Two comments were received requiring clarification, however no changes to the rule were needed in response to the comments.

**8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

This rule was recently revised in 2014. The current amendment to include WWK recruiters having access was reviewed with OACCA and OAPG and received much support. The change was also presented at the private/public agency coordinator meeting at the CORTC, at a WWK training held in March 2015 that was open to private and public adoption agency staff, and during an adoption subgroup meeting that consisted of county and state adoption professionals. No additional comments or suggestions were received at those times. Two comments were received during the clearance process. Both comments were from public agency partners and did not generate any revisions to the rule, as they would have violated existing law or rule.

**9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

System data on the numbers of youth and applicable costs of youth placed and served under the IV-E court program were reviewed to establish the rule. Federal guidance and review of Ohio's SACWIS implementation was incorporated into the development and implementation plans for the rule and system functionality.

**10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**

Ohio is required to comply with federal SACWIS standards as well as child welfare mandates.

**11. Did the Agency specifically consider a performance-based regulation? Please explain.**  
*Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.*

There is a natural consequence/performance incentive inherent in the rule as Title IV-E courts must enter federally required data to receive reimbursement for the cost of a child's out-of-home care, room, and board. While courts are currently sending hard copy manual documents to local Public Children Service Agencies to enter required data on their behalf, the process is manual and labor intensive. Courts will not need to wait for local child welfare agencies to enter data and process payments on their behalf as they will be able to do so directly. Private agency staff will enter data directly into the SACWIS system regarding provider data, as well as recruitment efforts for the WWK child-specific recruitment model.

**12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

As SACWIS did not have the functionality to support WWK recruiters having access, existing rules did not address the subject matter. As functionality is being created to meet this business need, the rule must reference the authority and responsibility these entities will have to enter federally-required information in an automated manner.

**13. Please describe the Agency’s plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

ODJFS licensing specialists and technical assistance specialists monitor agencies to ensure the regulations are applied consistently. PFOF regional teams have also been developed to offer technical assistance and improve consistency statewide. Knowledge Base articles will be published that provide step-by-step instruction on system functionality, and referrals will be made to the SACWIS help desk when issues/questions arise.

**Adverse Impact to Business**

**14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

- a. Identify the scope of the impacted business community;**
- b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**
- c. Quantify the expected adverse impact from the regulation.**

*The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.*

There are approximately 128 private agencies that currently have limited SACWIS access. Expanded access enables these agencies to directly enter visitation and licensing data. This specific amendment will allow the current 4 private agencies who employ WWK recruiters to have access to the case information in SACWIS related to the child(ren) on their caseload.

Costs for complying with the rule include short term expenses related to the cost of training employees on the functionality of the SACWIS required to complete data entry. Currently court and private agency staff are entering data manually on paper and/or in independent systems. Courts will realize cost benefits as they are able to directly enter and process payment reimbursement daily rather than sending paper documents to be processed monthly on their behalf. In addition, the court can directly correct and identify an error in real time rather than

waiting for the local child welfare agency to notify them of the error and process manual forms/information to eventually correct the information.

Currently, court and private agency staff are entering data manually on paper and/or in independent systems. While the Courts and Private agencies may initially experience some costs associated with employees being trained and becoming experienced with entry of data into SACWIS, the benefits outweigh the short term costs. Failure to complete data entry and claims submission via SACWIS will result in the courts inability to be reimbursed for incurred costs. In addition, the required federal compliance requirements will not be met and federal financial sanctions could result. Private agencies would also lose revenue if information in SACWIS is inaccurate or not entered timely on homes they license. Public Children Service Agencies would encounter delays in placing children in homes licensed by private agencies if SACWIS information is inaccurate and/or data entry is delayed. Providing private agencies with the ability to directly enter information in SACWIS for the homes they license will ensure placement and revenue delays are reduced/avoided. Allowing WWK recruiters to have direct access to the children's cases for whom they are recruiting would allow the recruiters to make connections for children easier, resulting in permanency options sooner.

Private agencies are currently required to complete all homestudy and licensure requirements; however the mechanism by which the information is documented will change with the implementation of SACWIS. Short term expenses related to the cost of training employees on the functionality of the SACWIS is likely.

A private agency training has been developed. Practical and hands-on experience within a training lab is recommended in the months prior to implementation for private agency employees to become comfortable and efficient at navigating the SACWIS functionality. The length of time a private agency employee will need to practice navigating SACWIS will depend on the employee's comfort level with computer systems. However, the range of practice within the learning lab is anticipated to be between six- and twenty-four hours.

In addition to the above mentioned training, the state will develop step-by-step “how to” training videos to assist private agency staff in understanding basic SACWIS functionality during the pilot phase and offer comprehensive agency based webinars to assist new users. Additional onsite technical assistance and training collaboration will occur based upon need.

It is anticipated that SACWIS utilization beyond the initial training will increase efficiency for a private agency employee. Specifically, it is anticipated a private agency employee will likely decrease the length of time it takes to complete a home study certification from approximately 5 hours to 3 hours as the SACWIS system will not require duplicate entry of information such as name, date of birth, social security number and household members.

These short-term costs are outweighed by the courts ability to receive reimbursement for incurred expenses in a statewide data tracking system and avoiding federal fiscal penalties by assisting the state in meeting all functional requirements identified by the US Department of Health and Human Services, Administration for Children and Families, Children's Bureau Division. For private agencies, the benefit outweighs the cost because local caseworkers, who must make placement decisions for at-risk children quickly, will have more accurate information to make placement decisions that meet the health and safety needs of children.

**15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

The regulatory intent justifies the adverse impact to meet the 90 functional requirements identified by the US Department of Health and Human Services, Administration for Children and Families, Children's Bureau Division. Failure of the state to become compliant with all of the SACWIS functionality requirements could result in federal financial penalties. Private agencies are compensated for the business expenses related to reimbursement of services to provide for the daily care of the child placed in the home the agency licensed.

**Regulatory Flexibility**

**16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

No, there are no alternative means of compliance.

**17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

Currently, there are no specific fines or penalties outlined in Administrative Code for failure of the courts or private agencies to enter data into SACWIS. This is not necessary as SACWIS will be the only mechanism for the courts to request and receive reimbursement of incurred costs. Failure to enter the data into SACWIS for reimbursement will in and of itself result in financial deficits. Private agencies will also experience negative financial repercussions if data is not entered into SACWIS timely as county caseworkers will be unable to place children in the agency's licensed foster homes, limiting revenue to the provider. Private agencies entry of information for licensed foster homes into SACWIS allows public agencies to have current, continuous access to the information regarding all foster homes available to meet a child's specific needs when placement is necessary.

**18. What resources are available to assist small businesses with compliance of the regulation?**

ODJFS has regional offices with technical assistance specialists and licensing specialists that will be able to assist agencies in completing adoption homestudies and providing required supervision visits and postfinalization services. Policy developers are also available to give technical assistance regarding the requirements of these rules. Private agencies using SACWIS are supported by the SACWIS Help desk. In addition, self-help reference materials are available to Private Agencies on the SACWIS Knowledge Base at <http://jfskb.com/sacwis/index.php/privates>.