

5101:2-5-38

**Payment of foster caregiver training stipends; reimbursement of training allowances to recommending agencies.**

(A)

- (1) ~~Commencing with the effective date of this rule, each~~ Each recommending agency shall make stipend payments to foster caregivers under their supervision to compensate such foster caregivers for their cost of attending training sessions. Such stipend payments must be made to the foster caregiver within sixty calendar days of the completion of the training event. Such stipend payments may not be held or otherwise deferred pending reimbursement by ODJFS. The stipend rate paid by recommending agencies shall be ten dollars per foster caregiver per training hour successfully completed within a training session that is a minimum of one training hour in duration. Stipend payments shall be rendered for fractional hours in increments of not less than one-quarter hour. As used in this rule, a training hour means sixty consecutive minutes of instruction and may include a break of not longer than ten minutes per training hour when a training session is longer than one training hour in duration.
- (2) For the period between January 1, 2001, and ~~the effective date of this rule~~ March 31, 2003, the training stipend payment rate payable to foster caregivers for each successfully completed training session will be twenty-five dollars per foster caregiver per training session that is a minimum of two consecutive training hours, including breaks, or the stipend rate that the recommending agency has already paid the foster caregiver, whichever is less.
- (3) A recommending agency may decline to make a stipend payment to a foster caregiver if the recommending agency determines that the foster caregiver has not successfully acquired the skills the training was designed to impart, or that the training was beyond the scope of the foster caregiver's individualized training plan, or that the training hours received were in excess of the minimum levels specified in sections 5103.031 and 5103.032 of the Revised Code. A recommending agency may decline to make a stipend payment where the training the foster caregiver received was part of a program of self-directed study or otherwise not delivered in a conventional or traditional setting where the principal transfer of knowledge occurred through the physical presence of a trainer whose responsibility it was to impart instruction to the foster parent. A recommending agency may defer the payment of stipend payments for ~~pre-placement or continuing~~ preplacement training until the foster caregiver ~~has received the first child into their care~~ is certified. In such cases, a recommending agency's obligation to remit deferred stipend payments for preplacement training begins upon the caregiver's date of certification.

## (B)

- (1) ~~Beginning with the effective date of this rule,~~ ODJFS will reimburse recommending agencies for stipend payments made to foster caregivers pursuant to paragraph (A) of this rule.
- (2) For ~~pre-placement~~ preplacement training, ODJFS will reimburse stipend payments made by recommending agencies per the following schedule of training hours:
  - (a) For a pre-adoptive infant home, not more than twelve training hours for each caregiver that is required to be trained.
  - (b) For a family foster home, not more than twenty-four training hours for each caregiver that is required to be trained.
  - (c) For a specialized foster home, not more than thirty-six training hours for each caregiver that is required to be trained.
  - (d) For an existing family foster home that is receiving ~~pre-placement~~ preplacement training to become a specialized foster home, not more than sixteen training hours for each caregiver that is required to be trained. For the purpose of computing the stipend reimbursement in this circumstance, ODJFS will consider the ~~pre-placement~~ preplacement training to be within the foster caregiver's annual continuing training requirement and subject to the maximum number of training hours that will receive stipend reimbursement for that requirement.
- ~~(3) ODJFS will defer reimbursement of stipends paid by recommending agencies for all pre-placement training until the foster caregiver has received their first child into placement.~~
- ~~(4)~~(3) For annual continuing training, ODJFS will reimburse stipend payments made by recommending agencies per the following schedule of training hours:
  - (a) For a pre-adoptive infant home, not more than twelve training hours for each caregiver that is required to be trained.
  - (b) For a family foster home, not more than twenty training hours for each caregiver that is required to be trained.

(c) For a specialized foster home, not more than thirty training hours for each caregiver that is required to be trained.

~~(5)~~(4) For the purpose of ~~computing the level of~~ determining if a stipend reimbursement is owed to a recommending agency for stipend payments made for continuing training, ODJFS will count only training hours that are received during the three hundred sixty-five day period after the foster caregiver has received their first foster child into placement caregiver's date of certification, and for each three hundred sixty-five day period thereafter. ODJFS will not reimburse stipend payments made by recommending agencies for training hours that occur between the date that the foster caregiver has ~~received~~ completed the statutory minimum number of preplacement training hours ~~necessary to statutorily qualify for their first child placement~~ and the date ~~that of~~ the foster caregiver receives their first foster child into placement caregiver's certification.

