

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5101:2-5-38

**Rule Type:** Amendment

**Rule Title/Tagline:** Payment of foster caregiver training stipends; reimbursement of training allowances to recommending agencies.

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

**Division:** Division of Social Services

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#### 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? 5103.0316
5. What statute(s) does the rule implement or amplify? 5103.0312, 5103.0313, 5103.0314
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 reimbursement for foster care training stipends and training allowances. Paragraphs (C)(3) and (4) were amended to change the training from a certification period to a two year period.

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.**

*Not Applicable*

## **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

This rule requires the agency to enter training sessions into the system in order to receive reimbursement.

- 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? 19**

(B) Stipend payments for foster caregivers shall be made pursuant to the following:

(B)(1) Stipend payments shall be rendered for fractional hours in quarter hour increments. The stipend rate paid by recommending agencies shall be calculated as follows:

(B)(1)(a) For preplacement training a lump sum payment shall be made in the amount of fifteen dollars per foster caregiver per training hour for all hours completed.

(B)(1)(c) Recommending agencies shall make stipend payments according to the following:

(B)(1)(c)(i) For preplacement training, the agency that certifies the caregiver shall record the preplacement training in the statewide automated child welfare information system (SACWIS) and shall be responsible for paying the stipend to the caregiver upon certification.

(B)(1)(c)(ii) For continuing training, the caregiver's recommending agency shall be responsible for paying all stipends to the caregiver and shall enter all of the training sessions into SACWIS.

(B)(2) A recommending agency shall defer the lump sum stipend payment for preplacement training until the foster caregiver is certified.

(E) The recommending agency shall register the foster caregiver's training history in SACWIS. ODJFS will pay foster caregiver stipends and private recommending agency allowances only when the recommending agency fully and accurately completes and registers the foster caregiver's training history in SACWIS.

(F) Recommending agencies shall not submit training registrations for training received or rendered under the adoption assessor training component of the OCWTP.

(G) Submission of training registrations that do not accurately reflect the training history of foster caregivers, or that are filed prior to payment of earned stipends to foster caregivers, shall establish a rebuttable presumption that the submitting recommending agency intentionally seeks a training allowance or stipend payment to which it is not entitled.

(H) Each private recommending agency and PCSA shall register an update to a foster caregiver's training history no later than thirty calendar days from the date on which the private recommending agency or PCSA renders a stipend payment to the foster caregiver.

(K) Any failure of an agency to pay a stipend to a foster caregiver within the required timeframes of this rule shall result in the forfeiture of any stipend reimbursement owed to the agency for the event.

B1-Stipend payments are to be made to the foster caregiver within one hundred twenty calendar days of the completion of the training event for continuing

B3a-If the recommending agency determines that the foster caregiver has not successfully acquired the skills the training was designed to impart and as a result the agency had the foster caregiver to repeat the training in accordance with a corrective action plan.

C3a- For a pre-adoptive infant home, not more than twenty-four twelve training hours during each two-year certification period annually for each caregiver.

C3b- For a family foster home, not more than thirty fifteen training hours during each two-year certification period annually for each caregiver.

C3c- For a specialized foster home, not more than forty-five twenty-two training hours during each two-year certification period annually for each caregiver

D2- the agency is to have paid a stipend to the participant for the same training session.

D3e- when it is used in subsequent training sessions unless the payment of a licensing or royalty fee is necessary for each such use.

- 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