



Common Sense Initiative

Mike DeWine, Governor
Jim Tressel, Lt. Governor

Joseph Baker, Director

Business Impact Analysis

Agency, Board, or Commission Name: The Ohio Department of Children and Youth

Rule Contact Name and Contact Information: Ron Puff, ron.puff@childrenandyouth.ohio.gov, (380) 267-2526

Regulation/Package Title (a general description of the rules' substantive content):

Substitute Care and Children's Residential Centers

Rule Number(s): New: 5180:3-13-65, 5180:3-13-65.2, 5180:3-13-66, 5180:3-13-66.1, 5180:3-13-90, 5180:2-9-07, 5180:2-9-34, 5180:2-9-37, 5180:2-9-38; Rescinded 5180:2-42-65, 5180:2-42-66, 5180:2-42-66.1, 5180:2-42-90, 5180:2-9-07, 5180:2-9-34, 5180:2-9-37, 5180:2-9-38

Date of Submission for CSI Review: September 11, 2025

Public Comment Period End Date: September 19, 2025

Rule Type/Number of Rules:

New/ 9 rules

No Change/ rules (FYR?)

Amended/ rules (FYR?)

Rescinded/ 8 rules (FYR?)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

Reason for Submission

1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. ☒ Requires a license, permit, or any other prior authorization to engage in or operate a line of business.
- b. ☒ Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.
- c. ☒ Requires specific expenditures or the report of information as a condition of compliance.
- d. ☒ Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.

Regulatory Intent

2. Please briefly describe the draft regulation in plain language.

Please include the key provisions of the regulation as well as any proposed amendments

OAC 5180: 2-9-07 entitled **Emergency planning and preparedness** provides guidance to residential facilities regarding the requirements for emergency situations and natural disasters. This rule is being amended to comply with House Bill 315 of the 135th General Assembly. Amendments to the rule include that residential facilities are to have a twenty-four hour emergency on call procedure to respond to hospitals, police, and medical first responders.

OAC 5180: 2-9-34 entitled **Building approval** provides guidance to residential facilities regarding building requirements for changing or adding to the building. This rule is being amended to comply with House Bill 315 of the 135th General Assembly. Amendments include guidance for a residential facility to secure a building occupancy permit and approval.

OAC 5180: 2-9-37 entitled **Information to be provided by residential facilities** outlines the information a residential facility is to provide to the local county, law enforcement, emergency management, and fire departments. This rule is being amended to comply with House Bill 315 of the 135th General Assembly. Amendments include that residential facilities are to provide details and any changes of their emergency planning and community engagement plans to law enforcement, emergency and fire departments that are in the jurisdiction over the facility.

OAC 5180: 2-9-38 entitled **Community engagement plan for residential facilities** provides guidance for a residential facility to have a community engagement plan. This rule is being amended to comply with House Bill 315 of the 135th General Assembly. Amendments include the requirement to post the Department of Children and Youth's contact information to assist the community regarding residential facility complaints.

OAC 5180:3-13-65 entitled **Caseworker visits and contacts with children in substitute care** provides guidance to agencies regarding caseworker visits and contacts with the child and the substitute caregiver(s). This rule is being amended to remove the visitation requirements for children placed in residential facilities as it will be included in the newly proposed rule OAC 5180:3-13-65.2.

OAC 5180:3-13-65.2 entitled **Visitation and placement review for children in residential facilities** provides guidance for agencies regarding caseworker visits, contacts, and placement reviews for children placed in residential facilities. This rule is being proposed to comply with House Bill 315 of the 135th General Assembly. The rule will outline the visitation and placement reviews completed by Public Children Services Agencies (PCSAs) and Private Child Placing Agencies (PCPAs) for children and youth placed in residential facilities.

OAC 5180:3-13-66 entitled **Administrative procedures for comprehensive health care for children in placement** provides the requirements to agencies for the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program available to Medicaid-eligible children from birth to age twenty. This rule is being amended to comply with House Bill 315 of the 135th General Assembly. Amendments to the rule include the establishment of a twenty-four hour emergency on-call procedure for PCSAs and PCPAs to respond to contact from emergency departments, hospitals, law enforcement, and first responders.

