

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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5101:2-5-33

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Foster caregiver preplacement and continuing training.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **HB214**General Assembly: **127**Sponsor: **Wagner and
Combs**

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, 5103.0316**

5. Statute(s) the rule, as filed, amplifies or implements: **5101.14, 5153.16, 5103.031, 5103.032, 5103.033, 5103.034, 5103.035, 5103.036, 5103.038, 5103.039, 5103.0311**

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

This rule is being proposed for amendment to implement sections 5103.0312, 5103.032 and 5103.035 of Am. Sub. House Bill 214 of the 127th General Assembly.

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 sets forth the training requirements for a person seeking to become certified to operate a family foster home or to maintain his or her foster home certification. Included in the rule is an increase in preplacement training hours from a minimum of twenty-four hours to thirty-six hours and a provision of reimbursement for attending a preplacement training program and for attending a continuing training program.

The rule allows a foster caregiver to receive up to twenty percent of the required amount of continuing training by teaching one or more training classes to other foster caregivers or by providing mentorship services to other foster caregivers. The rule also defines "mentoring services" and outlines the criteria by which the foster caregiver is considered to be qualified to provide the teaching and mentoring services.

The rule further requires the public children services agency (PCSA), private child placing agency (PCPA) and private non-custodial (PNA) agency to specify the number of hours of continuing training, if any, the foster caregiver may complete by teaching one or more training classes to other foster caregivers or by providing mentoring services to other foster caregivers.

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 the Ohio Revised Code. This question is not applicable to any incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(A)(1).

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 RC 121.71 to 121.74 pursuant to RC 121.76(A)(3).

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:

The following revisions were made:

(C)(1) Added "prior to the agency recommending the home for certification"

(D)(3) Replaced "active licensed" with "currently certified"

(D)(4) Added "by a recommending agency"

(D)(5) Added "or ODJFS"

(E)(1) Deleted "positive"

(E)(5) Replaced "licensed" with "certified"

(F)(1)(b) Replaced "Ohio depratment of job and family services (ODJFS)" with "ODJFS"

(F)(1)(c) Added that ODJFS must approve the video presentation.

(F)(3) Reworded section requiring that these trainings cannot be used for preplacement training or for more than 1/3 of training requirement.

(F)(4) Replaced "shall not be used" with "may be used"

(H) Replaced "OWTP" with "OCWTP"

(J)(3) Deleted "requirements" added "statute or rule"

(J)(4) Replaced "(H) of this rule" with "(G) of this rule"

(L) Replaced "(C)(7)" with "(C)(9)"

(M) Replaced "(C)(7)" with "(C)(9)"

12. 119.032 Rule Review Date: 8/1/2010

(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 increase expenditures.

\$243,480

The Ohio Department of Job and Family Services (ODJFS) will incur additional costs due to the increase in preplacement training hours from twenty-four hours to thirty-six hours. ODJFS will absorb this cost and no additional appropriation is needed.

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

600523

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:

Foster caregivers will be reimbursed for their increased time spent in preplacement training and continuing training programs. Although PCSAs, PCPAs and PNAs will incur upfront costs by reimbursing the foster caregiver for attending the preplacement training and continuing training programs, ODJFS will reimburse the agency for costs incurred up to the minimum amount of training hours required by rule 5101:2-5-33 of the Administrative Code.

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**