



PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: 10/16/24
TIME: 10:00am
LOCATION: Teleconference and DAS ODH, Punderson Room,
246 N. High Street, Columbus, Ohio 43215

This meeting will be held by teleconference and in person. If you would like to submit oral testimony, please attend the meeting site location or call in at the date and time to 1-614-721-2972. Then enter the meeting I.D # which is 413 932 633#. Written testimony may also be submitted electronically to: rules@jfs.ohio.gov

Pursuant to sections 3107.033, 5103.02, 5103.03, 5103.0316, 5103.05, 5103.051, 5103.07, 5103.18, 5103.54, 5103.6018, 5103.617, 5153.166 and Chapter 119. of the Ohio Revised Code, the Ohio Department of Job and Family Services gives notice of the department's intent to consider the adoption, amendment, or rescission of the rule or rules as identified below and of a public hearing thereon.

Rule 5101:2-5-02, entitled Application for an agency to perform specific functions; amended applications, is being proposed for amendment to implement a continuous certification process for foster care agencies and for the five year review. This rule provides guidance to agencies on the process for applying for agency certification. Paragraph (A) was amended to require an agency application to be processed in the new system. New paragraphs (F) and (G) were added to include system guidelines for inactivity. Minor changes were made throughout the rule to refer to the new OCAF system.

Rule 5101:2-5-03, entitled Certification of an agency to perform specific functions, is being proposed for amendment to implement a continuous certification process for foster care agencies and for the five year review. 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 New paragraphs (J)(K)(L) and (M) were moved here from rule 5101:2-5-04 as rule 5101:2-5-04 had been rescinded.

Rule 5101:2-5-04, entitled Recertification of and agency to perform specific functions, is being rescinded due to multiple changes implementing a new continuous certification process for foster care agencies. This rule provided guidance on how to apply to become a foster care agency. The rule is being rescinded due to multiple changes.

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Rule 5101:2-5-04.1, entitled Acceptance of accreditation in lieu of certification requirements, is being proposed for amendment to implement a new continuous certification process for foster care agencies and for the five-year review. This rule provides guidance to agencies on requirements for submission of a request to accept an accreditation requirement in place of a certification requirement. Paragraph (B) was amended to removed recertification and replace it with continuous certification language. Paragraph (D) was amended to require the agency to re-submit their approval if anything regarding the approval has changed.

Rule 5101:2-5-06, entitled Corrective action plans, is being proposed for amendment to implement a continuous certification process for foster caregivers and for the five-year review. This rule provides guidance to agencies on the procedures for submitting a corrective action plan when the agency has been found to be out of rule compliance. The reference to the Ohio certification and licensing management system (OCALM) was replaced with the new system.

Rule 5101:2-5-07, entitled Denial or revocation of an agency's certificate or certification to perform specific functions; temporary certificates, was retitled Denial or revocation of an agency's certificate or certification to perform specific functions; administrative closures. This rule is being proposed for amendment to implement a continuous certification for foster care agencies and for the five-year review. This rule provides agencies with guidance on the process of denying, revoking, or closing of an agency's certificate. A new paragraph (H) was added which provides guidance on administrative closures of an agency's certificate.

Rule 5101:2-5-13.1, entitled Disaster preparedness plan requirements, is being proposed for amendment to implement a continuous certification for foster care agencies and for the five-year review. This rule provides guidance to agencies on disaster plan requirements for foster care agencies. Paragraph (B)(1) was amended to remove the term "recertification."

Rule 5101:2-5-20, entitled Initial application and completion of the foster care homestudy, is being proposed for amendment to implement a continuous certification for foster care agencies and for the five-year review. This rule provides guidance to agencies on the requirements for the completion of a foster care home study. Paragraph (G) was amended to add the ability to apply to be a foster caregiver through Ohio's CCWIS. New paragraphs (G)(4) and (G)(5) were added to address system related issues. Other minor changes were made throughout the rule referencing the application process rather than a form.

