

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: September 4, 2013
TIME: 10:00 a.m.
LOCATION: Room 3110B, Rhodes State Office Tower
30 East Broad St., Columbus, Ohio 43215

Pursuant to sections 5103.02, 5103.03, 5103.0316 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 and rescission of the rules as identified below and of a public hearing thereon. The rules are proposed for amendment as a result of the five year review process.

OAC rule 5101:2-5-38, entitled "Payment of foster caregiver training stipends: reimbursement of training allowances to recommending agencies" provides guidance to agencies regarding stipend payments to foster caregivers and the reimbursement of the stipends to the agency. Paragraph (B) was amended to clarify when the stipend payment to the foster caregiver was required to be made. The paragraph was also amended to clarify the agency responsible for making the stipend payment to the caregiver. Paragraph (C) was amended to clarify the amount of the lump sum stipend payment to be made when a caregiver becomes certified. Paragraph (D) was amended to require the agency that records a training allowance is also the agency responsible for making the stipend payment to the caregiver. Paragraph (K) was added to clarify that if an agency fails to pay a stipend to a foster caregiver within the required timeframes of this rule it will result in the forfeiture of any stipend reimbursement or allowance payment owed to the agency. Other non-substantive changes were made for clarity.

OAC rule 5101:2-9-04, entitled "General maintenance of a residential facility" provides guidance to agencies on what a residential facility should do to keep the facility in running order. No substantive changes were made.

OAC rule 5101:2-9-07, entitled "Emergency planning and preparedness" provides guidance to residential facilities in regard to what is required when an emergency situation arises. Paragraph (C) was amended to add periodic fire and emergency evacuation drills must occur at varying times and shifts.

OAC rule 5101:2-9-09, entitled "Emergency medical plan and first aid supplies" provides guidance to residential facilities in regard to what is needed to be kept at the facility for first aid and the plan in case first aid is needed. No substantive changes were made.

OAC rule 5101:2-9-15, entitled "Residential facility handbook for residents and their families" provides guidance to residential facilities in regard to the contents and distribution of the handbook for residents. Paragraph (B) was amended to add a residential facility must document the handbook was provided and explained in the child's case record. A new paragraph (C) was added to require any revisions to the

handbook must be provided to the custodial agency, custodial parent or guardian of a resident and to each resident in writing no later than fourteen days after the revision.

OAC rule 5101:2-9-18, entitled "Recreation and leisure activities and equipment" provides guidance residential facilities in regard to recreational activities and equipment. Paragraph (A) was amended to require a residential facility to have a recreational program. Paragraph (C) was amended to reinforce that all off-site activities are in compliance with rule 5101:2-9-02 of the Administrative Code.

OAC rule 5101:2-9-26, entitled "Living rooms and lounges" provides guidance to residential facilities in regard to room dimensions and furniture required for living rooms and lounges. Paragraph (D) was removed because it referenced variance requests which are no longer granted. New paragraphs (D), (E) and (F) were added from rule 5101:2-9-27 as the rule is being rescinded. No other changes were made other than the combining of the two rules.

OAC rule 5101:2-9-27, entitled "Dining areas" provides guidance to residential facilities in regard to dining room requirements. This rule is being rescinded and added to rule 5101:2-5-26. No substantive changes were made to the original language.

OAC rule 5101:2-9-31, entitled "Laundry facilities" provides guidance to residential facilities in regard to laundry requirements. No substantive changes were made.

OAC rule 5101:2-9-35, entitled "Additional programmatic requirements regarding behavior management" provides guidance to residential facilities in regard to additional requirements on behavior management. Paragraph (B) was amended to remove references to unusual incidents. The paragraph was also amended to add that the designee of the administrator can also be notified if a high number of restraints and isolation occur.

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 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.