

# CSI - Ohio

## The Common Sense Initiative

### Business Impact Analysis

**Agency Name:** Ohio Department of Job and Family Services

**Regulation/Package Title:** Statewide automated child welfare information system (5101:2-33-70)

**Rule Number(s):** 5101:2-33-70

**Date:** May 14, 2014

**Rule Type:**

☒ New

☐ Amended

☒ 5-Year Review

☐ Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

#### **Regulatory Intent**

**1. Please briefly describe the draft regulation in plain language.**

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

OAC rule 5101:2-33-70 entitled “Statewide automated child welfare information system (SACWIS) access” sets forth the requirements for staff to access, utilize and be trained regarding the confidential information contained within SACWIS. The rule has been streamlined to improve the information flow. Language has been modified to address the information contained in SACWIS as child welfare information access to private child placing agencies (PCPAs), private non-custodial agencies (PNAs) and juvenile courts that

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are sub grantees with the Ohio department of job and family services (ODJFS) for the purposes of Title IV-E financial reimbursement. Language has been added to address SACWIS access for prosecuting attorneys and interns. Language was added to this rule regarding the entry of case notes and dictation, which was previously contained in the case record rule 5101:2-33-23.

**2. Please list the Ohio statute authorizing the Agency to adopt this regulation.**

ORC 5101.134.

**3. 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.*

Yes. SACWIS includes mandated information related to child abuse/neglect/dependency reports/services, child protection and foster care services, adoption services, provider and homestudy/licensing information, Medicaid and Title IV-E eligibility and disbursement data to meet the 90 functional requirements identified by the US Department of Health and Human Services, Administration for Children and Families, Children's Bureau Division. The federal authority governing state SACWIS systems is described in 45 CFR 1355. Yes, the state of Ohio is required to comply with federal SACWIS standards as well as child welfare mandates.

There are many federal requirements related to the functional requirements of a SACWIS. Background federal legal and policy guidance related to SACWIS is available at the following link: [http://archive.acf.hhs.gov/programs/cb/systems/sacwis/at\\_oism\\_001.htm](http://archive.acf.hhs.gov/programs/cb/systems/sacwis/at_oism_001.htm). While there are 90 specific functionality standards as well as established federal data elements and reports, some of the guidelines/references are all encompassing. For example federal law requires that a state's system must operate as a: "Statewide System - A statewide system must operate uniformly as a single system (including the application software) throughout the State and must encompass all political subdivisions which administer programs provided under title IV-E." The SACWIS is also required to meet the following general federal provision: CFR 1355.52 (a) (4) "Provide for more efficient, economical and effective administration of the programs carried out under a State plan approved under title IV-B and title IV-E."

**4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

The requirements of this rule do not exceed the federal requirements.

**5. 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)?**

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The rule implements the federal requirement to ensure IV-E sub recipient agencies and Private Child Placement Agencies enter mandated child welfare information electronically as new system functionality is implemented and new development is approved and funded by the US Department of Health and Human Services, Administration for Children and Families (ACF). The rule ensures critical child welfare information relating to the safety, wellbeing, eligibility and permanency of children in custody is available and entered directly into the state's electronic system.

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

SACWIS development, schedule, budget and project priorities are negotiated and approved each year by the ACF through the required Advance Planning Document Update process and through required federal monitoring and site visit reviews of the system itself. The rule ensures Private Child Placement Agencies can directly enter demographic information pertinent to foster care / adoption licensing as well as demographic information on homes licensed to provide direct physical care of children in custody. The measure of success includes:

a) Ohio submits accurate (meets quality thresholds established by ACF) and timely (submits data in November and May of each year) Adoption Foster Care Analysis Reporting (AFCARS) data to ACF as required by law.

Enforcement: SACWIS contains an online AFCARS exception report that enables users to identify missing or inaccurate federally required data. In addition, ACF provides a data quality utility where quality thresholds are established for particular data elements to ensure state data is submitted accurately.

b) Ohio ensures accurate data entry for IV-E subrecipient courts to process federal financial reimbursement timely (each month) and accurately (free of system errors) to ensure local courts receive entitled federal reimbursement for the room and board costs of youth in custody in foster care.

Enforcement: SACWIS contains online financial processing functionality to enable a court to identify data entry errors/inconsistency that would result in a denial of federal reimbursement. Users may identify discrepant data, make the correction and process the payment. SACWIS reports identify outstanding payment rosters that have not been accurately processed.

c) Ohio ensures accurate data entry for private agencies to process training stipend and allowance reimbursement claims timely (each month) and accurately (free of system errors)

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to ensure private agencies receive entitled reimbursement for the expenses they incur for providing training to prospective foster parents.

