Business Impact Analysis

Agency, Board, or Commission Name: Ohio Department of Job & Family Services

Rule Contact Name and Contact Information: Michael Lynch 614-466-4605

Regulation/Package Title (a general description of the rules’ substantive content):

Chapter 5101:2-9 rules

Rule Number(s): 5101:2-9-02, 5101:2-9-03, 5101:2-9-06, 5101:2-9-37 and 5101:2-9-38

Date of Submission for CSI Review: 10/20/2020

Public Comment Period End Date: 10/27/2020

Rule Type/Number of Rules:

□ New/___ rules

X Amended/_5_ rules (FYR? Y)

□ No Change/___ rules (FYR? ___)

□ Rescinded/___ rules (FYR? ___)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.
Reason for Submission

1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

___X_ a. Requires a license, permit, or any other prior authorization to engage in or operate a line of business.

___X_ b. Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.

___X_ c. Requires specific expenditures or the report of information as a condition of compliance.

___X_ d. Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.

Regulatory Intent

2. Please briefly describe the draft regulation in plain language. Please include the key provisions of the regulation as well as any proposed amendments.

The amended rule OAC 5101:2-9-02 addresses staffing requirements in residential facilities and residential parenting facilities. This rule is being changed to remove guidance pertaining to criminal record checks.

The amended rule OAC 5101:2-9-03 addresses staff development and staff evaluation and the guidance on when an employee in a residential facility is to complete required trainings. The amendment to the rule is including training to be a qualified residential treatment program with staff trained in trauma-informed care. This rule is being changed to reference and align with a new rule OAC 5101:2-9-42, addressing qualified residential treatment programs.

The amended rule OAC 5101:2-9-06 addresses general safety in a residential facility, the amendment to the rule is including guidance on paint and lead hazard in a facility.
The amended rule OAC 5101:2-9-37 addresses the information a residential facility is to provide to the local county, law enforcement, emergency management and fire departments. This rule is being changed to strike guidance to sharing information by a residential facility within a required timeframe as this information no longer applies.

The amended rule OAC 5101:2-9-38 addresses the community engagement plan for residential facilities. Previous guidance no longer necessary is being removed from the rule.

3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.

   OAC 5101:2-9-02 Statutory Authority 5103.03
   Rule Amplification 5103.02, 5103.03

   OAC 5101:2-9-03 Statutory Authority 5103.03, 5153.16, 5101.141
   Rule Amplification 5103.03, 5153.16, 5101.141

   OAC 5101:2-9-06 Statutory Authority 5103.03
   Rule Amplification 5103.02, 5103.03

   OAC 5101:2-9-37 Statutory Authority 5103.02, 5103.03, 5103.05, 5103.051
   Rule Amplification 5103.02, 5103.03, 5103.05, 5103.051

   OAC 5101:2-9-38 Statutory Authority 5103.02, 5103.03, 5103.05, 5103.051
   Rule Amplification 5103.02, 5103.03, 5103.05, 5103.051

4. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program? If yes, please briefly explain the source and substance of the federal requirement.

   Yes, P.L. 115-123 Family First Prevention Services Act. This act reforms the federal child welfare financing streams, Title IV-E and Title IV-B of the Social Security Act, to provide services to families who are at risk of entering the child welfare system. The aim is to prevent children from entering foster care by allowing federal reimbursement for mental health services, substance use treatment and in-home parenting skill training to families and children. It also seeks to improve the well-being of children already in foster care by incentivizing states to reduce placement of children in group care.

5. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

   No provisions were included that exceed the federal requirements.
6. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)? The rules in this packet address the safety inside and outside of a residential facility, the hiring and training of residential staff, and how a residential facility will work with the local medical, fire and law departments.

7. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes? OAC 5101:2-9-02, 5101:2-9-03, 5101:2-9-06, 5101:2-9-37 and 5101:2-9-38 are all monitored by the certification process and foster care licensing staff.

8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931? If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.

   No.

**Development of the Regulation**

9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation. If applicable, please include the date and medium by which the stakeholders were initially contacted.

