

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-5-11
Rule Type: Amendment
Rule Title/Tagline: Complaint handling.
Agency Name: Department of Job and Family Services
Division: Division of Social Services
Address: 30 E Broad Street Columbus OH 43215
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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, 5153.166
5. **What statute(s) does the rule implement or amplify?** 5103.02, 5103.03, 5153.166
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 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 processing of complaints made about the agency. Paragraph (H) was amended to remove the term "denial" as this will be obsolete due to continuous certification.

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).

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).

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 and recertification 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 or denial of recertification.
- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes
- The agency is required to submit a corrective action plan if there is a finding on non-compliance.
- 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

(B) Whenever ODJFS receives any report concerning the operation of an agency that alleges child abuse or neglect has occurred or is occurring, ODJFS shall immediately refer the report to the appropriate public children services agency.

(C) At the commencement of a site investigation by ODJFS of a complaint, other than an abuse or neglect investigation, ODJFS shall contact the administrator or designee of the agency and explain the nature of the complaint.

(D) An agency shall cooperate with ODJFS in the investigation of any complaint and with the implementation of any required corrective action plans whenever an investigation finds a violation of the requirements of the Administrative Code as applicable to the functions performed by the agency.

(E) Upon completion of the investigation of a complaint, ODJFS shall conduct an exit interview with the administrator or designee. The purpose of the exit interview is to inform the administrator of the findings of the investigation.

(E) The signature of the administrator or designee on the citation shall signify only that the administrator or designee has received the citation.

(F) No agency shall recommend denial or revocation of a foster home certificate or discharge, demote, suspend, reduce board payments to a foster home, or threaten to recommend denial or revocation of a foster home certificate, discharge, demote, suspend, or in any manner discriminate against any foster caregiver or employee based on the foster caregiver or employee taking any of the following actions:

(G) If the director of ODJFS determines that a person or organization is operating a function that requires certification pursuant to rule 5101:2-5-03 of the Administrative Code without a certificate,

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

