

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5101:2-36-07

**Rule Type:** Amendment

**Rule Title/Tagline:** PCSA requirement for conducting an assessment/investigation of the alleged withholding of medically indicated treatment from a disabled infant with life-threatening conditions.

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

**Division:** Division of Social Services

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#### I. Rule Summary

1. **Is this a five year rule review?** Yes
  - A. **What is the rule's five year review date?** 5/31/2024
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 2151.421
5. **What statute(s) does the rule implement or amplify?** 2151.421
6. **What are the reasons for proposing the rule?**

Five year rule review.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule outlines steps that a PCSA is to follow when conducting an assessment/investigation of a neglect report alleging the withholding of medically indicated treatment from a disabled infant with a life-threatening condition.

The following outlines the rule's changes:

â€ Changed all system references to Ohio's comprehensive child welfare information system (CCWIS) to align with the federally recognized case management information system to support child welfare program needs.

â€ Updated face-to-face contact timeframes to align throughout the rules.

â€ Added five-day attempts suspension when the parent, guardian, or custodian is refusing contact and the PCSA files a complaint in juvenile court.

â€ Timeframes to complete the report disposition and arrive at a final case decision was changed from forty-five to sixty days.

â€ Timeframes to notify alleged perpetrators, parents/guardians/custodians, and alleged child victim(s)/child subject of report(s) was changed from two to five days.

â€ Clarified how alleged perpetrator notifications are to include the PCSA's appeal process.

- 8. Does the rule incorporate material by reference? Yes**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(d).

This rule incorporates one or more references to a form or a digital application into which data is entered. This question is not applicable to any incorporation by reference to forms or digital data applications because such reference is exempt from compliance with RC 121.75 to 121.74 pursuant to RC 121.75 (B) (4).

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

- 11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0.00

Not Applicable.

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

No new costs.

- 13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

- 15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable.

### **III. Common Sense Initiative (CSI) Questions**

- 16. Was this rule filed with the Common Sense Initiative Office? No**

- 17. Does this rule have an adverse impact on business? No**

**A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**

**B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No**

**C. Does this rule require specific expenditures or the report of information as a condition of compliance? No**

**D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

**IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

**18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes**

**A. How many new regulatory restrictions do you propose adding to this rule? 0**

**B. How many existing regulatory restrictions do you propose removing from this rule? 22**

5101:2-36-07 (A) The public children services agency (PCSA) shall conduct an assessment/investigation if a neglect report alleges the withholding of medically indicated treatment from a disabled infant with a life-threatening condition.

5101:2-36-07 (B) The PCSA shall initiate the screened in medical neglect report in accordance with the following:

5101:2-36-07 (C) The PCSA shall document in the case record the date, time, and with whom the assessment/investigation was initiated.

5101:2-36-07 (D) The PCSA shall involve a qualified medical consultant within twenty-four hours from the time the referral was screened in as a report to assist in the evaluation of the disabled infant's medical information, including medical records, obtained during the preliminary medical assessment.

5101:2-36-07 (E) If the PCSA determines the child to be in immediate danger of serious harm, the PCSA shall follow procedures outlined in rule 5101:2-37-02 of the Administrative Code.

5101:2-36-07 (F) The PCSA shall pursue any legal remedies, including the initiation of legal proceedings in a court of competent jurisdiction, to provide medical care or treatment for a child if such care or treatment is necessary to prevent or remedy serious harm to the child or to prevent the withholding of medically indicated treatment from a disabled infant with a life-threatening condition.

5101:2-36-07 (G) The PCSA shall attempt a face-to-face contact in order to conduct an interview with the alleged disabled infant's parent, guardian, or custodian no later than twenty-four hours from the time the referral was screened in as a report. The purpose of the interview is to:

5101:2-36-07 (H) If the attempted face-to-face contact with the disabled infant's parent, guardian, or custodian as specified in paragraph (G) of this rule is unsuccessful, the PCSA shall continue making attempts of face-to-face contact at least every five working days until face-to-face contact occurs or until the PCSA is required to make a report disposition pursuant to paragraph (O) of this rule.

5101:2-36-07 (I) The PCSA shall complete the JFS 01401 "Comprehensive Assessment Planning Model - I.S., Safety Assessment" (rev. 2/2006) pursuant to rule 5101:2-37-01 of the Administrative Code within four working days from the date the report was screened in.

5101:2-36-07 (J) The PCSA shall document in the case record the date and time of the contact, or attempted contacts.

5101:2-36-07 (K) The PCSA shall, in cooperation with the medical consultant, conduct and document interviews with the attending physician and health care facility staff. The purpose of the interviews is to:

5101:2-36-07 (L) The PCSA shall conduct and document all face-to-face interviews with the alleged perpetrator, unless law enforcement or the county prosecutor or medical consultant will interview the alleged perpetrator pursuant to the procedures delineated in the county child abuse and neglect memorandum of understanding, in order to assess his or her knowledge of the allegation.

5101:2-36-07 (M) The PCSA shall advise the alleged perpetrator of the allegations made against him or her at the time of the initial contact. The initial contact between the PCSA and the alleged perpetrator of the report includes the first face-to-face or telephone contact, whichever occurs first, if information is gathered as part of the assessment/investigation process.

5101:2-36-07 (N) The PCSA shall conduct and document face-to-face or telephone interviews with any person identified as a possible source of information during the assessment/investigation to obtain relevant information regarding the safety of and risk to the child. The PCSA shall exercise discretion in the selection of collateral sources to protect the privacy of the principals of the report.

5101:2-36-07 (O) The PCSA shall complete the report disposition and arrive at a final case decision by completing the JFS 01400 "Comprehensive Assessment

Planning Model - I.S., Family Assessment" (rev. 7/2006) no later than forty-five days from the date the PCSA screened in the referral as a child abuse and/or neglect report. The PCSA may extend the time frame by a maximum of fifteen days if information needed to determine the report disposition and final case decision cannot be obtained within forty-five days and the reasons are documented in the case record pursuant to rule 5101:2-36-11 of the Administrative Code.

5101:2-36-07 (P) The PCSA shall not waive the completion of the report disposition.

5101:2-36-07 (Q) The PCSA shall have an interpreter present for all interviews if the PCSA has determined that a principal of the report has a language or any other impairment that causes a barrier in communication, including but not limited to a principal of the report who is deaf or hearing impaired, limited English proficiency or is developmentally delayed.

5101:2-36-07 (R) Within two working days of completion of the assessment/investigation, the PCSA shall notify the alleged perpetrator in writing of the report disposition and the right to appeal the disposition pursuant to rule 5101:2-33-20 of the Administrative Code.

5101:2-36-07 (S) Within two working days from the date of the completion of the report disposition, the PCSA shall notify the disabled infant's parent(s) in writing of the report disposition and case decision.

5101:2-36-07 (T) No later than three working days from the date of the completion of the report disposition, the PCSA shall provide written notification of the report disposition to the following entities, as applicable, in accordance with rules 5101:2-33-21 and 5101:2-36-12 of the Administrative Code.

5101:2-36-07 (U) The PCSA shall notify law enforcement if it is determined that the attending physician failed to provide medically indicated treatment or failed to inform the disabled infant's parent, guardian, or custodian of the available treatment options.

5101:2-36-07 (V) The PCSA shall maintain all materials obtained as a result of the assessment/investigation in the case record.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable.