

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5101:2-5-33

**Rule Type:** Amendment

**Rule Title/Tagline:** Foster caregiver preplacement and continuing training.

**Agency Name:** Department of Job and Family Services

**Division:** Division of Social Services

**Address:** 30 E Broad Street Columbus OH 43215

**Contact:** Michael Lynch **Phone:** 614-466-4605

**Email:** Michael.Lynch@jfs.ohio.gov

#### I. Rule Summary

1. Is this a five year rule review? Yes
  - A. What is the rule's five year review date? 9/11/2024
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 5103.03, 5103.0316
5. What statute(s) does the rule implement or amplify? 5101.14, 5153.16, 5103.031 , 5103.032, 5103.033, 5103.034, 5103.035, 5103.036, 5103.038
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
  - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

This rule is being proposed for amendment to implement a continuous certification for foster care agencies and for the five-year review.
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule provides guidance to agencies on the required training for foster caregivers. Paragraph (D) was amended to allow the mentor of a foster caregiver to receive credit for up to fifty percent of their outside classroom training, however books, articles and journals have been limited to twenty percent and must be pre-approved by the agency. The mentee may also receive credit if they are being mentored. Paragraphs (F)(2) and (3) were amended to require a pre-test and post-test for outside classroom training.

- 9. Does the rule incorporate material by reference? Yes**
- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

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 121.75(A)(1)(a).

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 121.75(A)(1)(d).

- 11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

The public hearing notice has been updated with a new location and call in conference ID #. No other changes have been made.

## **II. Fiscal Analysis**

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

No expected fiscal effects on current or future budgets.

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

No new costs.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

- 16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

### **III. Common Sense Initiative (CSI) Questions**

- 17. Was this rule filed with the Common Sense Initiative Office? Yes**

- 18. Does this rule have an adverse impact on business? Yes**

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

Certification of an agency by the Ohio Department of Job and Family Services is contingent, in part, upon compliance with this rule.

- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes**

Lack of compliance can result in revocation of an agency's certification.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

Agencies must enter the training record into the system in order to receive reimbursement payments.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

**IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

**19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes**

**A. How many new regulatory restrictions do you propose adding to this rule? 0**

**B. How many existing regulatory restrictions do you propose removing from this rule? 43**

(A) A recommending agency shall document that each person seeking certification successfully completes all preplacement training required by this rule according to the type of foster home for which certification is sought.

(B) A recommending agency shall document that each foster caregiver for whom recertification is recommended successfully completes all continuing training required by this rule for the type of foster home operated by the foster caregiver, unless a waiver is approved by the recommending agency pursuant to paragraph (J) of this rule and appropriately documented according to paragraph (K) of this rule.

(C)(1)(a) A person seeking certification to operate a pre-adoptive infant foster home shall complete a minimum of twelve hours of preplacement training prior to the agency recommending the home for certification. The required training topics are listed in appendix A to this rule.

(C)(1)(b) A foster caregiver certified to operate a pre-adoptive infant foster home shall complete a minimum of twenty-four hours of continuing training during each certification period. If a currently certified foster caregiver has not completed infant first aid and CPR training, the caregiver is to complete the training by their subsequent recertification.

(C)(2)(a) A person seeking certification to operate a family foster home shall complete twenty-four hours of preplacement training prior to the agency recommending the home for certification.

(C)(2)(a) The preplacement training program shall consist of courses in the role of foster caregivers as a part of the care and treatment of foster children. To continue the certification process, prospective foster caregivers are to complete the full list of topics in appendix A to this rule.

(C)(2)(b) A foster caregiver certified to operate a family foster home shall complete a minimum of thirty hours of continuing training during each certification period.

(C)(2)(b) A continuing training program shall consist of courses that a foster caregiver must complete in accordance with the caregiver's written needs assessment and continuing training plan.

(C)(2)(c) No preplacement training received prior to certification shall be counted towards the completion of continuing training required by this rule.

(C)(3)(a) A person seeking certification to operate a specialized foster home shall complete twenty-four hours of preplacement training prior to the agency recommending the home for certification.

(C)(3)(b) A foster caregiver certified to operate a specialized foster home shall complete a minimum of forty-five hours of continuing training during each certification period.

(C)(3)(b) The continuing training program shall consist of courses in accordance with the caregiver's written needs assessment and continuing training plan and shall include additional topics specific to the types of children placed in the type of specialized foster home for which the caregiver is certified.

(C)(3)(b) Such training shall also include completion of a first aid training program and a child and adult CPR training program such as those training programs offered by the American red cross, the American heart association, or the equivalent.

(C)(3)(c) No preplacement training received prior to certification shall be counted towards the completion of continuing training required by this rule.