   The draft rules were shared with representatives from all county agency’s, court and private service providers and sent out for public comment. The department includes a process of internal and external clearance comment process and this was opened from September 24, 2020 – October 8, 2020. No external comments were received within this timeframe.

10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency? The rules went through the clearance process from September 24th to October 8th. No comments were received during the comment period.

11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed? Scientific data was not used and measurable outcomes are not applicable.

12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn’t the Agency consider regulatory alternatives? There were no other alternatives considered for the rules, as the rules are driven by statute and federal guidelines.

13. Did the Agency specifically consider a performance-based regulation? Please explain.
Performance-based regulations define the required outcome, but don’t dictate the process the regulated stakeholders must use to achieve compliance. ODJFS did not consider a performance-based initiative, but rather followed statutory language prescribing that the department set standards to ensure the well-being of every child placed within a residential placement.

14. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation? JFS Legal staff and rule developers diligently review rules to assure there is no duplication of an existing Ohio regulation.

15. Please describe the Agency’s plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

Once the rule is final filed, a transmittal letter will be generated explaining the new rule and the rationale for the addition of this rule. The transmittal letters can be viewed at: http://emanuals.jfs.ohio.gov/FamChild/FCASM/FCASMTL/. The rule does not prescribe anything that would not be applied consistently. ODJFS licensing specialists review the agencies to ensure the regulations are applied consistently and they offer technical assistance in areas of inconsistency.

Adverse Impact to Business

16. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:
   a. Identify the scope of the impacted business community; and
      All Ohio certified agencies will be impacted by the requirements of these rules. The agency number may vary slightly due to monthly openings or closings of facilities. This number includes both public and 230 private agencies.
   b. Identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance,); and
      Loss of certification if the agency does not adhere to the statutory requirements of the rules. Adverse impact would entail administrative time spent completing the certification process, reviews, appeals, governance, policies and staffing requirements necessary for statutory and rule compliance. Residential staff is to receive twenty hours of initial orientation training and twenty-four hours of annual training. This is an existing cost and can vary depending on the rate of pay and other factors contributing to the time involved in the process.
   c. Quantify the expected adverse impact from the regulation.
      The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a
“representative business.” Please include the source for your information/estimated impact.

An agency paying an employee $10 per hour would be spending $200 for each employee to attend orientation training. The cost of a trainer would be similar but allowing for an additional 20 hours of preparation time; the trainer’s cost could range from $400-$500 for an entire orientation session. This cost can be repeated allowing for 24 hours of annual training. Time involved capturing the information for prospective employees could be a potential adverse impact due to the cost involved to request, obtain, review and assess the information. BCII checks would cost the agency $50 per employee. A clerical employee earning $8 and spending 10-12 hours reviewing and requesting information for each applicant would cost the agency $80-$100 per applicant to process.

17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

The Agency is carrying out the directives of sections 2151.86, 5103.035, and 5103.038 – 5103.0311 of the Revised Code.

Regulatory Flexibility

18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

There is no alternative means of compliance.

19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

There are no fines or civil penalties for non-compliance other than the forfeiture of certification through denial or revocation.

20. What resources are available to assist small businesses with compliance of the regulation?

ODJFS has a regional office with a licensing specialist that will be assigned to assist the agency in the entire process including assistance with the proper information required by these rules.
Staffing requirements.

(A) When children are present during waking hours in a residential facility living unit, there shall be at least one child care staff person for each ten children. Child care staff shall be on duty providing supervision to children where two or more children are congregated to ensure an appropriate level of supervision of all areas of the facility considering the ages and functioning levels of children in care.

(B) Child care staff shall provide supervision within sight or sound of the child or pursuant to the level of supervision specified in the child's service plan. A child may be left alone or unsupervised only in accordance with the service plan of that child.

(C) At least one child care staff person for every five infants or toddlers shall be present in a residential parenting facility to provide care and supervision to children in the absence of teenage mothers.

(D) A residential parenting facility shall not permit a teenage mother to provide care or supervision to any child other than her own in the absence of the child's mother or child care staff.

