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Final Analysis
Legislative Service Commission

Sub. H.B. 332

123rd General Assembly
(As Passed by the General Assembly)

Reps. Ford, Barrett, Beatty, Bender, Britton, DePiero, Flannery, Grendell, Hartnett, Jerse, Metelsky, D. Miller, O'Brien, Patton, Perry, Pringle, Salerno, Smith, Sullivan, Sulzer, Vesper, Winkler, Metzger, Willamowski, Jones, Mottley, Carey, Terwilleger, R. Miller, Verich, Allen, Distel, Redfern, Logan, Roberts, A. Core, Brading, Boyd, Stapleton, Wilson, Healy, Gooding, Smith, Ogg, Jacobson

Sens. Kearns, Hagan, Fingerhut, Spada, Drake, Prentiss, Furney, Herington, Latell, Espy, Gardner

Effective date: October 5, 2000; Sections 1, 2, 3, and 4 effective January 1, 2001

ACT SUMMARY

- Prohibits the Ohio Department of Job and Family Services (ODJFS) from issuing an initial family foster home certificate unless the foster caregiver successfully completes at least 12 hours of preplacement training.
- Prohibits the placement of children in a family foster home unless the foster caregiver successfully completes at least 12 additional hours of preplacement training.
- Prohibits ODJFS from issuing an initial specialized foster home certificate unless the foster caregiver successfully completes at least 36 hours of preplacement training.
- Prohibits ODJFS from renewing a family foster home certificate unless the foster caregiver successfully completes at least 20 hours of training annually, but permits a public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) to waive up to four hours of the continuing training requirement.

- Prohibits ODJFS from renewing a treatment foster home certificate unless the foster caregiver successfully completes at least 30 hours of training annually.
- Requires each recommending agency to establish and implement a policy regarding good cause for a foster caregiver's failure to complete continuing training requirements.
- Permits ODJFS to issue and renew certificates for certain family foster homes that care for certain children pursuant to a voluntary surrender agreement if the foster caregiver successfully completes at least 12 hours of preplacement training for initial certification and at least 12 hours each year thereafter for renewal of the certificate.
- Requires a PCSA, PCPA, or PNA operating an ODJFS-approved preplacement or continuing training program to make the program available to a foster caregiver without charge or regard to the type of agency with which the caregiver works to receive recommendation for foster home certification.
- Requires a PCSA, PCPA, or PNA that works with a foster caregiver for the purpose of recommending that ODJFS renew the caregiver's foster home certificate to develop and implement a written needs assessment and continuing training plan for the caregiver.
- Requires a PCSA, PCPA, or PNA that wants to operate a preplacement or continuing training program to submit to ODJFS a proposal outlining the program every other year by a date specified in ODJFS rules and requires ODJFS to approve or disapprove the proposal within 30 days.
- Requires that ODJFS, in consultation with the Departments of Youth Services, Mental Health, Education, Mental Retardation and Developmental Disabilities, and Alcohol and Drug Addiction Services, develop a model design of a preplacement training program and continuing training program.
- Requires that ODJFS pay a per diem to foster caregivers who have been certified and have had at least one foster child placed in their home for attending training courses pursuant to an ODJFS-approved preplacement or continuing training program and reimburse a PCSA, PCPA, and PNA

for the cost to the agency of providing training to a foster caregiver through an ODJFS-approved training program.

- Requires that ODJFS seek federal financial participation for the cost of making training payments to foster caregivers and reimbursements to PCSAs, PCPAs, and PNAs and notify the Governor, President and Minority Leader of the Senate, and Speaker and Minority Leader of the House of Representatives of any proposed federal legislation that endangers the federal financial participation.
- Permits a recommending agency to recommend that a foster home certificate not be renewed if the foster caregiver has refused to accept the placement of any children in the foster caregiver's home during the current certification period.
- Establishes a category of foster homes for children with intensive health care needs, to be known as medically fragile foster homes, and provides that both medically fragile foster homes and treatment foster homes are specialized foster homes.

