

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: September 6, 2006
TIME: 11:00 a.m.
LOCATION: Room 2925, Rhodes State Office Tower
30 East Broad St., Columbus, Ohio 43215

Pursuant to sections 2151.86, 5103.03, 5103.0316, 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 adoption, amendment or rescission of the rule or rules identified below and of a public hearing thereon. This is a second courtesy hearing on these rules.

5101:2-5-03 entitled **Certification of an agency to perform specific functions** is being proposed for amendment to clarify (D) and (G) regarding a local public entity that is not a public children services agency and add mention of two rules to (G) that were not previously mentioned.

5101:2-5-05 entitled **Agency appeal of findings of noncompliance** is being proposed for amendment to make non-substantive technical changes only.

5101:2-5-06 entitled **Corrective action plans** is being proposed for amendment to make non-substantive clarifying changes only.

5101:2-5-08 entitled **PCPA and PNA governance and administration** is being proposed for amendment to add language to (A) to clarify how a local public entity that is not a PCSA is to satisfy the requirements of this rule. .

5101:2-5-10 entitled **Child records** is being proposed for amendment to make non-substantive clarifying changes only.

5101:2-5-17 entitled **Discharge Summary** is being proposed for amendment to make non-substantive clarifying changes only.

5101:2-5-18 entitled **Waivers** is being proposed for amendment to make changes in (A), (C), (D), and (E) to add Chapter 5101:2-1 of the Administrative Code and remove Chapter 5101:2-47 of the Administrative Code from the rule's scope.

5101:2-5-19 entitled **Variiances** is being proposed for amendment to make changes in (A), (B), (C), and (D) to add Chapter 5101:2-1 of the Administrative Code to the rule's scope.

5101:2-5-22 entitled **Recommendations for initial foster home certification** is being proposed for amendment to make non-substantive clarifying changes only.

5101:2-5-24 entitled **Foster home recertification procedure** is being proposed for amendment to add clarifying language to (E), change (F) to propose at least 2 home visits for all foster home

recertifications; proposed new language in (G) clarifies that deficiencies found when conducting a safety audit require a corrective action plan.

5101:2-5-26 entitled **Revocation, denial of initial certification or denial of recertification of a foster home certificate** is being proposed for amendment to make non-substantive technical changes in (C) and (D) and in (I) proposes extending from two years to five years the length of a time that a person whose foster care certification has been denied or revoked from holding any ODJFS children services certification.

5101:2-5-30 entitled **Change in household occupancy; change in marital status; change of address** is being proposed for amendment to make changes in (A) regarding when a medical statement must be completed for new occupants of a foster home and how to handle the certification of a new spouse or co-parent residing in the home when the new spouse or co-parent has not previously completed preplacement training; clarifies (B) regarding evaluation of a new foster home after a change of address, and clarifies (C) with regard to when to submit a JFS 01317 when a new spouse or co-parent moves into a foster home.

5101:2-5-35 entitled **Children's rights** is being proposed for amendment to add new paragraphs (C) and (D) to require that any foster care or independent living program include children's rights in any children's handbook explaining agency programs and document any restrictions placed on a child's rights for more than two hours.

5101:2-7-02 entitled **General requirements for foster caregivers and applicants** is being proposed for amendment to clarify that this rule is applicable to both current caregivers and applicants; changes in (I) clarify the language to include that a foster caregiver should not be certified if any adult resident of a foster caregiver's household has been convicted or pleaded guilty to any offense listed in paragraph (J) of this rule.

5101:2-7-05 entitled **Sleeping arrangements** is being proposed for amendment to add new language to paragraph (F) that prohibits a child under the age of six from sleeping in the upper bunk of a bunk bed; a new paragraph (H) would prohibit a child over the age of two or thirty-fives inches in height from sleeping in a crib unless it is medically necessary.

5101:2-7-09 entitled **Care, supervision and discipline** is being proposed for amendment to conform language in paragraphs (B) and (L) with federal law; changes in (G) and (H) change restraint practices to conform with generally accepted restraint practice.

5101:2-7-12 entitled **Site and safety requirements for a foster home** is being proposed for amendment to clarify language that was gender specific and make it gender neutral since it applies to either gender.

5101:2-7-14 entitled **Required notification** is being proposed for amendment to separated the second and third paragraphs of paragraph (G) and create a new paragraph (H) in order to clarify that the appendix of this rule applies only to paragraph (H). The rule's language is not proposed to change; only the structure of the rule is proposed to be modified.

5101:2-9-03 entitled **Staff development and evaluation** is being proposed for amendment to include clarifying language in paragraph (F) that specifies that CPR certification must be maintained by child care staff; old language that reflected implementation of the rule is proposed to be removed from paragraphs (F) and (G); language is proposed to be removed from paragraph (K) that previously allowed physical restraint in order to protect valuable property from damage by a child.

5101:2-9-12 entitled **Service Plans** is being proposed for amendment to clarify that the “entire” child's service plan is reviewed periodically.

A copy of the proposed rules is available without charge to any person affected by the rules at the address listed below. The rule is also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rules 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 Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at rules@odjfs.state.oh.us.