



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: March 26, 2024

RE: CSI Review – Comprehensive Health Care (OAC 5101:2-42-66 and 5101:2-42-66.2)

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 two 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 February 28, 2024, and the public comment period was held open through March 7, 2024. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on February 28, 2024.

The rules in this package relate to the federally mandated administrative procedures for the Early and Periodic Screening, Diagnosis, and Treatment program for Medicaid-eligible children through the age of twenty in placement Ohio. In Ohio this program is called Healthchek and is administered by the county Department of Job and Family Services. Ohio Administrative Code (OAC) 5101:2-42-66 establishes the administrative procedures for the Healthchek program for eligible children in placement and contains requirements for both public children services agencies (PCSAs), private child placing agencies (PCPAs), and private non-custodial agencies (PNAs) and requires PCSAs, PCPAs, and PNAs to develop written interagency procedures to implement comprehensive healthcare for children in their placement and requires certain documentation to be included in the procedures. This rule is amended to streamline language and remove a revision date from a referenced

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material. OAC 5101:2-42-66.2 contains requirements for PCSAs, PCPAs, and PNAs to document and maintain records of physical health examinations, developmental and psychological assessments, and treatment for each child in their care or custody. This rule also contains requirements regarding what a child's healthcare record is to contain and the requirements for PCSAs, PCPAs, and PNAs relating to sharing health information with a child's parent, guardian, custodian, or adopted parent. This rule is amended to clarify that a record of a child's physical abuse history should be included in the child's healthcare record, require a PCSA or PCPA to provide an emancipated child with a copy of their healthcare record, remove a revision date from a referenced material, and streamline language.

During early stakeholder outreach, ODJFS sent the proposed rules to industry stakeholders for feedback on January 18, 2024, with the comment period ending on February 1, 2024. No comments were received during this period or during the CSI public comment period.

The business community impacted by the rules includes eighty-eight public foster care agencies and over one hundred private agencies. The adverse impacts created by the rules include the costs associated with maintaining and providing the proper records and the requirement to develop written interagency procedures to implement comprehensive healthcare for children in their placement. ODJF notes that it is difficult to determine the cost of the adverse impacts, as it will vary based on the size structure and business model of each agency. 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 rules with the Joint Committee on Agency Rule Review.