

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Department of Youth Services

Regulation/Package Title: Community Correctional Facilities

Rule Number(s): 5139-61- 03,04,07,09 and 10 / 5139-63 -03,04,05,07,08,09

Date: August 13, 2012

Rule Type:

- | | |
|----------------------------------|---|
| <input type="checkbox"/> New | <input checked="" type="checkbox"/> 5-Year Review |
| <input type="checkbox"/> Amended | <input type="checkbox"/> Rescinded |

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

The purpose of this rule(s) is to outline processes to establish, administer, and monitor a program of financial and technical assistance to the Community Corrections Facilities for the

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operation of facilities to serve eligible youth. These rules also identifies major elements of which the counties must be aware of to complete required budgetary reports

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

5139.04 (D)

3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

Not applicable.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

Not applicable.

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

To assure proper issuance and accountability of department grant funds allocated to each Community Correctional Facilities to operate the program in which youth are placed.

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

Pursuant to OAC 5139-61-03 the department will review each grant application and renewal application to ensure that the application is in compliance with all administrative rules and departmental requirements. The department also monitors facilities annually to ensure compliance with administrative rules and the program design as stated in the approved grant application or renewal.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

- *Community Corrections Facilities Directors*

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

- *Community Corrections Facilities Directors were provided opportunity to review all standards and submit feedback, (corrections, deletions and or additions) to the agency*

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for consideration. Feedback and changes were submitted back to the Directors in draft form for final review and or comment. Clarification was given on one standard. All Directors communicated through electronic communication for approval of changes.

- 9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

N/A

- 10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**

None.

- 11. Did the Agency specifically consider a performance-based regulation? Please explain.**

No.

- 12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

No other regulations exist regarding the Administrative and Fiscal Operations of Community Corrections Facilities. These regulations are specific to Community Corrections Facilities.

- 13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

The regulations indicated in this document are considered revisions to effective rules. The plan will be to notify all Community Correctional Facility Directors of approved regulations and assure continued annual monitoring of the standards that are applicable to the operation.

Adverse Impact to Business

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14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

a. Identify the scope of the impacted business community;

N/A

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and

N/A

c. Quantify the expected adverse impact from the regulation.

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

N/A

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

N/A

18. What resources are available to assist small businesses with compliance of the regulation?

N/A

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