

**MEMORANDUM**

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

**FROM:** Sydney King, Regulatory Policy Advocate

**DATE:** April 3, 2014

**RE:** **CSI Review – FYR Chapter 5101:2-5 (OAC 5101:2-5-13)**

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On behalf of Lt. Governor Mary Taylor, 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 one amended rule being proposed by the Ohio Department of Job and Family Services (ODJFS) pursuant to the five-year review requirement of ORC 119.032. The rule package was filed with the CSI Office on February 13, 2014 and the comment period for the rule closed on February 20, 2014.

Rule 5101:2-5-13 requires foster care agencies to develop and maintain written policies and procedures to address a wide range of substitute care issues. The required content for the policies includes the procedures an agency must take to ensure quality substitute care for a child.

According to the revised BIA, the rule package was reviewed during the Midwest Child Welfare Implementation Center (MCWIC) meetings. Stakeholders included the Ohio Association of Child Caring Agencies (OACCA), the Ohio Family Care Association, representatives from county agencies, and the Ohio Council of Behavioral Health and Family Services Providers. Stakeholders provided suggested amendments and ODJFS amended the rule based on feedback. ODJFS also provided a clearance comment period to engage stakeholders and again amended the rules based

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on the feedback. For example, the rule required availability of mental health expertise but stakeholders objected to this requirement by submitting comments on the potential high costs to agencies. In response, ODJFS amended the rule and removed the requirement. No comments were received during the CSI public comment period.

The CSI office requested that ODJFS submit a revised BIA that addresses the specific adverse impacts and potential costs to agencies. ODJFS provided a revised BIA to the CSI office on March 31. The revised BIA identifies the impacted industry as foster care agencies. Foster care agencies are required to draft and provide to ODJFS several written policies that address a range of topics. Some examples of the required written policies are discipline, foster caregiver recruitment, approving applicants for foster caregiver and adoptive placement, payments, grievances, admissions, discharging children from an out-of-home care setting, accessibility of an administrator, document maintenance, and personnel. ODJFS reviewed several agencies' submissions of policies and procedures to develop an estimated cost. ODJFS states the adverse impacts to foster care agencies are the costs associated with the approximately 40 to 80 hours (time varies depending on complexity of policy and available staff) needed to draft the required policies. The submission of the policies and procedures is performed electronically.

The revised BIA states the rule is necessary in order to ensure the safety of children in substitute care. The foster care agency's employees will have access to policies and procedures that provide detailed information on how to address substitute care issues. These policies and procedures are developed to enhance the safety and well-being of the children.

After reviewing the proposed rule and the revised BIA, the CSI Office has determined that the rule package satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rules is justified.

### **Recommendation**

For the reasons explained above this office does not have any recommendations regarding this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Department should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office