



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 – Qualified Residential Treatment Programs (OAC 5101:2-9-42)**

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 one amended rule proposed by the Ohio Department of Job and Family Services (ODJFS). This rule package was submitted to the CSI Office on June 23, 2021, and the public comment period was held open through June 30, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on June 23, 2021.

Ohio Administrative Code 5101:2-9-42 establishes requirements for qualified residential treatment programs (Q RTP), which are defined as facilities with accredited residential programs that implement trauma-informed approaches and treatment models. The rule is amended to include Q RTP requirements for completing an assessment within 30 days of the placement of a child, update language related to discharge planning and aftercare, and require documentation of Q RTP requirements in the Residential Treatment Information System (RTIS).

During early stakeholder outreach, ODJFS sent the proposed rule to relevant stakeholders for feedback, including private service providers, advocacy groups, and state agencies. One comment was received regarding six-month transition periods. ODJFS did not make changes based on this

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comment, as QRTP monthly check-ins are required by federal statute. Two comments received during the CSI public comment period requested clarification on the implementation of RTIS and new requirements for service and treatment, to which JFS responded but did not make changes to the rule.

The business community impacted by the rule is comprised of 120 residential agencies, which oversee 134 residential programs, including group homes, child residential centers, and other facilities. The adverse impact created by the rule is primarily the cost to facilities to implement treatment models, maintain appropriate staff, provide aftercare support, and document information. ODJFS notes that the cost for programs can vary based on the size of the program. ODJFS states that the rule is necessary to ensure the safety of children 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