(E) A children's residential center (CRC) or residential parenting facility shall have at least one awake child care staff person in each living unit where children are present during nighttime sleeping hours.

(F) Staff members at a residential facility shall not have overnight guests in the facility except for the children of live in staff members, who have resided in the home and are under the age of twenty-two.

(G) In accordance with rule 5101:2-5-09.1 of the Administrative Code, a criminal records check shall be requested for each person eighteen years of age or older that resides with the staff members in a residential facility.

(H) A JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. 6/2009) shall be completed for each person eighteen years of age or older that resides with the staff members in a residential facility.

(I) Children of staff members and children of residents living in a residential facility shall be counted in all child care staff ratios.

(J) Each residential facility shall have a written work schedule including provisions for use of relief staff, and a backup plan for emergency relief staff.
(K) A residential facility shall have at least one child care staff on site who is:

(1) Trained in the reasonable and prudent parent standard as described in division (C) of section 5103.162 of the Revised Code.

(2) Designated to make decisions involving the participation of a child in age appropriate or developmentally appropriate activities.

(3) Designated to be the caregiver authorized to apply the reasonable and prudent parent standard.

(L) All relief child care staff and emergency child care staff of a residential facility shall meet the requirements of rules 5101:2-5-09 and 5101:2-9-03 of the Administrative Code.

(M) Newly hired child care staff shall be given on-the-job supervision and shall not be left unsupervised with residents until all of the following requirements have been met:

(1) The person has completed the initial orientation required by rule 5101:2-9-03 of the Administrative Code;

(2) The person has completed an additional twenty hours of the first year training required by rule 5101:2-9-03 of the Administrative Code;

(3) The agency has received and reviewed the results of the criminal records check required by rule 5101:2-5-09.1 of the Administrative Code, and ensured that the employee has met the requirements pursuant to paragraph (H) of rule 5101:2-5-09 of the Administrative Code.

(4) The person possesses a current American Red Cross, American Heart Association or equivalent first aid and cardiopulmonary resuscitation (CPR) certification. The CPR certification shall be the type applicable to the age and size of the children able to be served in the facility.
Effective:

Five Year Review (FYR) Dates:

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Certification
Staff development and evaluation.

(A) A residential facility shall provide each child care staff person with a minimum of twenty hours of orientation within the first thirty days after the date of hire. The training required by this paragraph may be conducted outside the residential facility. Regular ongoing duties of an employee, including casework supervision and consultation, shall not be counted toward the requirements of this paragraph.

(1) If a training is conducted outside the residential facility, the training shall include a transfer of learning component prior to or following the training.

(2) The transfer of learning component may include a pretest, a posttest, or a discussion following the training.

(B) Each child care staff person shall receive an additional thirty-two hours of training during the first year of employment. This requirement shall result in each child care staff person receiving a minimum of fifty-two hours of training during the first twelve months of employment. The training required by this paragraph may be conducted outside the residential facility. Regular ongoing duties of an employee, under the supervision of child care staff who have met all of their training requirements, including casework supervision and consultation, shall not exceed fifty per cent of the requirements of this paragraph.

(1) If a training is conducted outside the residential facility, the training shall include a transfer of learning component prior to or following the training.

(2) The transfer of learning component may include a pretest, a posttest, or a discussion following the training.

(C) If an agency requires more than twenty hours of initial orientation, the additional hours may be counted toward the total number of hours required by paragraph (B) of this rule.

(D) Following the completion of the training as required by paragraphs (A) and (B) of this rule, each child care staff person shall receive at least twenty-four hours of annual training related to agency policy, procedure, rules and the population that the agency serves. The training shall include documentation of the transfer of learning components addressed in paragraphs (A) and (B) of this rule. Regular ongoing duties of an employee, including casework supervision and consultation, shall not be counted toward the requirements of this paragraph. If a child care staff member has not received training in the reasonable and prudent parent standard as described...
in division (C) of section 5103.162 of the Revised Code, the staff member shall be trained in this topic as part of their most current annual training requirement.