OAC 5180:3-13-66.1 entitled **Comprehensive health care for children in placement** provides guidelines for the Public Children Services Agencies (PCSAs) and Private Child Placing Agencies (PCPAs) on the coordination and provision of health care for each child in the agency's care or custody. This rule is being amended to comply with House Bill 315 of the 135th General Assembly. Amendments to the rule include outlining that an agency is to respond within four hours to contact from the emergency department or hospital when a child in custody is admitted.

OAC rule 5180:3-13-90 entitled **Information to be provided to children, caregivers, school districts and juvenile courts** outlines for Public Children Services Agencies (PCSAs) and Private Child Placing Agencies (PCPAs) the sharing of information with substitute caregivers, school districts, children in substitute care, and juvenile courts. This rule is being amended to comply with House Bill 315 of the 135th General Assembly. Amendments to the rule include aligning with ORC 5103.0513 by providing educational information to school districts when children placed in a residential facility are attending a new school district.

OAC 5180: 2-9-07 entitled **Emergency planning and preparedness** provides guidance to residential facilities regarding the requirements for emergency situations and natural disasters. This rule is being rescinded.

OAC 5180: 2-9-34 entitled **Building approval** provides guidance to residential facilities regarding building requirements for changing or adding to the building. This rule is being rescinded

OAC 5180: 2-9-37 entitled **Information to be provided by residential facilities** outlines the information a residential facility is to provide to the local county, law enforcement, emergency management, and fire departments. This rule is being rescinded.

OAC 5180: 2-9-38 entitled **Community engagement plan for residential facilities** provides guidance for a residential facility to have a community engagement plan. This rule is being rescinded.

OAC 5180:2-42-65 entitled **Caseworker visits and contacts with children in substitute care** provides guidance to agencies regarding caseworker visits and contacts with the child and the substitute caregiver(s). This rule is being rescinded and renumbered due to a division change within the Department of Children and Youth.

OAC 5180:2-42-66 entitled **Administrative procedures for comprehensive health care for children in placement** provides the requirements to agencies for the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program available to Medicaid-eligible children from birth to age twenty. This rule is being rescinded and renumbered due to a division change within the Department of Children and Youth. OAC 5180:2-42-66.1 entitled **Comprehensive health care for children in placement** provides guidelines for the public children service agencies (PCSAs) and private child placing agencies (PCPAs) on the coordination and provision of health care for each child in the agency's care or custody. This rule is being rescinded and renumbered due to a division change within the Department of Children and Youth.

OAC 5180:2-42-90 entitled **Information to be provided to children, caregivers, school districts and juvenile courts** outlines for Public Children Services Agencies (PCSAs) and Private Child Placing Agencies (PCPAs) the sharing of information with substitute caregivers, school districts, children in substitute care, and juvenile courts. This rule is being rescinded and renumbered due to a division change within the Department of Children and Youth.

3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.

Rule Number	Statutory Authority
5180:3-13-65	5103.03, 5153.166
5180:3-13-65.2	5103.03, 5153.166
5180:3-13-66	5153.166, 5153.16, 5103.03
5180:3-13-66.1	5103.03, 5153.166
5180:3-13-90	5103.03, 5153.166
5180: 2-9-07	5103.03
5180: 2-9-34	5103.03
5180: 2-9-37	5103.03, 5103.05, 5103.051
5180: 2-9-38	5103.03, 5103.05, 5103.051

4. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

If yes, please briefly explain the source and substance of the federal requirement.

OAC 5180:3-13-66- Implements the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program. EPSDT is a federally mandated program of comprehensive preventive services available to Medicaid-eligible individuals from birth through age twenty. In addition, these rules also implement provisions of the Family First Prevention Services Act, Public Law 115-123.

5. If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

The rules do not exceed federal requirements.

6. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

The rules establish minimum standards to ensure the safety and well-being of children placed in substitute care and set up structure for the provision of permitted actions and services when children are in an out of home placement.

Rule 5180: 2-9-07, the purpose of the rule is to outline the need for emergency planning and preparedness within a facility.

Rule 5180: 2-9-34, the purpose of this rule is to outline requirements that are to be met for a building to be approved for a facility.

Rule 5180: 2-9-37, the purpose of this rule is to outline information that residential facilities to need share with other community entities.

Rule 5180: 2-9-38, the purpose the rule is to outline the needs of the community engagement plan for residential facilities.

Rule 5180:3-13-65, the purpose of the rule is to outline the frequency of visitation and contacts with children placed in substitute care settings.