~~(6)~~(5) ODJFS will not reimburse a recommending agency for any stipend payment made by a recommending agency where the training the foster caregiver received was part of a program of self-directed study or otherwise not delivered in a conventional or traditional setting where the principal transfer of knowledge occurred through the physical presence of a trainer whose responsibility it was to impart instruction to the foster parent. Subject to restrictions that may otherwise be imposed elsewhere by this Chapter, such non-traditional training may be counted by the recommending agency as acceptable training hours in meeting the minimum number of training hours necessary to statutorily qualify the foster caregiver to obtain or maintain such foster caregiver's certification.

~~(7)~~(6) ODJFS will not reimburse a recommending agency for any stipend payment made for time consumed by a lunch or dinner break that occurs during a training session.

~~(8)~~(7) For the purpose of computing the maximum number of ~~pre-placement~~ preplacement and continuing training hours that will qualify for stipend reimbursements, a foster caregiver's training history will always be aggregated over the caregiver's entire service history and will not be reset by the movement of the foster caregiver from the supervision of one recommending agency to another.

(C) For training sessions that occur on and after January 1, 2004, ODJFS will pay a training allowance to ~~the foster caregiver's~~ each private recommending agency to compensate that entity for its costs in providing, or otherwise securing or procuring, training for foster caregivers through a preplacement training program or

continuing training program operated under rule 5101:2-5-40 of the Administrative Code. ~~Except as provided in paragraph (E) of this rule, the~~ The allowance rate will be fifteen dollars per foster caregiver per training hour successfully completed within a training session. As used in this rule, a training hour means sixty consecutive minutes of instruction and may include a break of not longer than ten minutes per training hour when a training session is longer than one training hour in duration. The computation of allowance payments will include fractional hours in increments of not less than one-quarter hour.

- (1) ODJFS will not make an allowance payment for any training that it will not also otherwise honor for stipend reimbursement, except that it will not defer allowance payments earned for ~~pre-placement~~ preplacement training ~~pending a foster caregiver receiving their first child into placement where the private recommending agency has deferred payment of a foster caregiver's stipend until the foster caregiver is certified.~~
- (2) ODJFS will not make an allowance payment for training received or provided at no cost to the private recommending agency. As used herein, "at no cost" means that the private recommending agency incurred no out-of-pocket expense direct and immediate to the training session. ODJFS will consider a private recommending agency to have experienced a cost if any of the following items occur:
  - (a) The private recommending agency pays a trainer to conduct the training session.
  - (b) The private recommending agency uses its own staff to conduct the training session and act as trainer.
  - (c) The private recommending agency rents space and or equipment for the training session.
  - (d) The private recommending agency provides a box meal or catered meal for foster caregivers attending the training session, but ODJFS will not consider the private recommending agency to have incurred a cost if only break refreshments are provided.
  - (e) The private recommending agency purchases a curriculum or program of instruction for use in the training session, but ODJFS will not consider the private recommending agency to have experienced a cost for that curriculum or program of instruction when it is used in subsequent training sessions unless the payment of a licensing or royalty fee is required for each such use.

- (3) ODJFS will not consider a private recommending agency to have incurred a cost when the private recommending agency uses its own facilities or equipment to host or conduct the training session, makes copies of instructional materials that will be used in a training session, mails training announcements to foster caregivers, or uses an uncompensated trainer
- (D) The allowance payment is to be used by the private recommending agency as reimbursement for its costs that it has incurred to train foster caregivers under its supervision. In those instances where a private recommending agency uses the services of a third party to provide such training, the allowance payment is intended to be used by the private recommending agency to compensate such parties. Nothing herein, however, shall be construed as making ODJFS a party to any contract or agreement between a private recommending agency and a third party trainer, or creating any enforceable legal obligation for compensation against ODJFS by a third party trainer.
- (E) ~~ODJFS will pay foster caregiver stipends and recommending agency allowances only when the recommending agency fully and accurately completes and registers the foster caregiver's training history. The recommending agency shall register the foster caregiver's training history using the reporting process that ODJFS implements for same. For the purpose of computing the maximum number of pre-placement and continuing training hours that will qualify for stipend reimbursements, a foster caregiver's training history will always be aggregated over the caregiver's entire service history and will not be reset by the movement of the foster caregiver from the supervision of one recommending agency to another~~ In cases where an allowance payment is owed a private recommending agency for a training session conducted by or under the auspices of a regional training center of the Ohio child welfare training program, the private recommending agency may indicate when it registers the foster caregiver's training history that it elects to have the allowance payment remitted directly to the regional training center.
- (F) ~~In cases where an allowance payment is owed a PCSA for a training session conducted by an on-duty employee of the PCSA, the computation of the allowance payment will be discounted by the aggregate percentage rate of Title IV-E and medicaid federal financial participation earned by the PCSA as a result of the department's random moment time study being applied to the PCSA's social service cost pool in the calendar quarter immediately previous to the calendar quarter in which the training event occurs.~~
- ~~(G)~~(F) ~~In cases where an allowance payment is owed a recommending agency for a training session conducted by or under the auspices of a regional training center of the Ohio child welfare training program, the recommending agency may indicate when it registers the foster caregiver's training history that it elects to have the~~