(E) If a child care staff person is or will be providing care for a youth at least fourteen years of age, the person shall be prepared adequately with the appropriate knowledge and skills to understand and address the issues confronting adolescents preparing for independent living, and provide such services as are needed and appropriate. To the extent possible, such services shall be coordinated with the life skills services required to be provided by rule 5101:2-42-19 of the Administrative Code.

(F) If a child care staff person is separated from employment from the agency and returns to work with the agency, the employee shall not be required to complete the new orientation training requirements of paragraph (A) of this rule if the employee returns to work with the agency within one year from the date the employee separated employment.

(G) A child care staff person may still be allowed to work if the employee was not able to meet the continuing training requirements due to any of the following:

(1) Extended leave.

(2) Separation of employment for less than one year.

(3) Extended illness.

(4) Critical emergencies.

(5) Cancellation of training classes.

(H) If a child care staff person fails to complete their continuing training timely:

(1) The employee shall not be left alone with residents until all of the incomplete training hours are met.

(2) The record shall contain documentation of the reason the training hours were not met.

(3) The employee shall complete the missed training within sixty days of returning to work.

(4) The employee is responsible for completing their ongoing annual continuing training in addition to any training they failed to complete.
(I) Initial orientation of new child care staff pursuant to paragraph (A) of this rule shall include, but not be limited to:

(1) Familiarization of the employee with emergency and safety procedures of the residential facility.

(2) The principles and practices of child care.

(3) Administrative structure, procedures, and overall program goals of the residential facility.

(4) The trauma informed approach implemented by the agency as required by rule 5101:2-9-42 of the Administrative Code.

(4)(5) Appropriate techniques of behavior management.

(5)(6) Techniques and methodologies of crisis management including acceptable physical restraint or acceptable alternatives to restraint, if restraint is prohibited.

(6)(7) Familiarization of the employee with the discipline policy restrictions outlined in rule 5101:2-9-21 of the Administrative Code, the discipline and behavior intervention policy required by rule 5101:2-5-13 of the Administrative Code, and any additional requirements the agency may have.

(7)(8) Procedures for reporting suspected child abuse or neglect pursuant to section 2151.421 of the Revised Code.

(8)(9) The emergency medical plan of the residential facility.

(9)(10) Universal precautions.

(10)(11) If a child care staff person will be providing care for a youth at least fourteen years of age, the person shall be prepared adequately with the appropriate knowledge and skills to understand and address the issues confronting adolescents preparing for independent living, and provide such services as are needed and appropriate. To the extent possible, such services shall be coordinated with the life skill services required to be provided by rule 5101:2-42-19 of the Administrative Code.

(11)(12) A review of Chapter 5101:2-9 of the Administrative Code as applicable to the functions of the agency.

(12)(13) The implementation of the community engagement plan as described in division (B) of section 5103.051 of the Revised Code.
(H) The procedures for responding to incidents involving a child at the facility and neighbors or the police as described in division (B) of section 5103.051 of the Revised Code.

(I) The reasonable and prudent parent standard as described in division (C) of section 5103.162 of the Revised Code.

(J) Each residential facility shall assure that all child care staff hired possess a current American red cross, American heart association, or equivalent first aid and cardiopulmonary resuscitation (CPR) certification at the time of hire or within six months following the date of hire. Child care staff of a group home or children's residential center shall be certified in the type applicable to the age and size of the children to be served in the facility. Child care staff of a residential parenting facility and a children's crisis care facility shall be certified in infant, adult and child CPR. The first aid and CPR certifications shall be maintained current at all times unless the employee meets one of the following exceptions:

(1) Extended leave.

(2) Separation of employment for less than one year.

(3) Extended illness.

(4) Critical emergencies.

(5) Cancellation of training classes.

(K) A child care staff person shall not be permitted to work with children without another child care staff who is current on all first aid and CPR training and who is present at all times. If a child care staff person's first aid and CPR certification has been expired for more than ninety days, the staff member shall not be permitted to work in the facility without the required certification.

(L) There shall be at least one staff person with first aid and CPR certification on duty at all times in a living unit.

