



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

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

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: July 10, 2020

RE: **CSI Review – Qualified Residential Treatment Program (OAC 5101:2-9-42)**

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 Agency as provided for in ORC 107.54.

Analysis

This rule package consists of one new rule proposed by the Ohio Department of Job and Family Services (ODJFS). This rule package was submitted to the CSI Office on June 22, 2020, and the public comment period was held open through June 29, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on June 22, 2020.

Ohio Administrative Code 5101:2-9-42 is a new proposed rule that addresses qualified residential treatment programs (QRTP), which are residential facilities that accept children for placement. The rule establishes requirements for QRTPs, including utilizing trauma-informed treatment procedures and ensuring 24-hour staff availability. The rule also requires that, when individuals are discharged, the QRTP provides aftercare resources for six months and the individual is placed in family-based support structures. To receive reimbursement through Title IV-E of the Social Security Act, residential facilities must meet QRTP standards by October 1, 2021.

During early stakeholder outreach, ODJFS sent the rules to relevant industry stakeholders for

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feedback, including state and county agencies and private child services providers. ODJFS received comments from several stakeholders that concerned monitoring and providing aftercare services for individuals after they have been discharged. ODJFS stated they are currently working with the Statewide Automated Child Welfare Information System to make sure that individuals served through QRTPs are effectively monitored and receive proper care following discharge and that, following meetings with crisis care facilities, agencies would be exempted from providing aftercare services for youths placed for less than 14 days. No comments were received during the CSI public comment period.

The business community impacted by the rule includes residential facilities that accept children for placement. The adverse impacts created by the rule include the time and effort spent to maintain compliance with the rule requirements, which include maintaining facility certification, staffing, and program implementation methods. ODJFS notes in the BIA that the costs largely depend on the size of the facility and the number of individuals present in the QRTP setting. ODJFS states the rule ensures that children placed through QRTPs are cared for properly, in addition to establishing requirements for the QRTP program as required by statute.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Ohio Department of Job and Family Services should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.