allowance payment remitted directly to the regional training center ODJFS will pay foster caregiver stipends and private recommending agency allowances only when the recommending agency fully and accurately completes and registers the foster caregiver's training history. The recommending agency shall register the foster caregiver's training history using the reporting process that ODJFS implements for same. For the purpose of computing the maximum number of preplacement and continuing training hours that will qualify for stipend reimbursements, a foster caregiver's training history will be aggregated over the caregiver's entire service history and will not be reset by the movement of the foster caregiver from the supervision of recommending agency to another.

~~(H)~~(G) Recommending agencies shall not submit training registrations for training received or rendered under the adoption assessor training component of the Ohio child welfare training program.

~~(H)~~(H) Submission of training registrations that do not accurately reflect the training history of foster caregivers, or that are filed prior to payment of earned stipends to foster caregivers, shall establish a rebuttable presumption that the submitting recommending agency intentionally seeks a training allowance or stipend payment to which it is not entitled. If the recommending agency is a private entity, the rebuttable presumption may serve as a basis for licensing enforcement proceedings against that private recommending agency. If the recommending agency is a PCSA, the rebuttable presumption may serve as a basis for the imposition of any penalty permitted by section 5101.24 of the Revised Code.

(I) Each private recommending agency and PCSA must register an update to a foster caregiver's training history within thirty calendar days from the date on which the private recommending agency or PCSA renders a stipend payment to the foster caregiver. Failure to complete the update in this time frame will result in the forfeiture of any stipend reimbursement or allowance payment owed to the private recommending agency or PCSA for such event.

~~(J) ODJFS will make training allowance payments to recommending agencies for foster caregiver training sessions that occurred during the period between January 1, 2001, and the effective date of this rule. Such payments will be at the reimbursement rate specified in paragraph (C) of this rule and are further subject to the requirements stated in paragraphs (C), (E), (F), (G), (H) and (I) of this rule. ODJFS will initially determine the amount owed for training allowances based on the foster caregiver stipend claims approved for the applicable time period. The final amount payable by ODJFS will be based upon the full submission of foster caregiver training histories. Final decisions by ODJFS regarding the reimbursement amounts are not subject to any administrative proceeding under Chapter 119, or any other provision of the Revised Code.~~

(J) The payment of training allowance for training rendered between January 1, 2001 and

December 31, 2003, inclusive, will be governed by the conditions and procedures listed below. The allowance rate will be fifteen dollars per foster caregiver per training hour successfully completed within a training session. Such conditions and procedures shall be construed to be cumulative with the other content of this rule and not in isolation therefrom.

- (1) ODJFS will make training allowance payments to public and private recommending agencies for foster caregiver training sessions that occurred between January 1, 2001 and December 31, 2003, inclusive.
  - (2) For the purpose of remitting allowance payments for training sessions that occurred between the period January 1, 2001 and March 31, 2003, inclusive, ODJFS will remit an allowance payment to a public or private recommending agency notwithstanding the fact that such recommending agency did not issue a stipend payment to the foster caregiver, provided that such training session would have otherwise qualified under this rule for reimbursement of the stipend payment had such payment been issued to the foster caregiver by the recommending agency and without regard to whether the recommending agency may or may not have deferred such payment pending placement of the first child with the foster caregiver.
  - (3) In cases where an allowance payment is owed to a PCSA for a training session conducted by an on-duty employee of the PCSA, the computation of the allowance payment will be discounted by the aggregate percentage rate of Title IV-E and Medicaid federal financial participation earned by the PCSA as a result of ODJFS' random moment time study being applied to the PCSA's social services cost pool in the calendar quarter immediately previous to the calendar quarter in which the training event occurs.
  - (4) All claims for allowance payments made pursuant to this paragraph must be perfected by December 31, 2004. Allowance payment claims made after that date will not be honored.
- (K) ODJFS will not issue allowance payments to PCSAs for foster caregiver training that occurs on and after January 1, 2004. Instead, the Ohio child welfare training program will be responsible for providing foster caregiver training to foster caregivers under the supervision of a PCSA.

Effective:

R.C. 119.032 review dates: 04/01/2008

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 5103.0316  
Rule Amplifies: 5103.0312, 5103.0313,  
5103.0314  
Prior Effective Dates: 4/1/2003