Rule 5101:2-5-24, entitled Foster home recertifications, is being proposed for rescission because of the change in our procedure for recertification of foster caregivers, there will be no recertifications as we are going to a continuous certification. The rule is being rescinded to implement a continuous certification process for caregivers. It is being replaced by 5101:2-5-24, entitled Continuous certification and Periodic Reviews for foster caregivers, introduced to provide guidance on the new continuous certification process for foster caregivers. This new rule provides guidance to agencies on the process for continuous certification for foster caregivers. Appendix A specifies what items are to be periodically reviewed once a caregiver has been approved for continuous certification.

Rule 5101:2-5-25, entitled Changing the certification of a foster caregiver from one type of foster home to another, is being proposed for amendment to implement a continuous certification for foster care agencies and for the five-year review. This rule provides agencies guidance on the process for upgrading or lowering a foster caregiver's certification status. Paragraph (A) was

removed because it is obsolete. Paragraphs (D)(2), (D)(4) and (D)(5) were removed as a result of being obsolete due to continuous certification.

Rule 5101:2-5-26, entitled Procedures for revocation, denial of initial certification or denial of a foster home certificate, is retitled Procedures for revocation, denial of initial certification or denial of continuous certification of a foster home certificate. This rule is being proposed for amendment to implement a continuous certification for foster care agencies and for the five-year review. This rule provides guidance to agencies on how to deny, revoke or administratively close a foster home certificate. A new paragraph (I) was added to provide information on administrative closures for foster caregivers. The term "recertification" was removed throughout the rule and replaced with continuous certification. The rule title was changed to "Procedures for revocation, denial of initial certification or denial of continuous certification of a foster home certificate."

Rule 5101:2-5-28, entitled Agency cause for denial of initial certification, denial of recertification or revocation of a foster home certificate, is retitled Agency cause for denial of initial certification, denial of continuous certification or revocation of a foster home certificate. This rule is being proposed for amendment to implement a continuous certification for foster care agencies and for the five-year review. This rule provides guidance to agencies on the process for revoking or denying a foster care certification. Paragraph (C)(1) was amended to address denial and revocation with the change to continuous certification. The rule was amended throughout to change verbiage to continuous certification.

Rule 5101:2-5-31, entitled Sharing or transferring a foster home, is being proposed for amendment to implement a continuous certification for foster care agencies and for the five-year review. This rule provides guidance to agencies on the process for sharing or transferring a foster home. Minor changes throughout the rule to change verbiage to continuous certification.

Rule 5101:2-5-33, entitled Foster caregiver preplacement and continuing, is being proposed for amendment to implement a continuous certification for foster care agencies and for the five-year review. This rule provides guidance to agencies on the required training for foster caregivers. Paragraph (D) was amended to allow the mentor of a foster caregiver to receive credit for up to fifty percent of their outside classroom training, however books, articles and journals have been limited to twenty percent and must be pre-approved by the agency. The mentee may also receive credit if they are being mentored. Paragraphs (F)(2) and (3) were amended to require a pre-test and post-test for outside classroom training.

Rule 5101:2-5-38, entitled Payment of foster caregiver training stipends; reimbursement of training allowances to recommending agencies, is being proposed for amendment to implement a continuous certification for foster care agencies and for the five-year review. This rule provides guidance to agencies on the reimbursement for foster care training stipends and training allowances. Paragraphs (C)(3) and (4) were amended to change the training from a certification period to a two year period.

Rule 5101:2-9-08, entitled Fire safety, is being proposed for amendment to implement a continuous certification for foster care agencies and for the five-year review. This rule provides guidance to agencies on fire safety for foster care residential facilities. Paragraph (B) was amended to remove the word "recertified."

Rule 5101:2-9-37, entitled Information to be provided by residential facilities, is being proposed for amendment to implement a continuous certification for foster care agencies and for the five-year review. This rule provides guidance to agencies on required information to be shared with other agencies. Paragraph (B) was amended to remove recertification and add wording to comply with continuous certification.

A copy of the proposed rule(s) is available, without charge, to any person affected by the rule(s) at the address listed below. The rule(s) is also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rule(s) will be held at the date, time, and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Requests for a copy of the proposed rule(s) or comments on the rule(s) should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal and Acquisition Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at rules@jfs.ohio.gov.