

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5180:2-9-38

Rule Type: New

Rule Title/Tagline: Community engagement plan for residential facilities.

Agency Name: Department of Children and Youth

Division: Licensing and Certification

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I. Rule Summary

1. Is this a five year rule review? No

A. What is the rule's five year review date?

2. Is this rule the result of recent legislation? Yes

A. If so, what is the bill number, General Assembly and Sponsor? HB 315 - 135 - Thomas Hall and Bill Seitz

3. What statute is this rule being promulgated under? 119.03

4. What statute(s) grant rule writing authority? 5103.02, 5103.03, 5103.05, 5103.051

5. What statute(s) does the rule implement or amplify? 5103.02, 5103.03, 5103.05, 5103.051

6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No

A. If so, what is the citation to the federal law or rule? Not Applicable

7. What are the reasons for proposing the rule?

The new rule adds ORC 5103.05 as passed in HB 315 of the 135th General Assembly adding language regarding posting of DCY's contact information to assist the community to reach the department if there is a complaint.

- 8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule provides guidance for a residential facility to have a community engagement plan. The rules formatting has changed to question and answer.

- 9. Does the rule incorporate material by reference? No**
- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

- 11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

The department does not anticipate any effects on the current or future budgets.

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

No new costs.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable.

III. Common Sense Initiative (CSI) Questions

17. **Was this rule filed with the Common Sense Initiative Office? Yes**
18. **Does this rule have an adverse impact on business? Yes**
 - A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

Certification of a residential facility by the Ohio Department of Children and Youth (DCY) is contingent in part, upon compliance with this rule.
 - B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes**

Lack of compliance can result in revocation of a residential facility's certification.
 - C. **Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

Requires residential facilities to maintain a record of community engagement plan training for employees and to report specific information to DCY under specific circumstances.
 - D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

B. How many existing regulatory restrictions do you propose removing from this rule?

Not Applicable

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

Not Applicable

D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable