

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: July 17, 2019
TIME: 10:00 a.m.
LOCATION: Room 3110B, Rhodes State Office Tower
30 East Broad St., Columbus, Ohio 43215

Pursuant to sections 5103.03, 5103.54, 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 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.

OAC rule 5101:2-5-13, entitled "Required agency policies, plans and procedures" provides guidance regarding policies specific to the operations of a foster care agency. Paragraph (A)(1)(a) was amended to clarify the definition of prone restraint.

OAC rule 5101:2-9-05, entitled "Requirements for residential parenting facility and crisis care facility furniture, materials and equipment; diaper changing" provides guidance regarding the various equipment and furniture for residential parenting and crisis care facilities. A grammatical change was made in paragraph (L). No substantive changes were made.

OAC rule 5101:2-9-06, entitled "General safety" provides guidance for residential facilities for safety in and around the facility. Paragraph (K) was broken out for clarity. No substantive changes were made.

OAC rule 5101:2-9-08, entitled "Fire safety" provides guidance for children placed in residential facilities for fire safety issues. Paragraph (A) was amended to update the effective date for the JFS 01200 form. No substantive changes were made.

OAC rule 5101:2-9-10, entitled "Storage of hazardous materials" provides guidance for residential facilities for the storage of hazardous materials. No substantive changes were made. Paragraph (B) was broken out for clarity. No substantive changes were made.

OAC rule 5101:2-9-11, entitled "Admissions and admissions log" provides guidance to residential facilities for the keeping of the admissions log of the facility. Language was removed from paragraph (C) which required a child to remain in the custody of a PCSA in order to remain in the residential facility if they had turned eighteen years of age and are expected to graduate by age nineteen.

OAC rule 5101:2-9-12, entitled "Service plans" provides guidance to residential facilities regarding the service plan for children placed in the facility. Paragraph (C) was broken out for clarity. Paragraph (D) was created to require a residential facility to provide a copy of the service plan and the service plan review to the custodial agency.

OAC rule 5101:2-9-14, entitled "Medications" provides guidance to residential facilities regarding the distribution of medications to the children in the facility. Paragraph (B)(2) was amended for clarity. Paragraph (I) was amended to add an exclusion to allow an inhaler or medication that might be needed in an emergency.

OAC rule 5101:2-9-16, entitled "Visiting and communications" provides guidance to residential facilities regarding visitation and communication for the children in the facility. Paragraph (B) was amended to remove an outdated rule reference.

OAC rule 5101:2-9-17, entitled "Child's money" provides guidance to residential facilities regarding safe keeping of money belonging to children in the facility. Paragraph (E) was broken out for clarity. No substantive changes were made.

OAC rule 5101:2-9-19, entitled "Personal belongings, hygiene, socialization, and education" provides guidance to residential facilities regarding the items listed in the title of the rule. Paragraph (A) was broken out for clarity. A new paragraph (O) was created to ensure that all child care staff at a residential facility implement the reasonable and prudent parenting standard in accordance with section 2151.315 of the Revised Code.

OAC rule 5101:2-9-20, entitled "Food and nutrition" provides guidance to residential facilities for the proper nutritional requirements of the menu provided to children in the facility. Paragraph (B) was amended to update the reference for the website for the dietary guidelines for Americans published by the food and nutrition information center of the United States Department of Agriculture (USDA).

OAC rule 5101:2-9-21, entitled "Care, supervision and discipline" provides guidance to residential facilities regarding the care, supervision and discipline of the children in the facility. Paragraph (B) was broken out for clarity. No substantive changes were made.

OAC rule 5101:2-9-22, entitled "Isolation, seclusion and restraint" provides guidance to residential facilities regarding the isolation, seclusion and restraint of children in the facility. Paragraph (A) was broken out for clarity. No substantive changes were made.

OAC rule 5101:2-9-23, entitled "Notification and documentation of critical incidents" provides guidance to residential facilities on documenting and reporting critical incidents of children in the facility. An addition was made in paragraph (A) to ensure the paragraph is only applicable to a child placed in the facility. Paragraph (B) was amended to add a new isolation and restraint form, the JFS 01386. This form will require residential facilities to capture information on critical incidents of restraint and isolation on the new form or an equivalent form. Paragraph (C) was broken out for clarity. No other substantive changes were made.

OAC rule 5101:2-9-24, entitled "Child and family complaint policy and procedure" provides guidance to residential facilities regarding the required policies and procedures

for child and family complaints against the facility. Paragraph (D) was broken out for clarity. No substantive changes were made.

OAC rule 5101:2-9-25, entitled "Residential parenting facility and crisis care facility location and programmatic requirements" provides guidance to residential facilities on the location and the programmatic requirements for the operation of the facility. Paragraph (C) was amended for clarity. No substantive changes were made.

OAC rule 5101:2-9-28, entitled "Bedrooms" provides guidance to residential facilities regarding bedroom dimensions, furniture and other requirements for children of the facility. Paragraph (E) was amended to clarify that central air conditioning is considered a source of fresh air in a residential facility.

OAC rule 5101:2-9-29, entitled "Bathrooms" provides guidance to residential facilities regarding bathroom requirements for the children of the facility. Paragraph (A) was broken out for clarity. No substantive changes were made.

OAC rule 5101:2-9-30, entitled "Kitchens and kitchen supplies" provides guidance to residential facilities regarding kitchen requirements for the children of the facility. Paragraphs (B) and (C) were broken out for clarity. No substantive changes were made.

OAC rule 5101:2-9-32, entitled "Transportation" provides guidance to residential facilities regarding transportation requirements for the children of the facility. A new paragraph (D) was added to ensure that any employee transporting children of a residential facility has a valid driver's license.

OAC rule 5101:2-9-34, entitled "Building approval" provides guidance to residential facilities regarding building requirements for changing or adding to the building. Paragraph (B) was broken out for clarity. No substantive changes were made.

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, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at rules@jfs.ohio.gov.