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CONTENT AND OPERATION

Background

A foster caregiver who, for hire, gain, or reward, receives or cares for children for two or more consecutive weeks must obtain a certificate from the Ohio

Department of Job and Family Services (ODJFS).¹ For a foster caregiver to obtain certification, a public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) must determine whether certification standards are satisfied. With few exceptions, the standards are established by ODJFS rules. If the agency is satisfied, it recommends that ODJFS issue the certificate. ODJFS has sole discretion regarding whether to issue the certificate. A certificate is valid for two years.

Training requirements for foster caregivers

(secs. 5103.031 and 5103.032; Section 3)

ODJFS rules establishing foster home certification standards require foster caregivers to undergo not less than 12 hours of initial orientation and not less than 12 hours of annual training.² The act increases the training requirements for foster caregivers.

Under the act, ODJFS is prohibited from issuing a certificate to a foster caregiver seeking to operate a family foster home unless the caregiver successfully completes at least 12 hours of preplacement training. The act prohibits the placement of children in a family foster home unless the foster caregiver completes at least 12 additional hours of preplacement training. A foster caregiver seeking to operate a specialized foster home must successfully complete at least 36 hours of preplacement training. Both types of foster caregivers must complete the training through an ODJFS-approved preplacement training program operated by a PCSA, PCPA, or PNA.

The preplacement training requirement does not apply to a foster caregiver holding a valid foster home certificate on the act's effective date.

ODJFS is prohibited by the act from renewing a foster home certificate unless the foster caregiver successfully completes a certain amount of continuing training. If the foster caregiver is operating a family foster home, the foster caregiver must complete at least 20 hours of training annually. A foster caregiver operating a specialized foster home must complete at least 30 hours of training each year. A foster caregiver must complete the training in accordance with a needs

¹ *Until July 1, 2000, the Ohio Department of Job and Family Services is called the Ohio Department of Human Services. A foster caregiver related to a foster child by blood or marriage is not required to be certified unless the foster caregiver seeks federal foster care maintenance payments for caring for the child.*

² *Ohio Administrative Code § 5101:2-5-33.*

assessment and continuing training plan developed and implemented for the caregiver by a PCSA, PCPA, or PNA. A PCSA, PCPA, or PNA with which a foster caregiver operating a family foster home works to receive recommendation for certification renewal is permitted to waive up to four hours of continuing training the foster caregiver is otherwise required to complete in a year if the foster caregiver (1) has provided foster care for at least two years and for at least 90 days of the 12 months preceding the date the agency issues the waiver, (2) has not violated any requirements governing certification of foster homes during the 12 months preceding the date the agency issues the waiver, and (3) has complied in full with the needs assessment and continuing training plan.

Good cause for failure to complete continuing training

(sec. 5103.032)

The act requires that each PCSA, PCPA, and PNA that works with a foster caregiver for the purpose of recommending that ODJFS renew the foster caregiver's foster home certificate establish and implement a policy regarding good cause for failure to complete the continuing training required by the act. If the foster caregiver complies with the policy, as determined by the agency, ODJFS may renew the foster caregiver's foster home certificate. The recommending agency is required to submit the policy to ODJFS and provide a copy to each foster home the agency recommends for certification or renewal. The policy must include:

- (1) What constitutes good cause, including documented illness, critical emergencies, and lack of accessible training programs;
- (2) Procedures for developing a scheduled corrective action plan that provides for prompt completion of the continuing training;
- (3) Procedures for recommending revocation of the foster home certificate if the foster caregiver fails to comply with the corrective action plan.

Reduced training requirements for certain foster caregivers

(sec. 5103.033)

The act permits ODJFS to issue or renew a certificate to a foster home for the care of a child who is in the custody of a PCSA or PCPA pursuant to a voluntary surrender agreement executed when the child was less than six months of age if the foster caregiver completes at least 12 hours of preplacement training and at least 12 hours each year of continuing training.

Provision of training, needs assessment, and continuing training plan

(secs. 5103.034, 5103.035, and 5103.036)

The act authorizes PCSAs, PCPAs, and PNAs to operate ODJFS-approved preplacement and continuing training programs for foster caregivers seeking training. An agency operating an ODJFS-approved preplacement or continuing training program must make the program available to a foster caregiver without regard to the type of agency with which the caregiver works to receive recommendation for certification. The programs must be provided to foster caregivers without charge.

