

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5101:2-9-02  
**Rule Type:** Amendment  
**Rule Title/Tagline:** Staffing requirements.  
**Agency Name:** Department of Job and Family Services  
**Division:** Division of Social Services  
**Address:** 30 E Broad Street Columbus OH 43215  
**Contact:** Michael Lynch **Phone:** 614-466-4605  
**Email:** Michael.Lynch@jfs.ohio.gov

#### 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?** 5103.03
5. **What statute(s) does the rule implement or amplify?** 5103.02, 5103.03
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, and rule writing authority to amend, rescind or create new rules to provide guidance to licensed providers.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule contains guidance on staffing requirements in a residential facility. The proposed amendment to this rule removes twenty hours of training before staff can be unsupervised with minor residents in the facility.

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)(b).

This rule incorporates one or more references to a form or a digital application into which data is entered. This question is not applicable to any incorporation by reference to forms or digital data applications because such reference is exempt from compliance with RC 121.75 to 121.74 pursuant to RC 121.75(B)(4).

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

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**

A license is required to operate the facility and service youth in the facility.

- 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**

Failure to comply will result in either forfeiture or suspension of license.

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

Reports will be required by maintaining records within SACWIS and monitoring will be conducted by ODJFS.

- 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? 17**

5101:2-9-02 (A) When children are present during waking hours in a residential facility living unit, there shall be at least one child care staff person for each ten children.

5101:2-9-02 (A) Child care staff shall (is to) be on duty providing supervision to children where two or more children are congregated to ensure an appropriate level of supervision of all areas of the facility considering the ages and functioning levels of children in care.

5101:2-9-02 (B) Child care staff shall provide supervision within sight or sound of the child or pursuant to the level of supervision specified in the child's service plan.

5101:2-9-02 (C) At least one child care staff person for every five infants or toddlers shall be present in a residential parenting facility to provide care and supervision to children in the absence of teenage mothers.

5101:2-9-02 (D) A residential parenting facility shall not permit a teenage mother to provide care or supervision to any child other than her own in the absence of the child's mother or child care staff.

5101:2-9-02 (E) A children's residential center (CRC) or residential parenting facility shall have at least one awake child care staff person in each living unit where children are present during nighttime sleeping hours.

5101:2-9-02 (F) Staff members at a residential facility shall not have overnight guests in the facility except for the children of live in staff members, who have resided in the home and are under the age of twenty-two.

5101:2-9-02 (G) In accordance with rule 5101:2-5-09.1 of the Administrative Code, a criminal records check shall be requested for each person eighteen years of age or older that resides with the staff members in a residential facility.

5101:2-9-02 (H) A JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" shall be completed for each person eighteen years of age or older that resides with the staff members in a residential facility.

5101:2-9-02 (I) Children of staff members and children of residents living in a residential facility shall be counted in all child care staff ratios.

5101:2-9-02 (J) Each residential facility shall have a written work schedule including provisions for use of relief staff, and a backup plan for emergency relief staff.

5101:2-9-02 (K) A residential facility shall have at least one child care staff on site who is:

5101:2-9-02 (L) All relief child care staff and emergency child care staff of a residential facility shall meet the requirements of rules 5101:2-5-09, 5101:2-5-09.1 and 5101:2-9-03 of the Administrative Code.

5101:2-9-02 (M) Newly hired child care staff shall be given on-the-job supervision and...

5101:2-9-02 (M)(3) The CPR certification shall be the type applicable to the age and size of the children able to be served in the facility

5101:2-9-02 (M)(2) Removed paragraph: The person has completed an additional twenty hours of the first year training required by rule 5101:2-9-03 of the Administrative Code

5101:2-9-02 (M)... and shall not be left unsupervised with residents until all of the following requirements have been met:

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable

