



## 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:** February 1, 2021

**RE:** **CSI Review – Preplacement Training and Continuing Education (OAC 5101:2-5-33 and 5105:2-5-38)**

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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 two amended rules proposed by the Ohio Department of Job and Family Services (ODJFS). This rule package was submitted to the CSI Office on December 23, 2020, and the public comment period was held open through December 30, 2020. On January 20, 2021, ODJFS notified the CSI Office that proposed changes to OAC 5101:2-5-38 would be removed from the rule. ODJFS notified stakeholders of this change on January 22, 2021. The Department also provided an updated BIA explaining that they had decided to revert back to the original rule language to allow reimbursable claims for the higher number of hours allowed in rule.

Ohio Administrative Code (OAC) Chapter 5101:2-5 establishes requirements for licensing child services agencies. OAC 5101:2-5-33 concerns foster caregiver preplacement and continuing training, including the types of training necessary for placement in various types of foster environment and continuing training and plans developed by the agency. The rule is amended to reduce the number of preplacement training hours and continuing training hours of caregivers, require training in certain topics if only a certain amount of preplacement training is completed, allow recommending agencies to accept up to 15 hours of preplacement training without prior

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approval, and introduce the Statewide Automated Child Welfare and Information System into the rules. OAC 5105:2-5-38 sets forth guidelines for the payment of foster caregiver training stipends and reimbursement of training allowances. The rule is amended to clarify the conditions for which ODJFS will reimburse to agencies for preplacement training.

During early stakeholder outreach, ODJFS reviewed the proposed rules with relevant industry stakeholders, including the Ohio Children's Alliance and Public Children Services Association of Ohio. Several stakeholders suggested the removal of a one-hour requirement for training related to the substance of ORC Section 2152.72. The time length requirement was removed but the topic remains as a potential source of training. Another stakeholder highlighted an oversight within the proposed rule that did not reduce the number of training hours as explained and the oversight was corrected. ODJFS states that other comments submitted by the Ohio Family Care Association would be addressed in next phase of rule review. No comments were received during the CSI public comment period.

The business community impacted by these rules includes child placing agencies operating in Ohio, which includes 88 public and over 100 private child placing agencies. The adverse impact created by the rules is primarily the time and effort necessary to ensure that training for foster placements is completed and that the appropriate information is documented and submitted for reimbursement. ODJFS states that the rules are necessary in order to ensure the safety of children placed in substitute care.

### **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.