

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: May 20, 2014
TIME: 10:00 a.m.
LOCATION: Room 2921, Rhodes State Office Tower
30 East Broad St., Columbus, Ohio 43215

Pursuant to sections 2151.86, 5103.02, 5103.03, 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 and rescission 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 5101:2-5-04, entitled "Recertification of an agency to perform specific functions" provides guidance to agencies for the requirements the agency needs to meet in order to be recertified. Paragraph (A)(3) was amended due to a legislative change to change the required audit type for the first agency audit from "government auditing standards" to "American institute of certified public accountants" standards. Paragraph (A)(4) was amended to change the required audit type for subsequent agency audits from "government auditing standards" to "American institute of certified public accountants" standards. Paragraph (A)(5) was amended to define "American institute of certified public accountants" standards. New paragraphs (B), (C) and (D) were created to establish a fiscal watch period for agencies that cannot readily show they are fiscally accountable. Paragraph (E) was amended to ensure the agency submits the required documentation electronically to ODJFS.

OAC rule 5101:2-5-09.1, entitled "Criminal records check required for certain prospective employees and certified foster caregivers" provides guidance to agencies for the requirements the agency needs to conduct criminal record checks for prospective employees and foster caregivers. Paragraph (Q) about the criminal record check being valid for one year was removed. ODJFS feels that this is a parameter for BCII to establish, not ODJFS. Paragraph (U) was also removed due to the language being removed from statute. Several other paragraphs were re-arranged for clarification. No other substantive changes were made.

OAC rule 5101:2-5-11, entitled "Complaint handling" provides guidelines to agencies on how ODJFS investigates complaints made against the agency. Paragraph (A) was amended to give ODJFS discretion on when to begin to conduct an investigation.

OAC rule 5101:2-5-18, entitled "Waivers and variances" provides guidance to agencies on how and when they can request a waiver for foster home requirements. Paragraph (A)(1) was removed regarding a waiver for the fingerprint requirements for a criminal record check for persons that were physically unable to be fingerprinted. The removal was a result of a legislative change.

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, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at rules@jfs.ohio.gov.