



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: March 16, 2021

RE: **CSI Review – Chapter 5101:2-5 Child Services Agency Governance, Complaints, and Discharge Summaries (OAC 5101:2-5-08, 5101:2-5-11, and 5101:2-5-17)**

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 Department as provided for in ORC 107.54.

Analysis

This rule package consists of three amended rules proposed by the Ohio Department of Job and Family Services (ODJFS) as part of the statutorily required five-year review requirement. This rule package was submitted to the CSI Office on February 9, 2021, and the public comment period was held open through February 16, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on February 9, 2021.

Ohio Administrative Code (OAC) 5101:2-5-08 establishes private child placing agency (PCPA) and private noncustodial agency (PNA) governance and administration requirements. The duties of agencies include establishing a governing body and office, submitting information regarding the governing body, and ensuring that board members and employees do not receive benefits from funding. The rule is amended to remove unnecessary rule number listings. OAC 5101:2-5-11 sets forth procedures for ODJFS investigating complaints of abuse or neglect and is amended to remove language related to rule numbers. OAC 5101:2-5-17 concerns the discharge of a child from a specialized foster home, including the creation of a discharge summary and the information it contains. The rule is amended to require that a list of medications be included in the discharge

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summary, the residential facility to enter the discharge summary into the residential treatment information system no later than 10 days after a child is discharged, and for the facility to maintain the summary.

During early stakeholder outreach, ODJFS reviewed the rules during meetings with stakeholders, including the Ohio Children's Alliance, Public Children Services Association of Ohio, and other local agencies. Following stakeholder feedback, ODJFS removed recissions to rule language that would have removed requirements for the commencement of an investigation. No comments were received during the CSI public comment period.

The business community impacted by the rules includes approximately 88 PCPAs and over 100 PNAs. The adverse impact created by the rules includes the time and effort spent by agencies to complete the placement assessment process, which includes conducting home safety assessments, structuring the governance of the agency, and completing discharge procedures. ODJFS states in the BIA that the rules are necessary to ensure that children in substitute care are placed in safe environments.

Recommendations

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

Conclusion

The CSI Office concludes that the Department should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.