

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5101:2-5-40

**Rule Type:** Amendment

**Rule Title/Tagline:** Preplacement and continuing training programs.

**Agency Name:** Department of Job and Family Services

**Division:** Division of Social Services

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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? 11/21/2023
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 5103.0316
5. What statute(s) does the rule implement or amplify? 5103.034, 5103.302, 5103.038, 5103.036, 5103.035
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
  - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

This rule is proposed for amendment as a result of the five year rule review,
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule provides guidance to agencies seeking to operate a preplacement training program or a continuing training program. This rule is amended to remove the requirement of the annual submission of agency training plans and was replaced to require training plans only when there is a new plan or changes to existing plans.

9. **Does the rule incorporate material by reference?** Yes
10. **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 RC 121.71 to 121.74 pursuant to RC 121.75(A)(1)(d).

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

*Not Applicable*

## **II. Fiscal Analysis**

12. **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

This will have no expected impact on current or future budgets.

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

No new costs.

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

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

16. 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**

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

18. 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 by ODJFS requires the agency to comply with the 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 the certificate.

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

Expenditures related to the agency complying with the requirements of the rule to proceed with a revocation or denial of a foster care certificate.

- 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 Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

- A. How many new regulatory restrictions do you propose adding to this rule? 0

- B. How many existing regulatory restrictions do you propose removing from this rule? 24

5101:2-5-40 (A) A private child placing agency (PCPA), private noncustodial agency (PNA), or a consortium of such agencies that seeks to operate a preplacement training program or a continuing training program shall submit its training proposal(s) for approval to the agency's assigned Ohio department of job and family services (ODJFS) field office licensing specialist.

5101:2-5-40 (A) Each training proposal submitted to ODJFS shall be approved for submission by the administrator or designee of the agency.

5101:2-5-40 (A) Each training proposal submitted by a consortium shall be approved for submission by the administrator or designee of the primary agency of the consortium.

5101:2-5-40 (A) Submission and approval of training proposals shall follow the time frames listed in paragraphs (B) and (F) of this rule.

5101:2-5-40 (B) A training proposal shall be submitted to ODJFS by October fifteenth of every even-numbered year.

5101:2-5-40 (C) A training proposal submitted by a consortium of PCPAs or PNAs shall identify the primary agency that will act as the fiscal agent for the consortium and all other agencies participating in the consortium.

5101:2-5-40 (C) The proposal shall be approved for submission by the administrator or designee of the primary agency.

5101:2-5-40 (D) If ODJFS does not approve a PCPA's or PNA's training proposal, and the PCPA or PNA wishes to continue pursuing implementation of a training program, the PCPA or PNA shall submit a revised proposal within fifteen calendar days.

5101:2-5-40 (E) If ODJFS does not approve a PCPA's or PNA's training proposal, or if a previously approved training proposal or plan expires, the PCPA or PNA shall not operate a preplacement or continuing training program for foster caregivers until a training proposal has been approved by ODJFS.

5101:2-5-40 (F) Removed paragraph; Only a PCPA or PNA submitting a foster caregiver preplacement or continuing training proposal for the first time may submit a proposal at a time other than that specified in paragraph (B)) of this rule. When approved, a training proposal submitted to ODJFS pursuant to this paragraph shall be valid only until December thirty-first of the next even-

numbered year. Thereafter, the provisions of paragraph (B)) of this rule shall apply.

5101:2-5-40 (G)(3) The organization and structure of the training program which shall clearly identify who will be responsible for operating the training program, the staffing level of the program, the person(s) responsible for policy decisions regarding the training program, and whether part of the training program functions will be subcontracted to other individuals, agencies or entities.

5101:2-5-40 (G) (4)(g) The policies and procedures shall specify that these evaluations will take place at least once every two years.

5101:2-5-40 (H) A PCPA or PNA applying to be approved to operate a preplacement training program for persons seeking certification to operate a pre-adoptive infant foster home shall offer training courses addressing the required topics for a pre-adoptive infant foster home as described in rule 5101:2-5-33 of the Administrative Code.

5101:2-5-40 (I) A PCPA or PNA applying to be approved to operate a continuing training program for persons seeking recertification to operate a pre-adoptive infant foster home shall offer training courses appropriate to the training needs of the pre-adoptive infant foster caregivers that will be trained by the program.

5101:2-5-40 (J) A PCPA or PNA applying to be approved to operate a preplacement training program for persons seeking certification to operate a family foster home shall offer training courses addressing the required topics for a family foster home as described in rule 5101:2-5-33 of the Administrative Code.

5101:2-5-40 (K) A PCPA or PNA applying to be approved to operate a continuing training program for persons seeking recertification to operate a family foster home shall offer training courses appropriate to the training needs of the family foster caregivers that will be trained by the program.

5101:2-5-40 (L) A PCPA or PNA applying to be approved to operate a preplacement training program for persons seeking certification to operate a specialized foster home shall offer training courses addressing the required topics for a specialized foster home as described in rule 5101:2-5-33 of the Administrative Code.

5101:2-5-40 (M) A PCPA or PNA applying to be approved to operate a continuing training program for persons seeking recertification to operate a specialized foster home shall offer training courses appropriate to the training needs of the specialized foster caregivers that will be trained by the program.

5101:2-5-40 (M) Such courses shall include continuous maintenance of certification in a first aid training program and a child and adult CPR certification training program such as those training programs offered by the American red cross, the American heart association, or the equivalent.

5101:2-5-40 (N) A PCPA or PNA submitting a training proposal(s) shall comply with payment and/or reimbursement procedures outlined in rule 5101:2-5-38 of the Administrative Code.

5101:2-5-40 (O) A PCPA, a PNA or a consortium of such agencies operating a preplacement training program or continuing training program approved by ODJFS shall make the program available to prospective foster caregivers or foster caregivers without regard to the type of recommending agency from which a prospective foster caregiver or a foster caregiver seeks a recommendation and without charge to the foster caregiver.

5101:2-5-40 (B) An approved training proposal shall be valid for two calendar years beginning the first day of January each odd-numbered year.

5101:2-5-40 (B) Any amendment to an approved training plan shall be submitted in accordance with paragraph (B) of rule 5101:2-5-13 of the Administrative Code.

5101:2-5-40 (G) The proposal shall include the following information:

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not applicable.

- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable