



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

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

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: July 15, 2021

RE: **CSI Review - Child Services Agency Rules (OAC 5101:2-5-02, 5101:2-5-03, 5101:2-5-04, and 5101:2-5-13)**

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 four amended rules proposed by the Ohio Department of Job and Family Services (ODJFS) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on June 3, 2021, and the public comment period was held open through June 10, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on June 3, 2021.

Ohio Administrative Code (OAC) Chapter 5101:2-5 establishes licensing requirements for child services agencies. OAC 5101:2-5-02 sets forth the process for agency applications to perform specific functions listed in OAC 5101:2-5-03. The rule is amended to remove the revision dates for the form JFS 01290 "Application for Certification of Agency Functions." OAC 5101:2-5-03 establishes the specific functions available to agencies via certification, including operating child placement and care facilities, acting as a representative for ODJFS, and placing children for foster care or adoption. The rule is amended to state that agency certifications are valid for two years and requirements for obtaining an extension. OAC 5101:2-5-04 sets forth procedures for recertification of an agency and is amended to remove form revision dates and reference the newly added

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certification extensions. OAC 5101:2-5-13 lists the types of policies, plans, and procedures that agencies must maintain, including policies for discipline, assessment, notification, and care provision. The rule is amended to include new requirements for residential facilities to maintain a written policy for being a qualified residential treatment program.

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 local agencies. ODJFS states that stakeholders supported the new extension process. ODJFS received one stakeholder comment suggesting that the certification period be increased to three years. ODJFS did not make changes, stating that the suggested change would be considered for future amendments and the newly added ability to extend a certification would allow license holders additional flexibility.

The business community impacted by these rules includes 88 public agencies and over 100 private agencies. The adverse impact created by the rules is primarily the administrative time and effort spent to comply with rule requirements, including preparing and submitting applications and creating policies and procedures. ODJFS states in the BIA that the rules are necessary to ensure the safety of children placed in substitute care.

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