



April 27, 2023

Family, Children and Adult Services Manual Transmittal Letter No. 519

TO: Family, Children and Adult Services Manual Users

FROM: Matt Damschroder, Director

SUBJECT: Five Year Review and Amendment of Rules 5101:2-9-04, 5101:2-9-07, 5101:2-9-09, 5101:2-9-15, 5101:2-9-18, 5101:2-9-26, 5101:2-9-31, 5101:2-9-35

This letter transmits amendments to Ohio Administrative Code (OAC) rules 5101:2-9-04, 5101:2-9-07, 5101:2-9-09, 5101:2-9-15, 5101:2-9-18, 5101:2-9-26, 5101:2-9-31, 5101:2-9-35, as a result of the five-year review. These rules will be effective May 1, 2023. The following is a brief explanation of the changes:

OAC 5101:2-9-04 entitled **General Maintenance of a Residential Facility** sets forth guidance on all structures, grounds, furnishings, and equipment used on the grounds of a residential facility be regularly maintained. The amendment within this rule includes the requirement that the facility's water supply be tested within twelve months prior to initial certification and annually thereafter.

OAC 5101:2-9-07 entitled **Emergency Planning and Preparedness** sets forth guidance for residential facilities to develop and implement written procedures to follow in emergencies and disasters. The amendment within this rule is the removal the requirement to have an evacuation plan developed in consultation with the fire inspector.

OAC 5101:2-9-09 entitled **Emergency Medical Plan and First Aid Supplies** sets forth guidance that each residential facility will have a written medical emergency plan. The amendment within this rule directs first aid supplies to be in each building used by children and a copy of the emergency medical plan posted in each building used by children. In addition, the rule now clarifies that employee training regarding implementation of the emergency medical plan is to be maintained in the employee training record.

OAC 5101:2-9-15 entitled **Residential Facility Handbook for Residents and their Families** sets forth guidance for residential facilities to have a handbook for the children and their families. The amendment to this rule is changing language to direct the handbook contain rules and expectations for residents and the inclusion of the foster youth bill of rights.

OAC 5101:2-9-18 entitled **Recreation and Leisure Activities and Equipment** sets forth guidance for residential facilities to have a recreational program and provide activities and equipment. The amendment to this rule is providing guidance for swimming activities

when youth are monitored by a person who has completed lifesaving or water safety training.

OAC 5101:2-9-26 entitled **Living Rooms, Dining Rooms and Lounges** sets forth guidance for a residential center to have adequate space for eating. The amendment to this rule is reorganizing the structure for clarity and adding group homes are to have a dining area large enough to accommodate all children to eat at the same time.

OAC 5101:2-9-31 entitled **Laundry Facilities** sets forth guidance for residential facilities to have operable laundry facilities. The amendment to this rule is providing guidance on the use of public laundromat as an option if the residential facility laundry is inoperable or as a life skills training for older youth.

OAC 5101:2-9-35 entitled **Additional Programmatic Requirements regarding Behavior Management** sets forth guidance for a residential facility to establish a system to review dangerous behavior and bringing to the attention of staff. The amendment to this rule is reorganizing the structure for clarity.

INSTRUCTIONS: The following chart indicates the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the materials that are to be inserted in the FCASM.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
Foster Care Licensing	OAC 5101:2-9-04	OAC 5101:2-9-04
	OAC 5101:2-9-07	OAC 5101:2-9-07
	OAC 5101:2-9-09	OAC 5101:2-9-09
	OAC 5101:2-9-15	OAC 5101:2-9-15
	OAC 5101:2-9-18	OAC 5101:2-9-18
	OAC 5101:2-9-26	OAC 5101:2-9-26
	OAC 5101:2-9-31	OAC 5101:2-9-31
	OAC 5101:2-9-35	OAC 5101:2-9-35
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5101:2-9-04

General maintenance of a residential facility.

