



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Michael Lynch, Ohio Department of Job and Family Services

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: April 23, 2021

RE: **CSI Review – Title IV-E Contracting and Contract Monitoring (OAC 5101:2-47-23.1)**

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Department as provided for in ORC 107.54.

Analysis

This rule package consists of one amended rule proposed by the Ohio Department of Job and Family Services (ODJFS) as part of the statutorily required five-year review requirement. This rule package was submitted to the CSI Office on April 1, 2021, and the public comment period was held open through April 8, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on April 1, 2021.

Ohio Administrative Code 5101:2-47-23.1 establishes contact and contract monitoring requirements for Title IV-E child placing agencies. Title IV-E of the Social Security Act provides reimbursement funding for the costs related to children in foster care, adoption, or kinship placements. The rule sets forth provisions for the contracting of services from private child placing agencies, including maintaining agreements with ODJFS, establishing per diem payments, invoicing for services provided, and reimbursement of aftercare services. The rule is amended to include the statewide "Agreement for Title IV-E Agencies and Providers for the Provision of Child Placement," require qualified residential treatment programs (QRTP) to provide six months of aftercare services to comply with the Family First Prevention Services Act, and to allow Title IV-E

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agencies to contract with QRTPs for aftercare services.

During early stakeholder outreach, ODJFS reviewed the proposed rule during meetings of stakeholder subcommittees and the Public Children Services Agencies of Ohio rules committee. No comments were received during that time or during the CSI public comment period.

The business community impacted by the rule includes all public Title IV-E agencies that establish contracts for services, as well as the private agencies involved in service provision. Adverse impacts include the time and effort spent by an agency to properly contract and invoice for services provided, report costs, and ensure that monitoring processes are maintained. Private agencies found to have misused funding may be subject to penalties, including the loss of a license. ODJFS has surveyed agencies to find that the cost to prepare cost reporting paperwork is between \$5,000 and \$10,000, depending on the size of the agency. ODJFS states that the rule is necessary to ensure that agencies can secure Title IV-E funding and to comply with federal statute regarding the provision of aftercare services.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Department should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.