

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-5-33

Rule Type: Amendment

Rule Title/Tagline: Foster caregiver preplacement and continuing training.

Agency Name: Department of Job and Family Services

Division: Division of Social Services

Address: OFC- 4200 E. 5th Ave., 2nd fl. L2-01 P.O. Box 183204 Columbus OH 43218-3204

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 3/19/2020
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 166 - 133
- Rep. Oelslager
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 5103.03, 5103.0316
5. **What statute(s) does the rule implement or amplify?** 5101.14, 5153.16, 5103.031 , 5103.032, 5103.033, 5103.034, 5103.035, 5103.036, 5103.038, 5103.039, 5103.0311
6. **What are the reasons for proposing the rule?**

This rule is proposed for amendment due to the five year review and as a result of the federal Family First Prevention Services Act and HB 166 of the 133rd General Assembly.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule provides guidance to agencies on the requirements for the training of foster care applicants and the ongoing training of certified foster caregivers. Changes were made to (C)(1) to require pre-placement training topics for CPR, first aid, medication administration and procedures for reporting child abuse or neglect to align with the standards set forth in the FFPSA. New paragraphs were added to (C)(2) to include new training topics for family foster homes. Changes were made to paragraph (F) to update continuing training requirements for foster caregivers

- 8. Does the rule incorporate material by reference? Yes**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.75(A)(1)(d).

This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the ORC because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.75 (A)(1)(a).

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Paragraph (F)(2) was revised to change the use of video presentations outside the classroom for foster caregiver continuing training from one-third to one-fourth of the total training hours to match paragraphs (F)(3) and (F)(4). No other changes were made.

II. Fiscal Analysis

- 11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

No expected fiscal effects on current or future budgets.

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

Agencies may conduct their own training or may send the caregivers to the regional training centers. Regional training centers do not charge for training, however space is limited and the agency may endure a cost if alternative training is required due to availability. Costs for compliance can vary depending on the direction each agency chooses. The addition of CPR/First Aid training may add an additional cost for family foster caregivers, but for specialized caregivers, the cost may decrease as certification in CPR is no longer required. Live synchronous training may also save agencies money as there can be more participants via video conferencing and less travel involved for instructors.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not applicable.

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes

17. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes

Certification and re-certification of an agency by the Ohio Department of Job and Family Services is contingent, in part, upon compliance with this rule.

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes

Lack of compliance can result in revocation of an agency's certification or denial of re-certification.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

The agency must report the training information in the SACWIS system.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

- A. How many new regulatory restrictions do you propose adding?

Not Applicable

- B. How many existing regulatory restrictions do you propose removing?

Not Applicable