Enforcement: SACWIS contains online financial processing functionality to enable a private agency to identify data entry errors/inconsistency that would result in a denial of reimbursement. Users may identify discrepant data, make the correction and process the payment. SACWIS reports identify outstanding payment rosters that have not been accurately processed.

### **Development of the Regulation**

#### **7. 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.*

Rule 5101:2-33-70 was reviewed during the Partners for Ohio's Families (PFOF) Initiative. The Office of Families and Children (OFC) comprehensively reviewed each of its child welfare rules as a component of PFOF, Ohio's multi-year project with the Midwest Child Welfare Implementation Center. A series of work groups met throughout 2011 to establish uniform criteria and procedure for this review. The meetings were held in person and the stakeholders included:

- Warne Edwards, ODJFS, technical assistance specialist and PFOF rule team co-chair
- Jennifer Marple, Lorrain County Children Services and PFOF rule team co-chair
- Julie Rudolph, Mahoning County Children Services Board
- Cindy Ricketts, Clinton County Children Services
- Pam Severs, Institute for Human Services
- Dorothy Striker, ODJFS, child protective services policy
- Monica Kress, ODJFS, foster care licensing supervisor
- Rick Tvaroch, Trumbull County Children Services
- Linda Peters, Franklin County Children Services
- LeRoy Crozier, ODJFS, Bureau of Child/Adult Protective Services
- Tresa Young, ODJFS, SACWIS

In addition to the above Administrative/SACWIS/Monitoring team rule review members, the rule review process included an online process for both public and private stakeholders to provide input and specific recommendations for rule revisions. Also, the clearance period for this rule was 10/9/2013 through 10/23/2013. Rule requirements/SACWIS access issues were also reviewed with IV-E courts through the IV-E Court Steering Committee that met from July 2013 through December 2013 to plan SACWIS functionality and implementation strategies.

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

The Partnership for Ohio Families (PFOF) committee reviewing this rule made no recommendations for changes to this rule. The IV-E Court Steering Committee is supportive of gaining SACWIS access to ensure local courts can process reimbursements more timely and accurately. In addition, the SACWIS Project and OFC policy partnered with the Private Agency Council (members of Ohio Association of Child Caring Agencies “OACCA”) in both development and implementation of SACWIS functionality in private agencies.

The clearance process resulted in ten comments. The majority of the comments were from child support enforcement agencies who expressed interest in expanding the scope of the SACWIS functionality with respect to the SACWIS and Support Enforcement Tracking System (SETS) interface. Two additional comment recommendations were incorporated into the rule language. There were no comments received from private child placing agencies or IV-E juvenile courts.

**9. 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?**

System data on the numbers of youth and applicable costs of youth placed and served under the IV-E court program were reviewed to establish the rule. Federal guidance and review of Ohio’s SACWIS implementation was incorporated into the development and implementation plans for the rule and system functionality.

**10. 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?**

Ohio is required to comply with federal SACWIS standards as well as child welfare mandates.

**11. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don’t dictate the process the regulated stakeholders must use to achieve compliance.***

There is a natural consequence/performance incentive inherent in the rule as Title IV-E courts must enter federally required data to receive reimbursement for the cost of a child’s out-of-home care, room, and board. While courts are currently sending hard copy manual documents to local Public Children Service Agencies to enter required data on their behalf, the process is manual and labor intensive. Courts will not need to wait for local child welfare agencies to enter data and process payments on their behalf as they will be able to do so directly.

Private Child Placement Agencies will enter data directly that enables Public Children Services Agencies to quickly assess vacancy, availability and licensing status of a licensed out-of-home care setting.

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

As SACWIS did not have the functionality to support Private Child Placement Agencies or Juvenile Courts, existing duplicate rules did not address the subject matter. As functionality is being created to meet this business need, the rule needs to reference the authority and responsibility these entities have to enter federally required information in an automated manner.

**13. 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.**

Implementation will be a phased-in process whereby new information will be communicated to courts and private agencies through a series of training videos and webinar instruction sessions. In addition, Knowledge Base articles will be published that provide step-by-step instruction on system functionality. Core personnel will be identified at the court and private agencies and these personnel will be the designees permitted to submit problem reports and inquiries to the SACWIS help desk when issues/questions arise.

**Adverse Impact to Business**

**14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

**a. Identify the scope of the impacted business community;**

There are approximately 90 Private Child Placing Agencies that currently have limited SACWIS access. Expanded access will enable these agencies to directly enter visitation and licensing data. There are approximately 44 IV-E courts in the state of Ohio.

