



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Joseph Baker**, Director

### MEMORANDUM

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

**FROM:** Michael Bender, Business Advocate

**DATE:** December 22, 2022

**RE:** **CSI Review – OFC: Chapter 5101:2-5 Five Year Review 2023 (OAC 5101:2-5-04.1, 5101:2-5-14, 5101:2-5-15, and 5101:2-5-34)**

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 four amended rules proposed by the Ohio Department of Job and Family Services (ODJFS) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on December 9, 2022, and the public comment period was held open through December 16, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on December 9, 2022.

Ohio Administrative Code (OAC) 5101:2-5-04.1 allows ODJFS to consider a child services agency to have met a certification requirement if the agency can document that it has met a comparable requirement to be accredited by a nationally recognized accreditation organization. The rule is amended to update language. OAC 5101:2-5-14 requires an agency to inform the individual or agency that has placed a child in out-of-home care when a certain treatment or diagnostic service is not included in the current case plan. The rule is amended to include treatment and diagnostic services for mental health. OAC 5101:2-5-15 provides guidance to agencies on the use of volunteers, interns, and subcontractors. The rule is amended to update typography. OAC 5101:2-5-34 sets forth the requirements regarding development of a case plan and administrative review of a case plan for

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private child placing agencies and private noncustodial agencies that accept a direct placement of a child from a parent, guardian, or custodian. The rule is amended to update typography.

During early stakeholder outreach, ODJFS met with the Ohio Children's Alliance, the Public Children Services Association of Ohio, and representatives from county and private agencies over the course of a few months in 2022 through regional meetings and other occasions to discuss the draft rules. During these meetings, potential changes and other various feedback were provided. Additionally, the rules went through the ODJFS clearance process from November 2-16, 2022. One comment was received during this time period from Trumbull County Children Services requesting that the original phrasing in OAC 5101:2-5-04.1 that was proposed for removal be put back into place. ODJFS acquiesced to this request. No comments were received during the CSI public comment period.

The business community impacted by the rules includes eighty-eight public and over one hundred private foster care agencies. The adverse impacts created by the rules include demonstrating proof of accreditation, reporting non-routine medical, mental health, dental, or vision care, ensuring that volunteers, interns, and subcontractors comply with background check requirements, establishing written agreements with schools placing students in an agency as interns, development of a case plan, and conducting administrative reviews. ODJFS, citing Zip Recruiter, notes that the average wage for a social worker is \$22 per hour. ODJFS also points out that the revisions to the rules should improve readability. ODJFS states that the adverse impacts to business are justified to ensure the safety of children in substitute care.

### **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.