A PCSA, PCPA, or PNA that works with a foster caregiver for the purpose of recommending that ODJFS renew the caregiver's foster home certificate is required to develop and implement a written needs assessment and continuing training plan for the caregiver. Each assessment and plan must satisfy all of the following:

- (1) Be effective for the two-year period the certificate is in effect;
- (2) Be appropriate for the type of foster home the caregiver operates;
- (3) Require the caregiver to successfully complete the courses each continuing training program must provide to receive ODJFS approval and any other courses the agency considers appropriate;
- (4) Include criteria the agency is to use to determine whether the caregiver has successfully completed the courses;
- (5) Guarantee that the courses the caregiver is required to complete are available to the caregiver at reasonable times and places;
- (6) Specify whether the agency will waive any of the hours of continuing training the caregiver is required to complete annually if the caregiver satisfies the conditions for the agency to issue a waiver. If the agency will issue a waiver, the

agency is required to state in the assessment and plan the number of hours of continuing training, not to exceed four, that the agency will waive.

A PCSA, PCPA, or PNA determining whether to recommend that ODJFS certify or recertify a foster home is required to accept a foster caregiver's training obtained pursuant to an ODJFS-approved preplacement or continuing training program regardless of whether the agency operated the training program.³ The agency is allowed to require that the foster caregiver successfully complete additional training as a condition of the agency issuing a recommendation.

ODJFS approval of training programs

(secs. 5103.037, and 5103.038)

To obtain ODJFS approval of a preplacement or continuing training program, a PCSA, PCPA, and PNA must submit to ODJFS a proposal outlining the program. The proposal is due every other year by a date specified in rules ODJFS is to adopt. The proposal must include a budget for the program regarding the cost associated with trainers, obtaining sites at which the training is provided, and the administration of the training. The budget must be consistent with rules ODJFS is to adopt governing ODJFS's reimbursement of agencies for the cost of providing preplacement or continuing training to foster caregivers.

Not later than 30 days after receiving a proposal, ODJFS is required to either approve or disapprove it. If ODJFS disapproves a proposal, it must provide the reason for disapproval and advise the PCSA, PCPA, or PNA that submitted it of how to revise the proposal so that ODJFS can approve it. If ODJFS approves a proposal, the approval is valid only for two years following the year the proposal is submitted to ODJFS.

ODJFS must disapprove a proposed preplacement or continuing training program if the program's budget is not consistent with rules ODJFS is to adopt governing ODJFS's reimbursement of PCSAs, PCPAs, and PNAs for the cost of providing training to foster caregivers.

ODJFS, in consultation with the Departments of Youth Services, Mental Health, Education, Mental Retardation and Developmental Disabilities, and Alcohol and Drug Addiction Services, is to develop a model design of a preplacement training program and continuing training program. The model designs must include courses that training programs need for ODJFS approval. ODJFS is required to

³ *This does not appear to apply in the case of a foster caregiver subject to reduced training requirements.*

make the model designs available to PCSAs, PCPAs, and PNAs. An agency's proposed training program submitted to ODJFS for approval may be the same as, a modification of, or different from, a model design.

Preplacement training programs

(secs. 5103.039 and 5103.0311)

There are two conditions for ODJFS to approve a proposed preplacement training program. In the case of a proposal submitted by a PCSA, PCPA, or PNA operating a preplacement training program at the time the proposal is submitted, ODJFS must be satisfied with the agency's operation of the program.

A preplacement training program for foster caregivers who care for children in the custody of a PCSA or PCPA pursuant to voluntary surrender agreements involving children who were less than six months of age when the agreements were executed must consist of courses that address all of the following:

- (1) The legal rights and responsibilities of foster caregivers;
- (2) PCSA, PCPA, and PNA policies and procedures regarding foster caregivers;
- (3) ODJFS requirements for certifying foster homes;
- (4) Infant care;
- (5) Cardiopulmonary resuscitation and first aid;
- (6) Early childhood development.

