



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: Caleb White, Business Advocate

DATE: October 5, 2023

RE: CSI Review – Residential Parenting Facility (OAC 5101:2-9-25)

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 September 20, 2023, and the public comment period was held open through September 27, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on September 20, 2023.

Ohio Administrative Code (OAC) 5101:2-9-25 sets forth the location and program requirements regarding residential parenting facilities. This rule is amended to allow current residents of residential parenting facilities to remain at the residential parenting facility until they reach nineteen years of age if they are a minor mother or an expectant minor mother. This change was requested by the Highlands residential parenting facility, which reached out to ODJFS due to their residents reaching the age of maturity but still requiring the services provided by these facilities.

During early stakeholder outreach, ODJFS posted the proposed rule to their website and sent an e-notification to the 3,100 individuals who have signed up to receive notifications. No comments were received during this period or during the CSI public comment period.

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The business community impacted by the rules includes two residential parenting facilities. One is currently licensed through ODJFS and the other is in the process of becoming licensed through ODJFS. The adverse impacts created by the rule include the requirement to obtain approval of their parenting skills program and certification through ODJFS, as well as the increased costs associated with allowing mothers to stay past the age of eighteen. These costs will vary based on how many residents are being served at one time. These facilities have a capacity of five current or expectant mothers and a total capacity of ten, including children. The facility currently licensed through ODJFS is a grant recipient through the Department of Health and Human Services which covers the funding for these residents, but the remaining cost can be as high as \$225 a day. ODJFS states that the adverse impacts to business are justified 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 ODJFS should proceed in filing the proposed rule with the Joint Committee on Agency Rule Review.