



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

MEMORANDUM

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

FROM: Jacob Ritzenthaler, Business Advocate

DATE: February 8, 2023

RE: **CSI Review – Children’s Residential Centers, Group Homes, and Residential Parenting Facilities (OAC 5101:2-9-04, 5101:2-9-07, 5101:2-9-09, 5101:2-9-15, 5101:2-9-18, 5101:2-9-26, 5101:2-9-31, and 5101:2-9-35)**

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 eight amended rules proposed by the Ohio Department of Insurance (ODI). This rule package was submitted to the CSI Office on January 4, 2023, and the public comment period was held open through January 11, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on January 4, 2023.

Ohio Administrative Code (OAC) Chapter 5101:2-9 establishes requirements for children’s residential centers, group homes, and residential parenting facilities. OAC 5101:2-9-04 establishes general requirements for maintenance of a residential facility, including standards for structures and furnishings, lighting, and drinking water. The rule is amended to require that a facility’s water supply must be inspected within twelve months prior to initial certification and annually thereafter. OAC 5101:2-9-07 sets standards for emergency planning and preparedness. The rule is amended to remove a requirement which states that an evacuation plan must be developed with the fire inspector. OAC 5101:2-9-09 requires residential facilities to maintain a written emergency medical plan and is

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amended to clarify that first aid supplies are to be available in each building used by children. OAC 5101:2-9-15 requires facilities to provide a handbook for residents and their families and is amended to require the inclusion of contact information of the Ohio Youth Ombudsman and other clarifying edits. OAC 5101:2-9-18 concerns recreation and leisure activities and is amended to clarify lifeguard training requirements. OAC 5101:2-9-26 sets forth requirements for living rooms, dining spaces, and lounges, and is amended to reorganize the rule content and explicitly state that group homes are to have enough seating for all children at the same time. OAC 5101:2-9-31 concerns laundry facilities and is amended to allow residential facilities to utilize public laundromats if the facility's laundry becomes temporarily inoperable or as life skills training for youth. Lastly, OAC 5101:2-9-35 establishes requirements for a residential facility to review dangerous behavior and is amended to reorganize the rule content.

During early stakeholder outreach, ODJFS reviewed the rules during meetings of the Public Children Services Association of Ohio Rules Committee, as well as provided them to interested parties via email. One comment was received that prompted ODJFS to remove language related to staff-to-resident ratios during swimming activities. No comments were received during the CSI public comment period.

The business community impacted by the rules includes 135 public agencies and 246 residential facilities. The adverse impacts created by the rules include time spent by employees to comply with requirements, including developing plans, ensuring safety of furnishings, and other tasks. ODJFS states that the adverse impacts are necessary to provide safe residential environments for 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 ODJFS should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.