

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: September 8, 2015
TIME: 10:00 a.m.
LOCATION: Room 3110B, Rhodes State Office Tower
30 East Broad St., Columbus, Ohio 43215

The original public hearing notice incorrectly stated the public hearing was scheduled for September 5, 2015. The correct date is September 8, 2015.

Pursuant to sections 5101.141, 5103.02, 5103.03, 5103.0316, 5103.0324, 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. These rules are proposed for amendment as a result of the five year review process.

OAC rule 5101:2-5-05, entitled "Agency appeal of findings of noncompliance", provides guidance to agencies on what an agency must do to appeal a finding of noncompliance. Paragraph (A) was amended to change the requirement for submission of an appeal from five days to ten days following the receipt of the summary of findings of noncompliance. An additional requirement for the licensing supervisor is to arrange a meeting in person or by phone if requested and render a decision within ten business days. A new paragraph (B) was added to prohibit any form of retaliation to an agency by an employee of ODJFS due to the filing of an appeal by the agency.

OAC rule 5101:2-5-06, entitled "Corrective action plans", provides guidance to agencies on what is needed to create and submit a corrective action plan for a finding of noncompliance. Paragraph (A) was amended to expand the number of days for submission of a corrective action plan from ten to fifteen days from the date of the exit interview. A sentence was added to allow ODJFS to grant an extension for submissions to go beyond the fifteen days.

OAC rule 5101:2-5-07, entitled "Denial or revocation of an agency's certificate or certification to perform specific functions; temporary certificates", provides guidance to agencies on the process and reasoning for denials and revocations of certification. Paragraph (F) was amended for clarification. No substantive changes were made.

OAC rule 5101:2-5-08, entitled "PCPA and PNA governance and administration", provides guidance to agencies on the requirements and responsibilities for agency directors and board members. Paragraph (B) was amended for clarification. No substantive changes were made.

OAC rule 5101:2-5-10, entitled "Child records", provides guidance to agencies on the requirements for the contents and storage of the records for children. Paragraph (C) was amended for clarification. No substantive changes were made.

OAC rule 5101:2-5-16, entitled "Consideration to be given to child's religion", provides guidance to agencies on what the agency should consider when a child has religious backgrounds and practices. The title of the rule was amended to "Consideration to be given to child's religion, beliefs and practices". Paragraph (B) was amended to consider a child's dietary restrictions due to beliefs.

OAC rule 5101:2-5-17, entitled "Discharge summary", provides guidance to agencies on what is required when a child is discharged from a residential facility or specialized foster home. Paragraph (A) was amended for clarity. A new paragraph (D) was added to ensure that when a child is receiving pre-planned respite care services or is a short term direct placement on a recurring schedule addressed in the case plan, the discharge summary is required at six month intervals or at the conclusion of the service, whichever occurs sooner.

OAC rule 5101:2-5-22, entitled "Recommendations for initial foster home certification", provides guidance to agencies on the requirements for submission of a recommendation for certification of a foster home. Paragraphs (A) and (B) were amended for clarity. Paragraph (F) was removed because it is required in other rules and is duplicative.

OAC rule 5101:2-5-25, entitled "Changing the certification of a foster caregiver from one type of foster home to another", provides guidance to agencies on how to upgrade or downgrade a certification type for a foster home. Paragraph (D) was amended for clarity and paragraph (E) was amended to remove an outdated reference.

OAC rule 5101:2-9-02, entitled "Staffing requirements", provides guidance to agencies on staff ratios and other staffing issues in a residential facility. A new paragraph (K) was added to ensure a facility has at least one staff on site that is trained and authorized to apply the reasonable and prudent parent standard as required by H.R. 4980 of the 113th Congress.

OAC rule 5101:2-9-03, entitled "Staff development and evaluation", provides guidance to agencies on residential staff training and experience. Paragraph (D) was amended to require training in the prudent parent standard for existing staff. New paragraphs (I)(12), (I)(13) and (I)(14) were added to require new topics for orientation training for residential staff. These additions were the direct result of legislation.

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.