

DCY Rule Comments Implementing HB 96

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The Ohio Council of Behavioral Health & Family Services Providers appreciates the opportunity to provide feedback on the draft DCY rules implementing changes required under House Bill 96, as outlined in Transmittal Letter 67. We support DCY's commitment to strengthening protections for youth and enabling timely responses to serious safety concerns. While the intent of the rules is clear, there are areas where additional clarification could help ensure consistency with existing requirements and prevent unintended challenges for providers.

Below are our specific comments on OAC 5180:4-1-07.

1. Paragraph (A)(1) states that certification may be suspended for failure to comply with Chapter 5180:4-1 or "any other relevant chapters" of the Administrative Code. This phrasing is overly broad and open to interpretation. Without clear boundaries limiting applicability to DCY's regulatory domain, the language could lead to enforcement actions based on violations outside of the department's authority. For example, a provider could be suspended for alleged violations of rules issued by other state agencies, such as OhioMHAS or the Department of Developmental Disabilities, without coordination or clarity on jurisdiction. This not only risks duplicative oversight but creates operational confusion and potential legal conflict.

Recommendation: Revise paragraph (A)(1) to clarify that enforcement authority is limited to chapters under DCY's jurisdiction, avoiding open-ended cross-agency application.

2. Additionally, while the rule allows for immediate suspension based on safety concerns or rule violations, it lacks any standard for how long a provider may remain suspended while an investigation is pending under (M)(1). This is a serious omission. An indefinite suspension period, without any required timeframe to compel timely completion of an investigation, can disrupt services, undermine provider due process protections, and result in unfair business standards. By contrast, OAC 5180:4-1-28(A)(2) includes a thirty-day timeline for completing agency investigations, which serves as an important accountability measure and should be mirrored here to ensure consistency across similar regulatory functions.

Recommendation: Add language under (M)(1) consistent with that in 5180:4-1-28(a)(2) to define the investigation timeline, such as thirty days, to safeguard due process, support operational continuity, and ensure timely resolution of suspension actions.

Below are our specific comments on OAC 5180:4-1-28.

1. Paragraph (A)(1) repeats the same broad reference to "any other relevant chapters" of the Administrative Code. As noted in our prior comment on OAC 5108:4-1-07, this language should be limited to chapters administered by DCY to preserve jurisdictional clarity. Without that limitation, the rule could be interpreted to authorize enforcement based on requirements issued

by other agencies, potentially extending beyond DCY's statutory scope. This raises concerns about duplicative oversight, inconsistent application, and operational confusion for regulated entities.

Recommendation: Align the enforcement scope in paragraph (A)(1) with DCY's authority.

Thank you for the opportunity to provide feedback and for your continued efforts to strengthen safety and oversight for youth in care. We value DCY's leadership and continued partnership, and we remain committed to supporting thoughtful implementation that aligns systems, reduces duplication, and promotes stability for providers, youth, and families. If you would like to discuss our comments further, please contact me at thrasher@theohiocouncil.org.