

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-5-03

Rule Type: Amendment

Rule Title/Tagline: Certification of an agency to perform specific functions.

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?** 9/11/2024
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?** 5103.03, 5103.6018, 5103.617, 5103.54, 5153.166
5. **What statute(s) does the rule implement or amplify?** 5103.03, 5153.16
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 being proposed for amendment to implement a continuous certification process for foster care agencies and for the five year review.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule provides guidance to agencies on the various types of certifications for foster care agencies. Paragraph (E) was amended to establish a new initial certification period of four years. Paragraph (J) was added to address agency audits as required by statute. There is a one-time permission for an extension of the timeframe for submission of the agency audit. Paragraph (F) was added to describe a continuous certification status. New paragraphs (J)(K)(L) and (M) were moved here from rule 5101:2-5-04 as rule 5101:2-5-04 had been rescinded.

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 the Ohio Revised Code. This question is not applicable to any incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(a).

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

No expected fiscal effects on current or future budgets.

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? Yes
18. Does this rule have an adverse impact on business? Yes
- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes
- Certification of an agency by the Ohio Department of Job and Family Services is contingent, in part, upon compliance with this rule.
- 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? Yes
- Lack of compliance can result in revocation of an agency's certification.
- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes
- Agency applicant must specify the type of agency they wish to operate when applying for certification.
- 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? 6

5101:2-5-03 (B) Functions performed by a PCSA that do not require certification by ODJFS shall comply with the Administrative Code rules applicable to the functions performed. ODJFS may take any appropriate action permitted under division (D) of section 5101.24 of the Revised Code for noncompliance with applicable rules.

5101:2-5-03 (F) Any certificate issued by ODJFS shall not be transferable from one agency, owner, operator, corporation, partnership, or association to another.

5101:2-5-03 (G) A PCPA shall maintain compliance with any applicable rules of the Administrative Code for any child it is serving under a court order for protective supervision or for any child in the temporary, permanent or legal custody of the PCPA.

(A) Specific functions of a public children services agency (PCSA) which need certification by the Ohio department of job and family services (ODJFS) Ohio department of children and youth (DCY) are:

(C) Specific functions of a private child placing agency (PCPA) which need certification by ODJFS are:

(D) Specific functions of a private noncustodial agency (PNA) or a local public entity that is not a PCSA which need certification by ODJFS are:

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