

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Department of Job and Family Services

Regulation/Package Title: Exit interviews

Rule Number(s): 5101:2-42-65.1

Date: 3/26/18

Rule Type:

<input type="checkbox"/> New	<input checked="" type="checkbox"/> 5-Year Review
<input checked="" type="checkbox"/> Amended	<input type="checkbox"/> Rescinded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.

OAC rule 5101:2-42-65.1, entitled "Exit interviews when a child in custody leaves an out of home placement," has been amended to incorporate language clarifying situations when completion of

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the interview is not required. Paragraph (B) was modified to update procedure changes with the inclusion of the JFS 01678 Exit Interview in the statewide automated child welfare information system (SACWIS). The rule requires case workers complete an exit interview with each child within seven days after they leave a foster care placement. The interview questions seek to obtain information about the child's specific experience at each placement.

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

Rule Number Statutory Authority

Rule 5101:2-42-65.1 ORC 2151.412, 2151.421, 5103.03, 5153.16

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.

Rule 5101:2-42-65.1 does not implement a federal regulation and is not being established to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program.

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

These rules are not written as a requirement of Federal Law, nor do they exceed any Federal requirements. The rules are specific to child welfare and follow state statute to ensure the safety of the children in substitute care.

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)?

The purpose of rule 5101:2-42.65.1 is to ensure the safety of children in care by requiring caseworkers ask specific questions regarding the child's experience in each foster home.

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

The success of this rule can be measured most importantly by the information received from each child regarding their most recent foster care placement, ensuring the child was in a safe

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environment. The completion of the exit interview can be monitored by each individual PCSA, recommending agency, and ODJFS technical assistance and licensing specialists through SACWIS reports. This rule, however, is not required by Revised Code.

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.

This rule was placed in pre-clearance on www.ohiorulereview.org during the dates of October 30, 2017 to November 14, 2017. One comment was received during this time and is listed below.

Laurie Hanson Estep:

“Exit interviews of children in out of home placement for 24 hours or less should not be mandatory.”

The rule was presented to the PCSAO Rules Committee on January 11, 2018 providing members the opportunity to give feedback. The rule also went through the clearance process on February 15, 2018 through March 1, 2018. No comments were received during this time.

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

The rules were reviewed and revised with the interested parties' involvement and language was developed to address the issues presented. The changes suggested above were incorporated in the rule. The rule went through the ODJFS clearance process beginning on February 15, 2018 and ending on March 1, 2018. No comments were received concerning this 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?

Not applicable.

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?

There were no other alternatives considered for rules as all parties involved were satisfied with the rules and because the rules are driven by statute.

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.

ODJFS did not consider a performance-based initiative, but rather followed statutory language prescribing that the department set standards to ensure the safety of children. Specifically, rule 5101:2-42-65.1 is mandated by statute in sections 2151.412, 2151.421, 5103.03 and 5153.16 of the Revised Code.

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

This rule does not conflict with a rule of its own or another rule-making agency. The specific questions required of this rule are not required by another OAC rule.

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.

The rule does not prescribe anything that would not be applied consistently. ODJFS licensing specialists and technical assistance specialists review the agencies to ensure all regulations are applied consistently and that technical assistance is offered in areas of inconsistency. Once this rule is final filed, a transmittal letter will be generated explaining the changes to the rule and the rationale for such changes.

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.

- a. Scope of impacted business community:

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One hundred fifty-eight agencies may be impacted by the requirements of this rule. The agency number may vary slightly due to monthly openings or closings of facilities. This number includes both public and private agencies.

b. Nature of adverse impact:

The rule requires that agencies complete the exit interview with each child after they leave each placement setting, which in turn requires the exit interview form be completed.

c. Quantify adverse impact:

Adverse impact would entail time spent completing each interview with each child and also completing the required corresponding form. Time involved capturing the information on the form could be a potential adverse impact. The quantifying factors include the number of placements each agency has, the number of times each child leaves a placement, and the specific amount of time spent completing the form.

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

The Agency is carrying out the directives of sections 2151.412, 2151.421, 5103.03, and 5153.16 of the Revised Code.

Regulatory Flexibility

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

There is 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?

There are no fines or civil penalties for non-compliance.

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

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ODJFS has regional offices with licensing specialists and technical assistance specialists that will be assigned to assist each agency. Agencies also have access to the OFC help desk and all help desk knowledge base articles.