**MEMORANDUM**

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

**FROM:**    Sydney King, Regulatory Policy Advocate

**DATE:**     April 24, 2015

**RE:**       **CSI Review – Amendments to Children Services Licensing (OAC 5101:2-5-09 and 5101:2-5-33)**

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) § 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.

**<u>Analysis</u>**

This rule package consists of two amended rules being proposed by the Ohio Department of Job and Family Services (ODJFS) pursuant to the statutory five-year review requirement. The rule package was filed with the CSI Office on February 26, 2015 and the comment period closed on March 4, 2015.

ODJFS regulates Private Noncustodial Agencies (PNAs), Public Children Services Agencies (PCSAs), and Private Child Placing Agencies (PCPAs) when performing substitute care services. A child is placed in substitute care when a natural birth family has been found to no longer be an appropriate caregiver to the child. The State of Ohio facilitates placement of the child in a setting where the child's mental, physical, and emotional health is given paramount consideration. Because of the seriousness of these actions and the importance of placing a child in a healthy substitute care setting, ODFJS highly regulates the agencies to protect the child's health and well-being.

The rule package provides requirements for PCPAs, PCSAs, and PNAs regarding employment qualifications and the training standards of foster caregivers. Rule 5101:2-5-09 establishes staff educational qualifications for PCPAs, PCSAs, and PNAs; prohibits the employment of individuals who are convicted of specific offenses; and requires personnel files for each employee. Rule 5101:2-5-33 establishes the preplacement and continuing training requirements for foster caregivers. For example, preplacement training for foster caregivers of infants includes infant care and early childhood development classes.

According to the BIA, the rule package was reviewed during the Midwest Child Welfare Implementation Center meetings. Stakeholders included the Ohio Association of Child Caring Agencies (OACCA), the Ohio Family Care Association, and representatives from county, state, and private agencies. During the meetings, stakeholders reviewed several rule packages by group. The groups were divided by subject matter and dedicated a significant amount of time to each rule package. Stakeholders provided input on potential revisions and amendments to the rules. ODJFS also provided a clearance comment period to allow for additional input. One comment was received during the CSI public comment period and the rule package was amended to address the commenter's concerns.

The BIA identifies the adverse impacts as the administrative costs associated with compliance but focuses on the impact to PCPAs and PNAs because the PCSAs, as public entities, are not businesses. In order to obtain and maintain certification with ODJFS, the requirements set forth in the rules must be met. The costs include administrative time and fees associated with conducting criminal background checks and review of potential employee qualifications, administrative time needed to maintain personnel files, and the financial impact of providing training to foster caregivers. According to the BIA, the private agencies are reimbursed $15.00 an hour for each participant in a training class. ODJFS states the rules are necessary to comply with Ohio Revised Code §§ 2151.86 and 5103.035.

**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