Ohio | 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: November 25, 2020

RE: **CSI Review – Child Residential Centers (OAC 5101:2-9-02, 5101:2-9-03, 5101:2-9-06, 5101:2-9-37, and 5101:2-9-38)**

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 five amended rules proposed by the Ohio Department of Job and Family Services (ODJFS). This rule package was submitted to the CSI Office on October 20, 2020, and the public comment period was held open through October 27, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on October 20, 2020.

Ohio Administrative Code (OAC) Chapter 5101:2-9 establishes requirements for children's residential centers, group homes, and residential parenting facilities. OAC 5101:2-9-02 and 5101:2-9-03 set forth requirements for child care facility staffing, including the number and ratio of staff, supervision, training, and new employee orientation. The rules are being amended to remove review of background checks as a condition for supervision and to include trauma-informed care as a topic during orientation and annual training. OAC 5101:2-9-06 provides general safety guidelines for child care facilities to provide an environment free of hazards such as power tools, animals, or unsafe equipment. The rule is amended to include peeling, chipping, and lead-based paint in the safety guidelines. OAC 5101:2-9-37 describes the process for providing

information to law enforcement agencies, emergency management agencies, and fire departments. The rule is amended to remove a timeframe for information sharing that no longer applies to any certified facilities. OAC 5101:2-9-38 requires the creation of a community engagement plan and is amended to remove requirements for training completion prior to the implementation of the community engagement plan.

During early stakeholder outreach, ODJFS sent the rules to relevant stakeholders for feedback, including residential facilities and county agencies. No comments were received during that time or during the CSI public comment period.

The business community impacted by these rules includes all residential facilities operating in Ohio, including approximately 230 private facilities. The adverse impact created by the rule includes the administrative time spent completing training, managing records, and creating a community engagement plan. If a facility does not adhere to the requirements of the rules, certification could be suspended or revoked. ODJFS states in the BIA that any burden created by the rules is necessary to ensure that child care staff are properly trained and facilities are maintained to prevent injury.

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.