Rule 5180:3-13-65.2, the purpose of the rule is to outline the frequency of visitation and contacts with children placed in residential centers.

Rule 5180:3-13-66, the purpose of the rule is to outline the comprehensive preventative health care services for children in substitute care.

Rule 5180:3-13-66.1, the purpose of the rule is to outline the comprehensive preventative health care services for children in substitute care.

Rule 5180:3-13-90, the purpose of the rule is to provide necessary, child specific information to prospective care givers, school districts, and juvenile courts each time a child is placed in a substitute care setting.

7. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

The implementation of the rules and subsequent outcomes are monitored through the certification/licensure process.

8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?

If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.

No.

Development of the Regulation

9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

DCY engaged the Public Children Services Association of Ohio (PCSAO) and their rule review committee in the rule drafting process. DCY met with the PCSAO committee on February 6, 2025, March 13, 2025, April 3, 2025 and May 16th to incorporate their suggestions on the draft language.

Additionally, DCY met with the Ohio Children's Alliance on April 17, 2025, May 22, 2025, and June 17, 2025 to present the draft rules and receive feedback.

DCY also solicited feedback on the rules during the clearance process on July 14, 2025, through July 28, 2025.

10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

DCY met with PCSA and OCA on multiple occasions; their feedback was taken back and changes to rule language were made due to their feedback.

The feedback and suggestions received from the clearance process were incorporated into the rule drafts and included the removal of neighborhood associations in the community engagement plans for residential facilities, changing of CRCs to residential facilities, further defining mandatory placement reviews for children placed in residential facilities, and the removal of incorrect rule citations. Revisions were also made to the form DCY 01442 "Educational Information for Children Placed in Residential Facilities" to require the court appointed or current educational decision maker's information be added to the form.

11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

Not applicable.

12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?
Alternative regulations may include performance-based regulations, which define the

required outcome, but do not dictate the process the regulated stakeholders must use to comply.

There are no alternative regulations considered for rules 5180: 2-9-07, 5180: 2-9-34, 5180: 2-9-37, 5180: 2-9-38, 5180:3-13-65,5180:3-13-65.2, 5180:3-13-66, 5180:3-13-66.1, and 5180:3-13-90 because the rules are driven by statute.

13. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

The rules were reviewed by DCY legal staff and policy developers prior to the clearance process to ensure there was no duplication of existing Ohio regulations.

14. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

When the rules are final filed, a transmittal letter will be generated providing guidance to agencies. In addition, DCY licensing specialists and technical assistance specialist review agencies to ensure the rules are applied consistently and technical assistance is offered in areas of inconsistency.

Adverse Impact to Business

15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:

a. Identify the scope of the impacted business community, and

The rules of the Administrative Code in Chapter 5180:3-13 contain requirements for children in custody and placed into substitute care by public and private agencies. The rules of the Administrative Code in Chapter 5180: 2-9 contain requirements for residential facilities and residential facility staff that include, eighty-eight public and over one hundred private agencies. Requirements must be met in order to obtain and/or maintain licensure.

b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a representative business. Please include the source for your information/estimated impact.

The adverse impact would vary based upon the size and staffing of each residential facility and would include the actual cost of completing each requirement, in addition to the time needed for staff to complete the requirement and report or enter the needed information for rule compliance in meeting the requirement. Additionally, there is time spent completing the DCY 01700, documenting activities in child's case record, responding to contact from hospitals and law enforcement, and coordinating child's health care.

- 16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. (*Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors*).**

N/A

- 17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

To align OAC with the enactment of H.B 315 of the 135th General Assembly. The adverse impact of the rule is necessary.

Regulatory Flexibility

- 18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

There are no exemptions, and no alternative means of compliance for rules 5180 2-9-07, 5180: 2-9-34, 5180: 2-9-37, 5180: 2-9-38, 5180:3-13-65, 5180:3-13-65.2, 5180:3-13-66, 5180:3-13-66.1, or 5180:3-13-90.

- 19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

N/A

- 20. What resources are available to assist small businesses with compliance of the regulation?**

DCY has licensing specialists assigned to each agency to assist in obtaining and maintaining compliance. Specialists are available to provide technical assistance to meet the requirements of all rules. DCY helpdesk is also available for questions via email at HELP-DESK-OCF@childrenandyouth.ohio.gov.