



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

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

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: October 23, 2020

RE: **CSI Review – Child Services Agencies (OAC 5101:2-5-05, 5101:2-5-06, 5101:2-5-07, 5101:2-5-10, 5101:2-5-16, 5101:2-5-22, 5101:2-5-25, 5101:2-5-30, and 5101:2-5-31)**

On behalf of Lt. Governor Jon Husted, 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 nine amended rules proposed by the Ohio Department of Job and Family Services (ODJFS). This rule package was submitted to the CSI Office on September 29, 2020, and the public comment period was held open through October 9, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on September 29, 2020.

Ohio Administrative Code (OAC) Chapter 5101:2-5 establishes licensing rules for child services agencies. OAC 5101:2-5-05 and 5101:2-5-06 establish requirements for agency appeal of noncompliance findings and corrective action plans. The rules are being amended to require appeals and corrective action plans to be submitted to ODJFS through the Ohio Certification and Licensing Management System. OAC 5101:2-5-07 addresses the revocation or denial of an agency's certification and the issuance of temporary certificates. The rule includes amendments that clarify language regarding false or misleading information and the process of notifying courts and agencies of denials and revocations. OAC 5101:2-5-10 addresses recordkeeping requirements

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and includes minor punctuation updates. OAC 5101:2-5-16 requires consideration to be given to a child's religion, beliefs, and practices and is updated to make minor changes to the rule layout. OAC 5101:2-5-22 sets forth procedures for recommending a foster home for certification and is being amended to update the methods for information submission to utilize the Statewide Automated Child Welfare Information System (SACWIS). OAC 5101:2-5-25 establishes the process for changing between types of foster home. The rule is amended to include the use of SACWIS. OAC 5101:2-5-30 and 5101:2-5-31 set forth requirements for foster care amendments and sharing or transferring a foster home and include amendments that require the use of SACWIS for data submission, as well as update requirements for background checks and immunizations.

During early stakeholder outreach, ODJFS sent the rules to industry stakeholders for feedback, including the Ohio Children's Alliance and the Public Children Services Association of Ohio. ODJFS states in the BIA that stakeholders participated in discussion during calls and conferences hosted by ODJFS and offered feedback that was incorporated in the proposed rules. No comments were received during the CSI public comment period.

The business community impacted by the rules includes 88 public child services agencies and over 100 private agencies. The adverse impacts created by the rules include the cost of creating and complying with a corrective action plan in cases of noncompliance, legal costs incurred through the revocation or denial of certification, and various administrative costs related to the requirements of the rules, including recordkeeping and data entry through SACWIS. ODJFS notes in the BIA that, since all agencies are now capable of utilizing SACWIS, the administrative burden related to recordkeeping and paperwork submission could be decreased. ODJFS states that the rules are necessary to provide required guidance to children services agencies and ensure the safety of children in foster care.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Ohio Department of Job and Family Services should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.