

**MEMORANDUM**

TO: Trudy Rammon, Ohio Department of Job and Family Services

FROM: Cory Bailey, Regulatory Policy Advocate, Lt. Governor's Office

DATE: January 27, 2016

RE: **CSI Review – OFC: Wilderness Camp Rules (OAC § 5101:2-1-01; 5102:2-5-02; 5101:2-5-03; 5101:2-5-13; 5101:2-5-18; 5101:2-9-40)**

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, CSI has reviewed the abovementioned administrative rules and associated Business Impact Analysis (BIA). This memo represents CSI's comments to the Agency as provided for in ORC § 107.54.

Analysis

On January 5, 2016, the Ohio Department of Job and Family Services (ODJFS) submitted a draft rule package consisting of six rules – one new and five amended – to the CSI Office as part of the five-year rule review requirement contained in Ohio statute. The official public comment period closed on January 12, 2016 with no comments submitted.

The draft rule package regulates the operation of foster care agencies. While the amended rules cover a variety of topics, the proposed new rule is specific to private, nonprofit therapeutic wilderness camps. These wilderness camps are defined in statute as a “structured, alternative residential setting for children who are experiencing emotional, behavioral, moral, social, or learning difficulties at home or school.” The children are placed in the camp by their parents or another relative having custody, and spend the majority of their time either outdoors or in a primitive structure. The provisions pertaining to wilderness camps are being added as a result of statutory changes made in the biennial budget bill, House Bill 64, which was signed into law on June 30, 2015.

The five amended rules define terms, create application and certification requirements for specific functions, establish policies and procedures, and set waiver and variance requirements. In most

cases, the amendments to the rules are related to wilderness camps. For instance, language has been added to OAC § 5102:2-5-02 mandating ODJFS be notified prior to implementing a change and OAC § 5101:2-5-13 requiring wilderness camps to have written policies. The amendments not related to wilderness camps include changes made to definitions and procedures pertaining to the unauthorized absence of a foster child.

As noted, the proposed new rule creates standards for private, nonprofit therapeutic wilderness camps. Included among the standards are eligibility criteria for children, as well as policies for clothing, equipment, sleeping arrangements, bathrooms, and nutrition among others. The rule also contains specific requirements for mobile excursions, including a detailed plan of the route and schedule, maintenance of a log, and staff requirements.

ODJFS worked with the Ohio Association of Child Caring Agencies (OACCA) as well as a group comprised of members of the board for the Ohio Wilderness Boys Camp during early stakeholder outreach. Minor changes were made as a result of the discussions. No further comments were submitted by stakeholders during the clearance process or CSI public comment period.

The impacted business community includes the private foster care agencies throughout the state, and particularly the private, nonprofit therapeutic wilderness camps. According to the BIA, the adverse impacts to these businesses are the administrative time and cost of completing the certification process, reviews, appeals, governance, policies, and staffing requirements. For wilderness camps, there is the time and cost of complying with the new standards, which may vary based on the current facilities of a camp. ODJFS cites a statutory obligation to create and enforce the rules as a justification for the adverse impacts to business.

Following review of the draft rules, BIA, and stakeholder outreach, it has been determined that the standards espoused by the CSI Office have been met, and the adverse impacts of the draft rules and proposed amendments are justified.

Recommendations

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Ohio Department of Job and Family Services should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.