Costs for complying with the rule include short term expenses related to the cost of training employees on the functionality of the SACWIS required to complete data entry. Currently court and private agency staff are entering data manually on paper and/or in independent systems. Courts will realize cost benefits as they are able to directly enter and process payment reimbursement daily rather than sending paper documents to be processed monthly on their behalf. In addition, the court can directly correct and identify an error in real time rather than waiting for the local child welfare

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agency to notify them of the error and process manual forms/information to eventually correct the information.

**b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**

Currently, court and private agency staff are entering data manually on paper and/or in independent systems. While the Courts and Private agencies may initially experience some costs associated with employees being trained and becoming experienced with entry of data into SACWIS, the benefits outweigh the short term costs. Failure to complete data entry and claims submission via SACWIS will result in the courts inability to be reimbursed for incurred costs. In addition, the required federal compliance requirements will not be met and federal financial sanctions could result. Private agencies would also lose revenue if information in SACWIS is inaccurate or not entered timely on homes they license. Public Children Service Agencies would encounter delays in placing children in homes licensed by PCPAs if SACWIS information is inaccurate and/or data entry is delayed. Providing PCPAs with the ability to directly enter information in SACWIS for the homes they license will ensure placement and revenue delays are reduced/avoided.

**c. Quantify the expected adverse impact from the regulation.**

*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.*

Private Child Placement Agencies are currently required to complete all home study and licensure requirements; however the mechanism by which the information is documented will change with the implementation of SACWIS. Short term expenses related to the cost of training employees on the functionality of the SACWIS is likely.

The state is working with approximately 10 volunteer Private Child Placement Agencies to pilot implementation once development work is complete (expected Sept. 2014). The state is gathering documentation on PCPA business practices to assess efficiency opportunities and reduce negative impact at the local level. A PCPA training is in the process of being developed. It is anticipated the training will be approximately two days in length. Practical and hands on experience within a training lab is recommended in the months prior to implementation for PCPA employees to become comfortable and efficient at navigating the SACWIS functionality. The length of time a PCPA employee will need to practice navigating SACWIS will depend on the employee's comfort level with computer systems.

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However, the range of practice within the learning lab is anticipated to be between six and twenty-four hours.

In addition to the above mentioned training, the state will develop step by step “how to” training videos to assist PCPA staff in understanding basic SACWIS functionality during the pilot phase and offer comprehensive agency based webinars to assist new users. Additional onsite technical assistance and training collaboration will occur based upon need.

It is anticipated that SACWIS utilization beyond the initial training will increase efficiency for a PCPA employee. Specifically, it is anticipated a PCPA employee will likely decrease the length of time it takes to complete a home study certification from approximately 5 hours to 3 hours as the SACWIS system will not require duplicate entry of information such as name, date of birth, social security number and household members.

These short term costs are outweighed by the courts ability to receive reimbursement for incurred expenses in a statewide data tracking system and avoiding federal fiscal penalties by assisting the state in meeting all functional requirements identified by the US Department of Health and Human Services, Administration for Children and Families, Children’s Bureau Division. For Private Child Placement Agencies, the benefit outweighs the cost because local caseworkers who must make placement decisions for at-risk children quickly will have more accurate information to make placement decisions that meet the health and safety needs of children.

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

The regulatory intent justifies the adverse impact to meet the 90 functional requirements identified by the US Department of Health and Human Services, Administration for Children and Families, Children’s Bureau Division. Failure of the state to become compliant with all of the SACWIS functionality requirements could result in federal financial penalties. Private agencies are compensated for the business expenses related to reimbursement of services to provide for the daily care of the child placed in the home the agency licensed.

**Regulatory Flexibility**

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

No, the federal regulations require SACWIS to include all child welfare information related to child abuse/neglect/dependency reports/services, child protection and foster care services, adoption services, provider and homestudy/licensing information, Medicaid and Title IV-E

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eligibility and disbursement data to meet the 90 functional requirements identified by the US Department of Health and Human Services, Administration for Children and Families, Children's Bureau Division.

**17. 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?**

Currently, there are no specific fines or penalties outlined in Administrative Code for failure of the courts or private agencies to enter data into SACWIS. This is not necessary as SACWIS will be the only mechanism for the courts to request and receive reimbursement of incurred costs. Failure to enter the data into SACWIS for reimbursement will in and of itself result in financial deficits. Private child placement agencies will also experience negative financial repercussions if data is not entered into SACWIS timely as county caseworkers will be unable to place children in the agency's licensed foster homes limiting revenue to the provider. Private child placing agencies entry of information for licensed foster homes into SACWIS allows public agencies to have current, continuous access to the information regarding all foster homes available to meet a child's specific needs when placement is necessary.

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

Private Agencies using SACWIS are supported by the SACWIS Help desk. In addition, self-help reference materials are available to Private Agencies on the SACWIS Knowledge Base at <http://jfskb.com/sacwis/index.php/privates>.