(M) Each residential facility shall document the completion of the training activities required by this rule in the personnel record maintained pursuant to rule 5101:2-5-09 of the Administrative Code.

(N) Physical restraint of a child shall only be utilized by a child care staff person who has received specific training and annual review in acceptable methods of restraint. Documentation of such training shall be contained in the employee's personnel record.
(O) If the facility revises any policy pertaining to children or child care staff, the child care staff shall receive training on the policy within thirty days of the revision.

(P) If a residential facility has a policy prohibiting the use of physical restraint, the facility shall complete annual training for all child care staff in acceptable alternatives to restraint.

(Q) If a residential facility has a policy allowing the use of physical restraint, the facility shall complete annual training in acceptable methods of restraint for the child care staff.

(R) Physical restraint may be used by child care staff only:

1. For self protection.

2. For protection of the child from imminent harm.

3. To protect another person from the child.

(S) Child care staff shall use only the least restrictive physical restraint necessary to control a situation.

(T) Each residential facility is to complete annual training for all child care staff in trauma-informed care.
Effective:

Five Year Review (FYR) Dates:

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General safety.

(A) No residential facility shall maintain any explosives, pyrotechnics, firearms, chemical weapons, or other similar device or substance anywhere on the grounds of the facility.

(B) No residential facility shall permit any staff person, child, or security personnel to bear any firearm, chemical weapon, or other weapon or similar device while such person is anywhere on the grounds of the facility or on duty. Nothing in this paragraph shall be construed as prohibiting law enforcement authorities from bearing arms when they are present at the residential facility in conjunction with their official responsibilities.

(C) A residential facility is to be free of peeling or chipping paint. If a potential lead hazard is identified, the Ohio department of job and family services (ODJFS) is to make a referral to the appropriate agency.

(D) All porches and patios more than thirty-six inches above ground level, elevated walkways, and elevated play areas on the grounds of a residential facility shall be enclosed with barriers designed to prevent falls.

(E) All workshop or outdoor power-driven equipment used by a residential facility shall be maintained and operated in accordance with manufacturer's instructions. Such equipment may be used by children as permitted by law but only when under the supervision of a staff person.

(F) Smoking shall not be permitted in the presence of a child. If a residential facility permits smoking, the facility shall allow smoking only in an outdoor designated area. In the designated smoking area there shall be a proper smoking waste receptacle for collection of waste. All employees who engage in smoking shall wash their hands when they reenter the facility. There shall be no smoking in vehicles while transporting children of the facility.

(G) All stairways accessible to children within or on the grounds of a residential facility which contain more than four steps shall be equipped with a railing. In addition, any facility which is a residential parenting facility or crisis care facility shall guard all stairways accessible to children with a safety gate.

(H) Outdoor areas on the grounds of or immediately adjacent to a residential facility which are potentially hazardous to residents shall be safeguarded considering the age and functioning level of the residents.

(I) Each residential facility shall document that all swimming pools maintained by the facility comply with the requirements of any local or state codes.
(J) Pets or other domesticated animals in or on the premises of a residential facility shall be kept in a safe and sanitary manner in accordance with state and local laws. Pet vaccinations shall be maintained current at all times.

(K) All children or teenage mothers residing at a residential facility shall be protected from animals in or on the premises of the facility which are potentially dangerous to their health and safety.

(L) Door locks:

1. All locks on at least one door to any room or storage area in which a child could be confined in a residential facility shall be of the type which permit the door to be unlocked from either side of the door and be unlocked from the inside of the room or storage area without a key.

2. Doors on the grounds of a residential facility that do not need a lock that can be unlocked from either side of the door are:

   a. A separate entrance to a portion of the residential facility such as a cellar, basement or outside storage room that is not accessible from within the residential facility.

   b. A separate building such as a garage, barn or storage shed on the grounds of a residential facility.

   c. Keys to these type of doors shall be kept in a place accessible only to staff of the facility.

(M) All doors on toilet stalls and bathtub or shower stalls used by children in a residential facility shall be of the type which permit the door to be unlatched from either side of the door unless the stall is of such construction as to permit emergency access by climbing over or crawling under the partitions.

