

**Rule Summary and Fiscal Analysis (Part A)****Department of Job and Family Services**

Agency Name

**Division of Social Services**

Division

**Mike Lynch**

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**5101:2-9-03**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Staff development and evaluation.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **5103.03, 5153.16, 5101.141**

5. Statute(s) the rule, as filed, amplifies or implements: **5103.03, 5153.16, 5101.141**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being proposed for amendment as a result of the five year review.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule outlines training requirements and ongoing professional development and evaluation for staff in a residential facility. Paragraph (E) was inserted to allow for

child care staff who separated from employment with an agency but returned within one year to be exempt from the new orientation training requirements. Paragraph (F) allows for employees who have not met training requirements due to specified reasons to continue to work in the facility. Paragraph (G) lists restrictions on the employee who has not met training requirements and agency requirements for documenting the situation and ensuring the employee's ultimate compliance with the training requirements. Requirements for the initial orientation of new child care staff were clarified in paragraph (H). Language was inserted into paragraph (I) to clarify that the type of cardiopulmonary resuscitation (CPR) training required is dependent upon the age and size of the children being served in the facility. Additionally, language was added to specify that child care staff of a residential parenting facility and a children's crisis care facility are required to be certified in infant, adult, and child CPR. Paragraph (I) also allows for exceptions to the requirement that first aid and CPR certifications be maintained current. Paragraph (J) was inserted to specify that a child care staff person who does not have current certifications in first aid and CPR is not permitted to work with children without another staff who does have current certifications in first aid and CPR. It also prohibits the child care staff person whose certifications have been expired for more than ninety days from working in the facility until the certifications have been updated. Paragraph (N) was added to require the facility to train child care staff on any revisions in policy pertaining to children or child care staff within thirty days of the revision. Language in paragraph (Q) clarifies that physical restraint may be used by child care staff to protect a child from imminent harm.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

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 121.76(A)(3).

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 121.76(A)(1).

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not Applicable

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

*Not Applicable.*

12. 119.032 Rule Review Date: **8/9/2010**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

### **FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0.00

This amended rule will not impact the agency's projected budget during the current biennium.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not Applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

No new costs.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**