



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 23, 2021

RE: **CSI Review – PCPA Requirements for Semiannual Administrative Review (OAC 5101:2-38-04)**

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 one amended rule 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 25, 2021, and the public comment period was held open through July 2, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on June 25, 2021.

Ohio Administrative Code 5101:2-38-04 establishes requirements for private child placing agencies (PCPA) to complete a semiannual administrative review (SAR). PCPAs must complete the SAR every 180 days from either the date of the original court complaint, placement, court ordered protective supervision, or signing of the family case plan for home supportive services. The rule is amended to restructure the content, include invitations to permanency team members for a child placed in a qualified treatment program, and to allow for additional review time by a caseworker.

During early stakeholder outreach, ODJFS reviewed the proposed rule during meetings of the

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Public Children Services Association of Ohio's Rule Committee and made the rule available to stakeholders through a clearance process. Suggestions received during that time were incorporated into the rule. No comments were received during the CSI public comment period.

The business community impacted by the rule includes 24 PCPAs currently operating in Ohio. The adverse impact created by the rules is primarily the time required by PCPA staff to complete forms, document information, and review the information with members of the Family Case Plan. ODJFS states in the BIA that the rule is necessary to ensure that cases involving children are properly monitored.

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