(D)To qualify for teaching or mentoring services a foster caregiver shall:

(F) Video presentations and training completed outside of a classroom shall be accepted under the following conditions:

(F)(2) Video presentations prepared for entertainment purposes shall not be considered as meeting training requirements unless transfer of learning components are included prior to or following the video presentation.

(F)(2) Video presentations prepared for entertainment purposes shall not be used for preplacement training or to meet more than one-fourth of a foster caregiver's continuing training requirements.

(F)(3) The acceptance of training that is completed outside a classroom where a trainer is not present, shall be considered by the recommending agency on an individual basis and shall not be used for more than six hours of preplacement training or to meet more than one-half of a foster caregiver's continuing training requirements.

(F)(3) Such training shall be consistent with the recommending agency's written needs assessment and continuing training plan developed for the foster caregiver pursuant to paragraph (G) of this rule.

(F)(3) If a private child placing agency (PCPA) or private noncustodial agency (PNA) intends to accept such continuing training on a regular basis, it shall be included in the agency's training proposal developed pursuant to rule 5101:2-5-40 of the Administrative Code.

(F)(3) If a public children services agency (PCSA) intends to accept such continuing training on a regular basis, it shall provide written notification to the regional training center of the Ohio child welfare training program (OCWTP) responsible for providing foster caregiver training for the county so the training center can make appropriate plans for training.

(F)(6) Pursuant to rule 5101:2-5-38 of the Administrative Code, neither a foster caregiver training stipend nor an agency training allowance payment shall be made for training completed outside a classroom where a person in the role of a trainer is not present.

(F)(7) Any continuing training hours obtained by a foster caregiver by teaching one or more training classes to other foster caregivers in excess of the specified amount in the written needs assessment and continuing training plan shall not be reimbursable.

(G) Not later than the first thirty days of a foster caregiver's certification period, a recommending agency shall develop and implement a written needs assessment and continuing training plan for each foster caregiver affiliated with the agency.

(G) Each needs assessment and continuing training plan shall satisfy all of the following requirements:

(G)(7) If the agency will issue a waiver, the agency shall state in the needs assessment and continuing training plan the number of hours of continuing training, not to exceed eight during each certification period, that the agency will waive.

(H) For the purpose of determining whether a foster caregiver has satisfied the requirements of paragraph (C) of this rule, a recommending agency shall accept training for foster caregivers obtained from a regional training center of the OCWTP or an approved preplacement training program or continuing training program operated by a PCPA or PNA under rule 5101:2-5-40 of the Administrative Code regardless of whether the recommending agency operated the preplacement training program or continuing training program.

(I) The recommending agency shall maintain a record in the statewide automated child welfare information system (SACWIS) for each foster caregiver showing the date, location, course name and length of each preplacement and continuing training course each foster caregiver attended, and the name of the trainer.

(K) For each continuing training waiver approved by a recommending agency for a family foster home or a specialized foster home pursuant to paragraph (J) of this rule the following documentation shall be maintained in the foster caregiver's record:

(L) A foster caregiver to whom either paragraph (L)(1) or (L)(2) of this rule applies shall be given an additional amount of time within which to complete the continuing training required under this rule, as applicable to the type of foster home the caregiver is certified to operate.

(L) The additional time shall be one month for each month the caregiver was on active duty.

(L) Any required training that is not met at the end of a foster caregiver's certification period applying the preceding sentence shall be waived by the agency.

(L) When a waiver of training is approved by an agency under this paragraph, the required training for the next certification period shall be the same as for any other caregiver operating a foster home of the type for which the foster caregiver is certified.

(L) The agency shall document any such extension of time in the foster caregiver's record.

B- A recommending agency shallis to document that each foster caregiver for whom recertificationcontinuous certification is recommended successfully completes all continuing training required by this rule for the type of foster home operated by the foster caregiver, unless a waiver is approved by the recommending agency pursuant to paragraph (J) of this rule and appropriately documented according to paragraph (K) of this rule.

C1a- The required training topics are listed in appendix A to this rule.

C2b- consist of courses that a foster caregiver is to complete in accordance with the caregiver's written needs assessment and continuing training plan.

C3c- towards the completion of continuing training required by this rule.

G3- Have the foster caregiver to successfully complete the courses the agency considers appropriate;.

H- The recommending agency may require thatask the applicant or foster caregiver to successfully complete additional training as a condition of initial certification or recertificationcontinuous certification.

J- for a family foster home or specialized foster home is otherwise requiredspecified by paragraph (C) of this rule to complete during the certification periodevery two years,

L- Any required training that is not met at the end of a foster caregiver's certificationtraining period applying the preceding sentence shallis to be waived by the agency.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**



Not Applicable