



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

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

FROM: Michael Bender, Business Advocate

DATE: June 21, 2022

RE: **CSI Review – SACWIS Access (OAC 5101:2-33-70)**

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 one amended rule proposed by the Ohio Department of Job and Family Services (ODJFS). This rule package was submitted to the CSI Office on May 2, 2022, and the public comment period was held open through May 9, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI office on May 2, 2022.

Ohio Administrative Code (OAC) 5101:2-33-70 provides for the personnel who are authorized to access the Ohio statewide automated child welfare system (SACWIS) and are responsible for maintaining confidentiality of the information contained within it. It also specifies the information that must be entered into it by a public children services agency (PCSA), private child placing agency (PCPA), private non-custodial agency (PNA), local public entity (LPE), or court. The rule is amended to place "Ohio" immediately before all instances of "SACWIS," add certain completed visits to the list of information that PCPAs and PNAs must enter into Ohio SACWIS, add data entry requirements for PCSA's, PCPA's, PNA's, and LPE's with respect to the residential treatment information system, allow PCSA's to permit peer mentor or peer partner access to Ohio SACWIS when implementing a peer mentor or partner program, allow the Ombudsman Office limited access to ODJFS records maintained in Ohio SACWIS, prohibit employees or contractors from entering or viewing data where a conflict of interest exists, require a PCSA, PCPA, PNA, LPE, or court found to be noncompliant

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by ODJFS to follow a corrective action plan, streamline language, and make grammatical updates.

During early stakeholder outreach, ODJFS posted the rule online for preclearance and discussed the rule at a Public Children Services Association of Ohio (PCSAO) Rule Committee meeting and with the Ohio Children's Alliance. The feedback provided during both the external comment period and the meetings highlighted the visit documentation requirement's lack of clarity and resulting duplication of work. After the external comment period ended, ODJFS reached out to PCSAO and OCA again to seek additional information from their members. ODJFS subsequently revised the rule in order to clarify the type of visits that need to be documented. During the CSI public comment period, the ODJFS received comments from individuals affiliated with foster care agencies and organizations including Adriel, OhioGuidestone, Christian Children's Home of Ohio, the Ohio Children's Alliance, Ohio MENTOR, A New Leaf, Inc., The Bair Foundation, Cadence Care Network, Lighthouse Youth & Family Services, Caring for Kids, Inc., and Northeast Ohio Adoption Services. Comments focused further on the documentation of certain types of visits by PCPA's and PNAs with access to Ohio SACWIS, stressing that it would be a duplication of documentation and would consequently place an unnecessary burden on foster care staff members and a financial strain on counties. ODJFS responded to these comments by stating that the requirement to enter and update information in Ohio SACWIS is not new and that the same standard is now being applied to additional entities that have been granted access to the system. ODJFS did not make any further changes to the reporting requirements, although it did make a minor typographical revision upon inquiry from the CSI Office.

The business community impacted by the rule includes private child placing agencies (PCPA's) and private non-custodial agencies (PNA's) in addition to public children services agencies (PCSA's), local public entities (LPE's), and courts. The adverse impacts to business include the costs incurred obtaining access to Ohio SACWIS and training and educating staff on requirements pertaining to the user agreement as well as the time needed to enter the required information into the system. ODJFS notes that it would take less than an hour to fill out a form requesting access to Ohio SACWIS at an average hourly rate of \$22.13 for a staff member while coming into alignment with a corrective plan of action may take an hour or two at a cost of \$23.59 per hour for a case worker supervisor providing the training on the proper use of Ohio SACWIS. ODJFS states that the adverse impacts are justified because guidance on access to Ohio SACWIS and the use of sensitive and confidential information contained therein is necessary for agency administrative functioning, protecting personal information, and providing proper administration of child protective services.

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.