- (A) All structures, grounds, furnishings or equipment used by or located on the grounds of a residential facility shall be continually maintained in good repair and in clean condition.
- (B) All rooms, corridors, and stairways inside a residential facility shall be equipped with operable electric illumination.
- (C) Each residential facility shall have working exterior electrical illumination for operable entrances and stairways to occupied buildings.
- (D) A residential facility shall have a continuous supply of clean drinking water. If the residential facility's water supply is not obtained from a municipal water supply, a water district water supply or a vendor of bottled water, the facility's water supply shall be tested and approved by a municipal or county health department or by the Ohio department of health within twelve months prior to initial certification ~~or recertification~~ and annually thereafter. ~~A residential facility shall not be certified or recertified without an approved water source.~~

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Five Year Review (FYR) Dates: 2/9/2023 and 05/01/2028

CERTIFIED ELECTRONICALLY

Certification

04/21/2023

Date

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Rule Amplifies: 5103.02, 5103.03

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11/01/2013, 04/02/2018

5101:2-9-07

Emergency planning and preparedness.

- (A) Each residential facility shall develop and implement a set of written procedures for staff and residents to follow in emergencies and disasters. These procedures shall be ~~developed in consultation with, and~~ approved by, a local or state fire inspector, and shall include specific instructions and procedures for the evacuation of buildings, the assignment of staff during emergencies, and a contingency plan for the care of residents who have been evacuated. If the residential facility cares for children who are physically or emotionally handicapped, the facility emergency procedures shall further include specific instructions as to the evacuation of these children.
- (B) Each residential facility shall ensure that all staff and children are familiar with its emergency procedures.
- (C) Each residential facility shall, in consultation with state or local fire personnel, develop, and implement, a calendar of periodic fire drills and emergency evacuations at varying times and shifts. A log of all such drills or evacuations shall be maintained. The evacuation plan shall be approved by a fire inspector and clearly posted in each facility so that it may be easily seen by all children . Fire drills shall occur at least once each month or in accordance with the calendar of periodic drills developed with fire personnel.

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5101:2-9-09

Emergency medical plan and first aid supplies.

(A) A residential facility shall have a written medical emergency plan which shall include:

(1) Current emergency telephone numbers for fire, emergency squad, police, poison control, and security services.

(2) Locations of first aid supplies.

(a) There shall be first aid supplies in each residential living unit, in each building used ~~for physical recreation~~ by children and in each vehicle used, owned, leased or rented by the residential facility to transport children.

(b) All first aid supplies shall be stored in closed containers and shall be accessible to staff at all times.

(3) General instructions for medical emergencies including supervision of children during the emergency.

(4) General instructions in case of illness of a child.

(B) A residential facility shall document and keep in the employee training records that each employee is trained in implementation of the emergency medical plan.

(C) A copy of the emergency medical plan shall be ~~accessible at all times to staff working with~~ posted in each building used by children.

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5101:2-9-15

Residential facility handbook for residents and their families.

- (A) A residential facility shall have a handbook for residents and their families. This handbook shall be written in simple language and shall summarize the information included in the residential facility statement of purpose and program. In addition the handbook ~~shall~~is to contain, but is not limited to:
- (1) ~~Regulations~~Rules and expectations for residents.
 - (2) Visiting hours and visitation and communication policies pursuant to rule 5101:2-5-13 of the Administrative Code.
 - (3) The role and responsibility of the family in the care and treatment of the child.
 - (4) A complaint procedure for the resident and family pursuant to rule 5101:2-9-24 of the Administrative Code.
 - (5) An explanation of the procedure to report alleged child abuse or neglect to the local PCSA or law enforcement agency.
 - (6) ~~A list of children's rights pursuant to~~The foster youth bill of rights as contained in rule 5101:2-5-35 of the Administrative Code.
 - (7) Contact information for the Ohio youth ombudsman and information on how to make a complaint to the Ohio youth ombudsman. This information is to include the phone number and online complaint form for the Ohio youth ombudsman along with procedures for the resident to have private access to a phone or computer for the purpose of contacting the Ohio youth ombudsman.
- (B) A residential facility shall provide the handbook to the custodial agency, custodial parent or guardian of a resident and to each resident. The residential facility shall explain the contents of the handbook to the resident not later than three days after admission, according to the age and functioning level of the resident, providing assistance for the parent or guardian and resident who may have a disability. The residential facility shall document the handbook was provided and explained in the child's case record.
- (C) Any revisions to the handbook shall be provided to the custodial agency, custodial parent or guardian of a resident and to each resident in writing no later than fourteen days after the revision.