All other proposed preplacement training programs must provide for the program to consist of courses in the role of foster caregivers as part of the care and treatment of foster children that address all of the following:

- (1) The legal rights and responsibilities of foster caregivers;
- (2) PCSAs, PCPAs, and PNAs' policies and procedures regarding foster caregivers;
- (3) ODJFS' requirements for certifying foster homes;
- (4) The effects placement, separation, and attachment issues have on children, their families, and foster caregivers;

(5) Foster caregivers' involvement in permanency planning for children and their families;

(6) The effects of physical abuse, sexual abuse, emotional abuse, neglect, and substance abuse on normal human growth and development;

(7) Behavior management techniques;

(8) Effects of caregiving on children's families;

(9) Cultural issues in placement;

(10) Prevention, recognition, and management of communicable diseases;

(11) Community health and social services available to children and their families;

(12) Cardiopulmonary resuscitation and first aid;

(13) The substance of state law regarding information that is provided to foster caregivers about certain delinquent children;⁴

(14) In the case of a preplacement training program for a foster caregiver seeking certification for a specialized foster home, additional issues specific to the types of children placed in specialized foster homes, including physical restraint techniques and the appropriate use of physical restraints and up to eight hours of special education surrogate parent training.

Continuing training programs

(secs. 5103.0310 and 5103.0311)

There are also two conditions for ODJFS to approve a proposed continuing training program. In the case of a proposal submitted by a PCSA, PCPA, or PNA operating a continuing training program at the time the proposal is submitted, ODJFS must be satisfied with the agency's operation of the program.

A continuing training program for foster caregivers who care for children in the custody of a PCSA or PCPA pursuant to voluntary surrender agreements executed when the children were less than six months of age must address both

⁴ A course addressing the substance of state law regarding information that is provided to foster caregivers about certain delinquent children is required to be not less than one hour long.

infant care and early childhood development, including developmentally appropriate activities.

All other proposed continuing training programs must provide for the program to consist of courses that address at least all of the following:

- (1) Parents and foster caregivers as part of child protection teams;
- (2) The dynamics of child abuse and neglect and recognizing and preventing child abuse and neglect;
- (3) The effect of child abuse and neglect on child development;
- (4) How foster caregivers should work with children and their families regarding placement, separation, and attachment issues;
- (5) Behavior management techniques;
- (6) Foster caregivers' working with children's families;
- (7) Effects of caregiving on children's families;
- (8) Caring for children who have been sexually abused;
- (9) Cultural competency;
- (10) Substance abuse and dependency;
- (11) Symptoms of mental illness and learning disorders;
- (12) Developmentally appropriate activities for children;
- (13) In the case of a continuing training program for a foster caregiver seeking recertification of a specialized foster home, additional issues specific to the types of children placed in specialized foster homes, including physical restraint techniques and the appropriate use of physical restraints and up to eight hours of special education surrogate parent training.

ODJFS to pay for cost of training

(secs. 5103.0312, 5103.0313, 5103.0314, and 5103.0315)

The act requires that ODJFS pay foster caregivers who have been issued a foster home certificate and have had at least one foster child placed in their home for attending training courses pursuant to an ODJFS-approved preplacement or continuing training program. The payment is to be based on a per diem rate ODJFS establishes. The payment must be the same regardless of the type of agency with which a foster caregiver works for recommendation of certification. ODJFS must pay a foster caregiver for attending preplacement training courses during the first month a foster child is placed in the foster caregiver's home.

ODJFS is required to reimburse a PCSA, PCPA, and PNA for the cost to the agency of providing training to a foster caregiver through an ODJFS-approved preplacement or continuing training program. The reimbursement is to be on a per diem basis and limited to the cost associated with the trainer, obtaining a site at which the training is provided, and the administration of the training. A reimbursement rate must be the same regardless of the type of agency providing the training. ODJFS is not allowed to reimburse an agency for the cost of any training the agency requires a foster caregiver to undergo as a condition of the agency recommending that ODJFS issue or renew a foster home certificate if the training is in addition to the training the act requires.

