



## MEMORANDUM

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

**FROM:** Danielle Dillard, Regulatory Policy Advocate

**DATE:** December 20, 2018

**RE:** **CSI Review – Families and Children: Substitute Care (OAC 5101:2-42-66, 5101:2-42-66.1, and 5101:2-42-66.2)**

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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) § 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

This rule package consists of three amended rules submitted by the Ohio Department of Job and Family Services (Department) as part of the statutorily required five-year rule review. The rules were submitted on November 30, 2018 and the CSI public comment period closed on December 7, 2018. No comments were received during this time.

The rules in this package set forth the requirements for comprehensive health screenings and services for Medicaid-eligible children in substitute care, the requirements to coordinate health care services when a child enters into substitute care or experiences a placement change, and the requirements for documenting and maintaining a record of all assessments and treatments for children in the care of private placement agencies or private noncustodial agencies. The rules are being amended to provide additional guidance on tracking information given to substitute caregivers, to allow Medicaid Managed Care Plans to provide a child's health information, and to clarify the timeframes under which medical, dental, vision, behavioral, auditory, and developmental examinations can be performed.

As part of early stakeholder outreach, the Department worked closely with the Public Children Services Association of Ohio, child services workers from various counties, and the Department

of Medicaid to revise the rules. The Department also conducted an additional clearance comment process for feedback prior to submitting the rule package to CSI. Eight comments were received during the Department's clearance comment period. Several commenters asked for clarification on the requirement to arrange for a medical screening within seventy-two hours of a child being placed in substitute care. Commenters noted that meeting this standard would be extremely challenging, and that the current timeframe of five days is already difficult to comply with. The Department stated that screenings within seventy-two hours is recommended by the American Academy of Pediatrics, but decided to maintain the current five-day requirement at this time based on stakeholder feedback.

Other concerns noted in the clearance comments dealt with a variety of topics. A few commenters requested that the rules incorporate care prescribed by advance practice registered nurses and physician assistants rather than solely licensed physicians. The Department agreed to make this change. Commenters also requested specific immunizations be made mandatory, and noted that activities involving Healthchek and Pregnancy Related Services Information Sheets amount to unnecessary paperwork and recordkeeping. The Department noted that immunizations are not specified because the rule simply requires any immunization that is age-appropriate. It also stated that the rules involving Healthchek and pregnancy were developed with the Department of Medicaid and that it would continue to work with it and the Healthchek policy developer to address stakeholder concerns. No comments were received during the CSI public comment period.

The rules impact the twenty-six private child placing agencies and private noncustodial agencies in the state of Ohio. These agencies must adhere to specific requirements in order to obtain and maintain certification. Child placing agencies must develop procedures to implement and track Healthchek procedures and comprehensive health care for children in placement. They may incur costs to coordinate care, secure medical screenings, and document services in the case records. Impacted agencies must also maintain case records and provide copies of all exams, assessments, and treatments. This impact results in administrative costs related to the time spent adhering to these requirements and the personnel an agency may need to compensate for completion of activities related to compliance. The Department justifies any adverse impact because the regulations ensure the safety of children in substitute care.

### **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.