

**PUBLIC HEARING NOTICE**  
**OHIO DEPARTMENT OF JOB AND FAMILY SERVICES**

**DATE:** March 7, 2016  
**TIME:** 10:00 a.m.  
**LOCATION:** Room 3110B, Rhodes State Office Tower  
30 East Broad St., Columbus, Ohio 43215

Pursuant to sections 2151.412, 2151.421, 5103.02, 5103.03, 5103.0316, 5103.50, 5153.166 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 of the rules as identified below and of a public hearing thereon. These rules are proposed for amendment as a result of the five year review process and the passage of Amended Substitute House Bill Number 64 of the 131st General Assembly requiring ODJFS to draft rules for the operation and licensure of private, nonprofit therapeutic wilderness camps.

OAC rule 5101:2-1-01, entitled "Children services definition of terms," provides guidance to agencies on the definitions of terms used in Chapters 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-33, 5101:2-36, 5101:2-39, 5101:2-40, 5101:2-42, 5101:2-44, 5101:2-47, 5101:2-48, 5101:2-49, 5101:2-52 and 5101:2-57 of the Administrative Code. Paragraph (B)(21) was amended to refer directly to statute for the definition of "assessor." Paragraph (B)(147) was amended to bring the definition of "independent living arrangement" into compliance with new federal language. Paragraph (B)(222) was amended to refer directly to statute for the definition of "planned permanent living arrangement. " Paragraph (B)(238) was added to define a private, nonprofit therapeutic wilderness camp. Paragraph (B)(269) was amended to add a private, nonprofit therapeutic wilderness camp as a type of residential facility. Paragraph (B)(324) was amended to comply with federal language lowering the age of a child from sixteen to fourteen as part of the "treatment team."

OAC rule 5101:2-5-02, entitled "Application for an agency to perform specific functions; amended applications," provides guidance to agencies on the requirements for requesting agency certification for functions related to foster care. Paragraph (I)(6) was amended to remove the timeframe of sixty days for the request of approval for implementing a change in a residential facility. The facility must now request the approval from ODJFS prior to implementing a change. This paragraph was also amended to include private, nonprofit therapeutic wilderness camps as a type of residential facility.

OAC rule 5101:2-5-03, entitled "Certification of an agency to perform specific functions," provides guidance to agencies on the types of certifications that foster care agencies may be certified for. Paragraph (D) was amended to include private, nonprofit therapeutic wilderness camps as a type of residential facility. Two grammatical changes were made to paragraph (F).

OAC rule 5101:2-5-13, entitled "Required agency policies, plans and procedures," provides guidance to agencies on all policies a foster care agency is to implement. Paragraph (A)(28) was amended to require the recommending agency to notify the

custodial agency immediately, but no later than twenty-four hours from the time the agency is notified of an unauthorized absence of a foster child. Paragraph (A)(29) was amended to clarify that the psychotropic medication policy is required for PCSAs only. A new paragraph (A)(30) was added to ensure the required agency policies in section 5103.50 of the Revised Code for private, nonprofit therapeutic wilderness camps were addressed.

OAC rule 5101:2-5-18, entitled "Waivers and variances," provides guidance to agencies on the guidelines and procedures of requesting a waiver and the longevity of pre-existing variances. A new paragraph (A)(3) was added to allow a private, nonprofit therapeutic wilderness camp to request a waiver.

OAC rule 5101:2-9-40, entitled "Private, nonprofit therapeutic wilderness camps," provides guidance to agencies on the specific regulations of a wilderness camp. As a result of the passage of Amended Substitute House Bill Number 64 of the 131<sup>st</sup> General Assembly, this rule was created due to new legislation requiring ODJFS to draft rules for the operation and licensure of nonprofit, therapeutic wilderness camps.

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 and Acquisition Services, 30 East Broad Street, 31<sup>st</sup> Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at [rules@jfs.ohio.gov](mailto:rules@jfs.ohio.gov).