ODJFS is required to seek federal financial participation for the cost of making payments under the act to foster caregivers and reimbursements to PCSAs, PCPAs, and PNAs. ODJFS must notify the Governor, President and Minority Leader of the Senate, and Speaker and Minority Leader of the House of Representatives of any proposed federal legislation that endangers the federal financial participation.

Rules

(sec. 5103.0316)

ODJFS is required by the act to adopt rules in accordance with the Administrative Procedure Act as necessary for the efficient administration of the foster caregiver training requirements. The rules are to provide for (1) the date by which a PCSA, PCPA, or PNA must submit to ODJFS a proposal outlining a proposed preplacement or continuing training program, (2) requirements governing ODJFS's reimbursement of agencies for the cost of providing training to foster caregivers, and (3) any other matter ODJFS considers appropriate. The rules must be adopted not later than 90 days after the act's effective date.

Nonrenewal of foster home certificates

(sec. 5103.0326)

The act permits a PCSA, PCPA, or PNA that works with a foster caregiver for the purpose of recommending that ODJFS renew the foster caregiver's foster home certificate to recommend that ODJFS not renew a foster home certificate if the foster caregiver refused to accept the placement of any children into the foster home during the current certification period and authorizes ODJFS to refuse to renew a foster home certificate on that basis.

Types of foster homes

(secs. 2151.011 and 5103.02; sections amended for consistency or technical purposes: 2151.312, 2151.331, 2151.34, 2151.353, 2151.418, 2151.55, 2151.554, 2151.62, 2907.08, 3313.64, 5101.14, 5101.141, 5103.03, 5103.0317, 5103.0318, 5103.13, 5103.131, 5123.77, 5153.01, 5153.16, and 5153.161)

In general, prior law referred to foster homes as "family foster homes." A treatment foster home is a specialized type of family foster home. The act creates a new type of foster home, medically fragile foster homes, and provides that both treatment foster homes and medically fragile foster homes are specialized foster homes. Because the act establishes more training requirements for a foster caregiver operating a specialized foster home than for a foster caregiver operating a family foster home, the act provides that family foster homes and specialized foster homes are two different types of foster homes. Consistent with this change, references in prior law to "family foster homes" are replaced by the act with references to "foster homes."

The act generally applies the definition of "family foster home" used in prior law to "foster home": a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training 24 hours a day.⁵ A home in which care is provided for a child while the child's parent, guardian, or legal custodian is temporarily away is not a foster home.

Under prior law, a treatment foster home was a home that incorporated special psychological or medical treatment designed to care for the specific needs of foster children who are emotionally or behaviorally disturbed, medically fragile requiring special medical treatment due to physical ailment or condition, mentally

⁵ *The definition under prior law specified that the individual provided the nonsecure care, supervision, or training for hire, gain, or reward, rather than reimbursement.*

retarded, or developmentally disabled. The act defines "treatment foster home" as a home that incorporates special rehabilitative services designed to treat the specific needs of foster children who are emotionally or behaviorally disturbed, chemically dependent, mentally retarded, or developmentally disabled or otherwise have exceptional needs. A medically fragile foster home is a foster home that provides specialized medical services designed to meet the needs of children with intensive health care needs who (1) require a skilled level of care under ODJFS rules regarding Medicaid payment for long-term care services, (2) require the services of a physician at least once a week due to the instability of their medical conditions, (3) require the services of a registered nurse daily, and (4) are at risk of institutionalization.

"Family foster home" is defined by the act as a foster home that is not a specialized foster home.

Effective date

The act takes effect the 91st day after it is filed with the Secretary of State following the Governor signing it. The act provides that Sections 1, 2, 3, and 4 (the act's provisions regarding foster care as discussed in this final analysis) will take effect January 1, 2001.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	05-05-99	pp. 557-558
Reported, H. Family & Children Services	02-10-00	p. 1588
Passed House (94-1)	02-16-00	pp. 1608-1609
Reported, S. Health, Human Services & Aging	05-16-00	p. 1698
Passed Senate (33-0)	05-16-00	pp. 1705-1706
House concurred in Senate amendments	05-17-00	p. 1973-1974

00-HB332.123/nlr

