



Bob Bennett

Bill Analysis

Legislative Service Commission

H.B. 332

123rd General Assembly
(As Introduced)

Reps. Ford, Barrett, Beatty, Bender, Britton, DePiero, Flannery, Grendell, Hartnett, Jerse, Metelsky, D. Miller, O'Brien, Patton, Perry, Pringle, Salerno, Smith, Sullivan, Sulzer, Vesper

BILL SUMMARY

- Prohibits the Ohio Department of Human Services (ODHS) from issuing an initial family foster home certificate unless the foster caregiver successfully completes at least 36 hours of precertification training.
- Prohibits ODHS from issuing an initial treatment foster home certificate unless the foster caregiver successfully completes at least 48 hours of precertification training.
- Prohibits ODHS from renewing a family foster home certificate unless the foster caregiver successfully completes at least 24 hours of training annually.
- Prohibits ODHS from renewing a treatment foster home certificate unless the foster caregiver successfully completes at least 36 hours of training the first year the foster home's initial certificate is in effect and at least 30 hours each year thereafter.
- Requires a public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) operating an ODHS-approved precertification 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 ODHS 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 precertification or continuing training program to submit to ODHS a proposal outlining the program not later than the 15th day of October of each year and requires ODHS to approve or disapprove the proposal within 30 days.
- Requires that ODHS, in consultation with the Departments of Youth Services, Mental Health, and Alcohol and Drug Addiction Services, develop a model design of a precertification training program and continuing training program.
- Requires that ODHS pay a per diem to foster caregivers attending training courses pursuant to an ODHS-approved precertification or continuing training program and reimburse a PCSA, PCPA, and PNA for the cost to the agency for providing training to a foster caregiver through an ODHS-approved training program.
- Requires that ODHS seek federal financial participation for the cost of making training payments to foster caregivers, 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.

CONTENT AND OPERATION

Background

To operate in Ohio, an association or institution that receives and cares for children for two or more consecutive weeks must obtain a certificate from the Ohio Department of Human Services (ODHS). Foster homes are among the entities considered associations or institutions and, therefore, must obtain ODHS certification.¹ For a foster home to obtain certification, a public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial

¹ 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.

agency (PNA) must determine whether certification standards are satisfied. With few exceptions, the standards are established by ODHS rules. If the agency is satisfied, it recommends that ODHS issue the certificate. ODHS 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)

ODHS 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 bill increases the training requirements for foster caregivers.

Under the bill, ODHS is prohibited from issuing a certificate to a foster caregiver seeking to operate a family foster home unless the caregiver successfully completes at least 36 hours of precertification training. A foster caregiver seeking to operate a treatment foster home must successfully complete at least 48 hours of precertification training. Both types of foster caregivers must complete the training through an ODHS-approved precertification training program operated by a PCSA, PCPA, or PNA.

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

ODHS is prohibited by the bill 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 24 hours of training annually. A foster caregiver operating a treatment foster home must complete at least 36 hours of training the first year the foster home's initial certificate is in effect and at least 30 hours each year thereafter. A foster caregiver must complete the training in accordance with a needs assessment and continuing training plan developed and implemented for the caregiver by a PCSA, PCPA, or PNA.

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

Provision of training, needs assessment, and continuing training plan

(secs. 5103.033, 5103.034, and 5103.035)

The bill authorizes PCSAs, PCPAs, and PNAs to operate ODHS-approved precertification and continuing training programs for foster caregivers seeking training. An agency operating an ODHS-approved precertification 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 ODHS 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 ODHS 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.

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

ODHS approval of training programs

(secs. 5103.036, 5103.037, 5103.038, 5103.039, 5103.0310, and 5103.0311)

To obtain ODHS approval of a precertification or continuing training program, a PCSA, PCPA, and PNA must submit to ODHS a proposal outlining the program not later than the 15th day of October of each year. Not later than 30 days after receiving a proposal, ODHS is required to either approve or disapprove it. If ODHS disapproves a proposal, it must provide the reason for disapproval and advise the agency that submitted it of how to revise the proposal so that ODHS can approve it. If ODHS approves a proposal, the approval is valid only for the year following the year the proposal is submitted to ODHS.

ODHS must approve a proposed precertification training program if it is to consist of courses in the role of foster caregivers as a 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) Family systems;
- (3) Child abuse, neglect, and dependency;
- (4) The impact of abuse, neglect, and dependency on child development;
- (5) The effects of substance abuse on child development;
- (6) Symptoms of mental illness, learning disorders, and common childhood illnesses;
- (7) Attachment, separation, and placement issues;
- (8) Discipline;
- (9) Cultural issues in placement;
- (10) Primary families;
- (11) Sexual abuse;
- (12) The effects of caregiving on the family;
- (13) Permanency issues for children;
- (14) Permanency issues for families;

(15) Available community resources for assistance;

(16) The substance of state law regarding information that is provided to foster caregivers about certain delinquent children. A course addressing this issue may not be less than one hour long.

ODHS is required to approve a proposed continuing training program if it is to consist of courses that address at least the following: physical and psychological development of children; parenting skills; permanency planning procedures; proper methods of physical restraint and use of physical restraints; and substance abuse and dependency.

ODHS, in consultation with the Departments of Youth Services, Mental Health, and Alcohol and Drug Addiction Services, is to develop a model design of a precertification training program and continuing training program. The model designs must include courses that training programs need for ODHS approval. ODHS is required to make the model designs available to PCSAs, PCPAs, and PNAs. An agency's proposed training program submitted to ODHS for approval may be the same as, a modification of, or different from a model design.

ODHS to pay for cost of training

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

The bill requires that ODHS pay foster caregivers attending training courses pursuant to an ODHS-approved precertification or continuing training program. The payment is to be based on a per diem rate ODHS establishes. The payment must be the same regardless of the type of agency with which a foster caregiver works for recommendation of certification.

ODHS is required to reimburse a PCSA, PCPA, and PNA for the cost to the agency for providing training to a foster caregiver through an ODHS-approved precertification 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 it. ODHS 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 ODHS issue or renew a foster home certificate if the training is in addition to the minimum training the bill requires.

ODHS is required to seek federal financial participation for the cost of making payments under the bill to foster caregivers, PCSAs, PCPAs, and PNAs.

ODHS 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)

ODHS is required by the bill to adopt rules in accordance with the Administrative Procedure Act as necessary for the efficient administration of the foster caregiver training requirements. The rules must be adopted not later than 90 days after the bill's effective date.

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, 2151.62, 3313.64, 5101.14, 5101.141, 5103.0317, 5103.0318, 5103.13, 5103.131, 5123.77, 5153.01, 5153.16, and 5153.161)

In general, current law refers to foster homes as "family foster homes." A treatment foster home is a specialized type of family foster home. Because the bill establishes more training requirements for a foster caregiver operating a treatment foster home than for a foster caregiver operating a family foster home, the bill provides that family foster homes and treatment foster homes are two different types of foster homes. Consistent with this change, references in current law to "family foster homes" are replaced by the bill with references to "foster homes."

The bill applies the current law definition of "family foster home" to "foster home": a private residence in which children are received apart from their parents, guardian, or legal custodian by an individual for hire, gain, or reward for nonsecure care, supervision, or training 24 hours a day. 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 current law, a treatment foster home is a home that incorporates 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 retarded, or developmentally disabled. The bill 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, adjudicated or alleged delinquent or unruly, medically

fragile, mentally retarded, or developmentally disabled or otherwise have exceptional or intensive needs.

"Family foster home" is defined as a foster home that is not a treatment foster home.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	05-05-99	pp. 557-558

H0332-I.123/rss