

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5101:2-49-11

**Rule Type:** Amendment

**Rule Title/Tagline:** Suspension of Title IV-E adoption assistance (AA) payment.

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

**Division:** Division of Social Services

**Address:** 30 E Broad Street Columbus OH 43215

**Contact:** Michael Lynch **Phone:** 614-466-4605

**Email:** Michael.Lynch@jfs.ohio.gov

#### I. Rule Summary

1. **Is this a five year rule review?** Yes
  - A. **What is the rule's five year review date?** 7/1/2024
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?** 5101.141
5. **What statute(s) does the rule implement or amplify?** 5101.11, 5101.141
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
  - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

This rule is proposed for amendment as a result of the five-year review.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

OAC rule 5101:2-49-11 entitled "Suspension of Title IV-E Adoption Assistance (AA) Payment." This rule allows the Public Children Services Agency (PCSA) to suspend adoption assistance payments to adoptive parent(s) when certain circumstances apply. Paragraph (B) includes the completion of a new form, the JFS 01452 "Notice of Adverse Action for Title IV-E Adoption Assistance," when the PCSA proposes to suspend AA subsidy. Clarification was made when requesting a timely state hearing in paragraphs (B)(5) and (C). Paragraph (H) and (I) were added to the rule to provide guidance to the PCSA not to suspend a child's Medicaid when the AA subsidy is suspended while the adoption assistance agreement is in effect. And, not to suspend the AA subsidy solely due to when the JFS 01451-B "Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage" is not returned. Minor grammatical edits were made to provide clarification throughout the rule.

9. **Does the rule incorporate material by reference? Yes**
10. **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 (OAC). 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).

11. **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**

12. **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

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

No new costs

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

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

16. 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

17. Was this rule filed with the Common Sense Initiative Office? No

18. 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 Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. 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? 7**

5101:2-49-11(A)(3) Pursuant to RC 121.95(F). (A)(3)The AA agreement or amended AA agreement shall

5101:2-49-11(B) Pursuant to RC 121.95(F). (B) When the PCSA proposes to suspend AA payment, the PCSA shall

5101:2-49-11(B)(4) Pursuant to RC 121.95(F). (B)(4) The state hearing shall

5101:2-49-11(C) Pursuant to RC 121.95(F). (C) If a state hearing is requested timely, within fifteen days, the AA payment shall

5101:2-49-11(D) Pursuant to RC 121.95(F). (D) If no state hearing is requested timely, within fifteen days, the AA payments shall

5101:2-49-11(E) Pursuant to RC 121.95(F). (E) If a state hearing is requested and the state hearing decision is favorable to the adoptive parent(s), AA payments shall

5101:2-49-11(F) Pursuant to RC 121.95(F). (F) If the PCSA has suspended an AA payment, the PCSA shall

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

**D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable