

**PUBLIC HEARING NOTICE  
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES**

**DATE:** April 14, 2014  
**TIME:** 10:00 a.m.  
**LOCATION:** Room 3110B, Rhodes State Office Tower  
30 East Broad St., Columbus, Ohio 43215

Pursuant to sections 5101.141, 5103.02, 5103.03, 5103.13, 5153.16 and Chapter 119 of the Ohio Revised Code, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the amendment of the rules as identified below and of a public hearing thereon. The rules are proposed for amendment as a result of the five year review process.

OAC rule 5101:2-9-02, entitled "Staffing requirements" provides guidance to agencies for the requirements the agency needs to ensure the proper amount of staff supervision ratios for children placed in a residential facility. A new paragraph (G) was added to require a criminal record check for anyone over eighteen years of age that resides with staff members in a residential facility. A new paragraph (H) was added to require a medical statement be completed for anyone over eighteen years of age that resides with staff members in a residential facility.

OAC rule 5101:2-9-03, entitled "Staff development and evaluation" provides guidance to residential facilities regarding training for staff of the facility. Paragraph (A) was amended to clarify information about transfer of learning components for staff members in training. Paragraphs (D) and (E) were broken up for clarity. No substantive changes were made.

OAC rule 5101:2-9-05, entitled "Requirements for residential parenting facility and crisis care facility furniture, materials and equipment; diaper changing" provides guidance regarding the various equipment and furniture for residential parenting and crisis care facilities. No substantive changes were made.

OAC rule 5101:2-9-06, entitled "General safety" provides guidance for residential facilities for safety in and around the facility. Paragraph (E) was amended to clarify information regarding smoking at a residential facility. No substantive changes were made.

OAC rule 5101:2-9-08, entitled "Fire safety" provides guidance for children placed in residential facilities for fire safety issues. Paragraph (A) was amended from ninety days to six months for a facility to obtain a fire inspection. Paragraph (B) was amended to require a fire inspection upon recertification of a facility. Paragraph (I) was amended to require the facility to maintain portable heaters in accordance with manufacturer's instructions.

OAC rule 5101:2-9-10, entitled "Storage of hazardous materials" provides guidance for residential facilities for the storage of hazardous materials. No substantive changes were made.

OAC rule 5101:2-9-11, entitled "Admissions and admissions log" provides guidance to residential facilities for the keeping of the admissions log of the facility. Paragraph (D) was amended to allow children under the age of six to be members of the facility for up to fourteen days. Former paragraphs (E) and (F) referring to teenage mothers, were deleted.

OAC rule 5101:2-9-12, entitled "Service plans" provides guidance to residential facilities regarding the service plan for children placed in the facility. Paragraph (A)(2)(e) was amended to add that a civil service employee engaging in social work or professional counseling for a residential facility can be from a local public entity.

OAC rule 5101:2-9-14, entitled "Medications" provides guidance to residential facilities regarding the distribution of medications to the children in the facility. Paragraph (A) was broken up into several other paragraphs for clarity. No substantive changes were made.

OAC rule 5101:2-9-16, entitled "Visiting and communications" provides guidance to residential facilities regarding visitation and communication for the children in the facility. Paragraph (E) was amended to allow the child of a facility the opportunity to contact his or her attorney, caseworker, custodial agency worker, probation officer, court appointed special advocate (CASA) and guardian ad litem. The rule previously stated the child shall be allowed to confer with these individuals which mandated an uncontrollable variable for the facility.

OAC rule 5101:2-9-17, entitled "Child's money" provides guidance to residential facilities regarding safe keeping of money belonging to children in the facility. A portion of paragraph (B) was broken out into new paragraph (C) for clarity.

OAC rule 5101:2-9-19, entitled "Personal belongings, hygiene, socialization, and education" provides guidance to residential facilities regarding the items listed in the title of the rule. No substantive changes were made.

OAC rule 5101:2-9-20, entitled "Food and nutrition" provides guidance to residential facilities for the proper nutritional requirements of the menu provided to children in the facility. No substantive changes were made.

OAC rule 5101:2-9-21, entitled "Care, supervision and discipline" provides guidance to residential facilities regarding the care, supervision and discipline of the children in the facility. No substantive changes were made.

OAC rule 5101:2-9-22, entitled "Isolation, seclusion and restraint" provides guidance to residential facilities regarding the isolation, seclusion and restraint of children in the

facility. Paragraph (A) was amended to ensure that physical restraint only be used in accordance with written approval of a certified or licensed health care professional and a certified or licensed practitioner of behavioral science. Other non-substantive changes were made.

OAC rule 5101:2-9-23, entitled "Notification and documentation of critical incidents" provides guidance to residential facilities on documenting and reporting critical incidents of children in the facility. Paragraph (A) was amended to require notification to the custodian of the child be shortened from twenty-four hours down to one hour for the purposes listed in the paragraph.

OAC rule 5101:2-9-24, entitled "Child and family complaint policy and procedure" provides guidance to residential facilities regarding the required policies and procedures for child and family complaints against the facility. No substantive changes were made.

OAC rule 5101:2-9-25, entitled "Residential parenting facility and crisis care facility location and programmatic requirements" provides guidance to residential facilities on the location and the programmatic requirements for the operation of the facility. Paragraph (C) was amended to allow a minor parent to either be employed or actively seeking employment.

OAC rule 5101:2-9-28, entitled "Bedrooms" provides guidance to residential facilities regarding bedroom dimensions, furniture and other requirements for children of the facility. Paragraph (S)(3) was amended to no longer allow drop-side cribs to be used in the facility.

OAC rule 5101:2-9-29, entitled "Bathrooms" provides guidance to residential facilities regarding bathroom requirements for the children of the facility. No substantive changes were made.

OAC rule 5101:2-9-30, entitled "Kitchens and kitchen supplies" provides guidance to residential facilities regarding kitchen requirements for the children of the facility. No substantive changes were made.

OAC rule 5101:2-9-32, entitled "Transportation" provides guidance to residential facilities regarding transportation requirements for the children of the facility. Paragraphs (B) and (C) were reformatted for clarity. No substantive changes were made.

OAC rule 5101:2-9-34, entitled "Building approval" provides guidance to residential facilities regarding building requirements for changing or adding to the building. No substantive changes were made.

OAC rule 5101:2-9-36, entitled "Additional requirements for children's crisis care facilities" provides guidance to residential facilities that provide crisis care for children. Paragraph (G)(3) was amended to update staff ratios in a crisis care facility. The ratios are now one staff for every five children present during awake hours. For children ages

zero to twelve, including the children of child care staff, there must be at least one awake child care staff person on duty during sleeping hours for every eight children.

A copy of the proposed rule(s) is available, without charge, to any person affected by the rule(s) at the address listed below. The rule(s) is also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rule(s) will be held at the date, time, and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Requests for a copy of the proposed rule(s) or comments on the rule(s) should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal and Acquisition Services, 30 East Broad Street, 31<sup>st</sup> Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at [rules@jfs.ohio.gov](mailto:rules@jfs.ohio.gov).