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5101:2-9-18

Recreation and leisure activities and equipment.

- (A) A residential facility shall have a recreational program and make available recreational equipment and activities sufficient to implement its recreational program. All recreational equipment necessary for the implementation of the recreation program shall be maintained in a safe and usable condition.
- (B) A residential facility shall make available in each living unit within the facility, leisure-time equipment appropriate to the age, ~~sex~~ and developmental stage of the children housed in each residential unit.
- (C) A residential facility shall have a written plan for supervising organized or structured group activities. All off site activities shall comply with rule 5101:2-9-02 of the Administrative Code.
- (D) A residential facility shall permit the children to swim only when monitored by a person who has completed ~~training in~~ lifesaving or water safety training is present.

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5101:2-9-26

Living rooms, dining areas and lounges.

- (A) Each living unit of a children's residential center (CRC) shall have at least sixty square feet of activity space per child residing in the living unit, exclusive of bedrooms, halls, bathrooms, kitchens, and storage areas.
- (B) Activity space shall include areas equipped with sofas, armchairs, tables, and recreational equipment.
- (C) For the purposes of this requirement, dining areas may be included in square footage requirements if used for activity space.
- (D) A residential facility shall have at least one area specifically used for dining within the facility. ~~If a CRC maintains a dining area in each living unit, the dining area table and seating places shall be of sufficient size and number so that all children may eat together comfortably at one time. If a CRC maintains one or more dining areas that are separate and apart from the living units, all dining area tables and seating places shall be of sufficient size and number so that at least fifty per cent of all children may eat together comfortably at one time.~~
- (1) If a CRC maintains a dining area in each living unit, the dining area table and seating places will be of sufficient size and number so that all children may eat together comfortably at one time.
- (2) If a CRC maintains one or more dining areas that are separate and apart from the living units, all dining area tables and seating places will be of sufficient size and number so that at least fifty per cent of all children may eat together comfortably at one time.
- (3) If a group home maintains a dining area, the dining area tables and seating places will be of sufficient size and number so that all children may eat together comfortably at one time.
- (E) During meal hours, the dining area portion of each residential facility shall be used only for the purpose of eating.
- (F) Each dining area within a residential facility shall be equipped with tables and chairs appropriate to the age, physical condition, and developmental stage of the children who will eat in the area.

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5101:2-9-31

Laundry facilities.

(A) Each residential facility shall have operable laundry facilities at the facility, or contract with a vendor of laundry services. A public laundromat may be used;

(1) If the residential laundry facilities become temporarily inoperable.

(2) As a life skills training for youth, as applicable for age and developmental level, at no cost to the residents.

(B) If a residential facility furnishes laundry facilities for use by children or teenage mothers within the facility, it shall provide necessary laundry supplies and shall locate these facilities in an area that:

(1) May be readily supervised by an adult.

(2) Is equipped with washers and dryers that do not require payment to operate.

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5101:2-9-35

Additional programmatic requirements regarding behavior management.

- (A) An agency certified to operate a residential facility shall establish a system where instances of behavior that are a danger to a child or to others shall be brought to the attention of appropriately trained behavior management staff.
- (B) An agency certified to operate a residential facility which uses isolation and/or physical restraint as a behavior management tool shall establish an ongoing system for collecting and reviewing monthly aggregate data that reflects the use of restrictive treatment elements, including but not limited to: the number of applications of isolation and/or physical restraint, the names of staff members who participated in each instance of isolation or restraint, the range and average length of isolation and/or physical restraint, and injuries in addition to the critical incident report. When there is an unusually high incidence of the use of isolation and/or physical restraint, the administrator or designee shall review the agency's policies on behavior intervention, physical restraint, and isolation to determine how such incidents can be reduced.
- (1) The number of applications of isolation and/or physical restraint.
 - (2) The youth's name and age.
 - (3) The names of staff members who participated in each instance of isolation or restraint.
 - (4) The range and average length of isolation and/or physical restraint.
 - (5) The injuries, in addition to the critical incident report.
- (C) When there is an unusually high incidence of the use of isolation and/or physical restraint, the administrator or designee is to review the agency's policies on behavior intervention, physical restraint, and isolation to determine how such incidents can be reduced.

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