

**MEMORANDUM**

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

**FROM:** Travis Butchello, Regulatory Policy Advocate

**DATE:** April 25, 2017

**RE:** **CSI Review – MEPA Citation 1808 and SACWIS Access Requirements (OAC 5101:2-33-11 and 5101:2-33-70)**

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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) section 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 amended rules proposed by the Ohio Department of Job and Family Services (JFS) pertaining to the Multiethnic Placement Act (MEPA) citation and Statewide Automated Child Welfare Information System (SACWIS) access requirements. The rule package was submitted to the CSI Office on April 5, 2017 and the public comment period was held open through April 12, 2017. No public comments were received during this time.

Ohio Administrative Code (OAC) 5101:2-33-11 requires that each private child placing agency (PCPA) designate a person to act as their MEPA monitor and carry out the duties and functions inherent with that position.

OAC 5101:2-33-70 establishes the SACWIS as required by federal law. The SACWIS system will contain information necessary for recommending licensure of foster homes, submission of training reimbursement requests, to show provider record information including homestudies and recruitment plans, and contain data identified by the Department that is necessary to reflect

provider activities.

During the early stakeholder outreach process, JFS posted the rules to their website for all stakeholders to review and comment. Two comments were submitted. The first suggested the revision date for the self assessment report be changed to 2016. JFS replied that the form itself was not subject to revision under these rules and as a result, the date should not be changed. The second comment explained that some private agencies do not have access to the SACWIS and could not comply with the reporting mandate. JFS amended the language so that only PCPAs and private non-custodial agencies (PNAs), who had access to the SACWIS, fell under the requirement. No public comments were received during the CSI public comment period.

The rules impact approximately 75 PCPAs and 35 PNAs in Ohio. The impacts include time involved preparing the notices, costs of designating a MEPA monitor, and administrative costs incurred to fill out applicable forms and complete reporting requirements. As explained in the BIA, the administrative impact will be minimal and take approximately two to three hours to complete. In addition, failure to comply with the rules may result in a fine and/or possible corrective action plan to provide assistance and education for those agencies not in compliance.

JFS maintains in the BIA, that any adverse impact is justified because the State is required to implement the rules pursuant to federal law and if the rules are not adopted, the State will be fined for non-compliance by the U.S. Department of Health and Human Services.

### **Recommendation**

For the reasons explained above, the CSI office does not have any recommendations regarding 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.