(N) Each residential facility which maintains any poisonous, toxic, or flammable materials and substances for any purpose on the grounds of the facility shall maintain all such substances in locked storage areas and according to the manufacturer’s instructions.

(O) Stationary or portable outdoor recreational equipment designated for climbing, and swings and slides shall be anchored or stable. All recreational equipment shall be appropriate to the age and functioning level of the residents.

(P) Outdoor recreational equipment designated for climbing, and swings and slides shall be surrounded by a protective, resilient surface that meets the following requirements:
(1) Fall zones shall have a protective resilient material on the ground under and around the equipment.

(2) The material shall be, but not limited to, washed pea gravel, mulch, sand, wood chips, synthetic material such as rubber mats or tiles manufactured for this purpose. Synthetic surfaces shall follow manufacturer's guidelines for depth.

(3) Equipment shall not be placed over grass, concrete, asphalt, blacktop, dirt, rocks, or any hard surface.

(4) Any loose-fill particulate impact absorbing material under and around recreational equipment shall be checked at least monthly for packing, and shall be turned over or raked up to increase the resilience capability.
Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5103.03
Rule Amplifies: 5103.02, 5103.03
Information to be provided by residential facilities.

(A) A new residential facility shall, within ten days after obtaining certification, provide the following information to all county, municipal, or township law enforcement agencies, emergency management agencies and fire departments with jurisdiction over the facility:

(1) A written notice that a facility will be operating in the agency's or department's jurisdiction including:

(a) The address of the facility.

(b) The type of residential facility.

(c) The contact information for the facility.

(2) A copy of the facility's procedures for emergencies and disasters pursuant to rule 5101:2-5-13.1 of the Administrative Code.

(3) A copy of the facility's medical emergency plan pursuant to rule 5101:2-9-09 of the Administrative Code.

(4) A copy of the facility's community engagement plan pursuant to rule 5101:2-9-38 of the Administrative Code.

(B) A residential facility certified prior to the effective date of this rule, shall complete the requirements of paragraph (A) of this rule within sixty days after the rule becomes effective.

(C) A residential facility shall, within ten days of recertification, provide to all county, municipal, or township law enforcement agencies, emergency management agencies and fire departments with jurisdiction over the facility updated copies of the following:

(1) A copy of the facility's procedures for emergencies and disasters pursuant to rule 5101:2-5-13.1 of the Administrative Code.

(2) A copy of the facility's medical emergency plan pursuant to rule 5101:2-9-09 of the Administrative Code.

(3) A copy of the facility's community engagement plan pursuant to rule 5101:2-9-38 of the Administrative Code.
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Community engagement plan for residential facilities.

(A) A residential facility certified on or after the effective date of this rule shall have a written community engagement plan which shall include:

(1) Protocols for the community in which a residential facility is located to communicate concerns or other pertinent information directly to the facility which shall include at a minimum:

(a) A contact phone number for the facility.

(b) If the facility has an email address, the email address shall also be provided.

(2) The agency shall provide all applicable information listed in paragraph (A)(1) of this rule to the following:

(a) Upon request to an individual.

(b) If the facility has a website, the information shall be made available on the site.

(3) Protocols for the agency in responding to such a communication which shall include a time frame for responding to a community request.

(B) A residential facility certified prior to the effective date of this rule, shall complete the requirements of paragraph (A) of this rule within sixty days after the rule becomes effective.

(C) A residential facility shall ensure staff are trained on the implementation of the community engagement plan and procedures for responding to incidents involving a child at the facility and neighbors or the police.

(1) Upon the effective date of the community engagement plan:

(a) If staff have not completed orientation training, the community engagement plan training shall be completed prior to the completion of orientation training.

(b) If staff have completed orientation training, the facility shall ensure the staff are trained no later than sixty days after the community engagement plan is effective.
(2)(1) If the training is conducted by an external provider, the training shall include a transfer of learning component.

(3)(2) The transfer of learning component may include a pretest, a posttest, or a discussion following the training.
Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5103.02, 5103.03, 5103.05, 5103.051
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