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S.B. 239
134th General Assembly

Final Analysis

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Primary Sponsor: Sen. Blessing

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UPDATED VERSION*

SUMMARY

Professional treatment staff qualifications

- Establishes qualifications and requirements for professional treatment staff of a specialized foster home (foster home caring for special needs children) program agency who do any of the following:
 - Provide rehabilitative services to a child placed in a specialized foster home program or to the child's family;
 - Conduct home studies as an assessor for specialized foster homes;
 - Provide clinical direction to specialized foster caregivers;
 - Supervise treatment team leaders.
- Requires professional treatment staff employed by a public children services agency (PCSA) to meet the same educational qualifications and training requirements as required of PCSA caseworkers under continuing law.
- Requires professional treatment staff employed by a private child placing agency (PCPA) or a private noncustodial agency (PNA) to also meet the same educational qualifications and training requirements as required of PCSA caseworkers under continuing law, except that in the first year of continuous employment:
 - Staff only need to complete certain courses, rather than all courses required under continuing law; and

* This version updates the effective date.

- Staff only need to undergo training for the number of hours needed to complete the specified courses, instead of the at least 102 hours of in-service training required for PCSA caseworkers under continuing law for all the courses.
- Requires the Department of Job and Family Services (JFS) to work with PCPAs and PNAs to establish a comprehensive, competency-based professional treatment staff training program for employees that meet the act’s training requirements.
- Allows PCPAs, PNAs, or qualified nonprofit organizations to offer the required training, provided that JFS approves it and has not yet established its own training program.

ICF/IID Medicaid payment rates

- Eliminates an exception, enacted as uncodified law in the main operating budget, specifying that if the statewide average Medicaid rate for ICFs/IID exceeds \$365.05, the payment rates for FY 2023 are reduced by the percentage the statewide average exceeds that amount.
- Instead, requires the Department of Developmental Disabilities, for FY 2023, to pay each ICF/IID a rate as determined under existing codified law, using funds from the enhanced federal medical assistance percentage (FMAP) enacted in the “Families First Coronavirus Response Act.”

DETAILED ANALYSIS

Professional treatment staff qualifications

The act prescribes certain requirements for professional treatment staff who work for a public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agencies (PNA). It defines “professional treatment staff” as a specialized foster home program agency employee or contractor with responsibility for any of the following:

- Providing rehabilitative services to a child placed in a specialized foster home program or to the child’s family;
- Conducting home studies as an assessor for specialized foster homes;
- Providing clinical direction to specialized foster caregivers;
- Supervision of treatment team leaders.¹

The act maintains the definition for “specialized foster home” in continuing law. A specialized foster home is a medically fragile foster home or a treatment foster home. A “medically fragile foster home” provides specialized medical services designed to meet the needs of children with intensive health care needs. A “treatment foster home” incorporates special rehabilitative services to treat the specific needs of the children received in the home

¹ R.C. 5103.57(A).

and receives and cares for children who are emotionally or behaviorally disturbed, chemically dependent, have developmental disabilities, or otherwise have exceptional needs.²

Qualifications for staff of public children services agencies

The act requires professional treatment staff employed by a PCSA who are not subject to professional licensing requirements for counselors, social workers, and marriage and family therapists to meet the same qualifications and in-service training requirements as PCSA caseworkers under continuing law, unchanged by the act.³

Qualifications for staff of private agencies

Training requirements

The act's requirements for professional treatment staff employed by a PCPA or PNA who are not subject to the professional licensing requirements for counselors, social workers, and marriage and family therapists are almost identical to that of professional treatment staff employed by a PCSA – they must also meet the same qualifications and in-service training requirements as PCSA caseworkers under continuing law, except that PCPA and PNA staff have fewer requirements during the first year of continuous employment. First, staff do not have to complete all of the courses that are required for the first year. Rather, they only have to complete the following courses:

- Recognizing, accepting reports of, and preventing child abuse, neglect, and dependency;
- Assessing child safety;
- Assessing risks;
- Providing services to children and their families;
- The importance of and need for accurate data;
- Maintenance of case record information; and
- Content on other topics relevant to child abuse, neglect, and dependency, including permanency strategies, concurrent planning, and adoption as an option for unintended pregnancies.

Second, staff only need to undergo training for the number of hours that are needed to complete the above courses, instead of the at least 102 hours of in-service training that is required for PCSA caseworkers under continuing law for all the courses.⁴

² R.C. 5103.57(B); R.C. 5103.02(F), (K), and (L), not in the act.

³ R.C. 5103.58(A); R.C. Chapter 4757 and R.C. 5153.112 and 5153.122, not in the act.

⁴ R.C. 5103.58(B)(1); R.C. 5153.122, not in the act.

Who can provide training

The act requires the Department of Job and Family Services (JFS) to work with PCPAs and PNAs to establish a comprehensive, competency-based professional treatment staff training program for employees of PCPAs and PNAs that meet the act's training requirements.⁵

Before JFS establishes its training program, a PCPA, PNA, or qualified nonprofit organization may offer the required training, provided that JFS approves it. JFS must approve or disapprove a program no later than 60 days after the program is submitted for approval. However, once JFS establishes its own training program, all training must be provided by JFS only, and all previously approved training programs from PCPAs, PNAs, or qualified nonprofit organizations must cease operation.⁶

ICF/IID Medicaid payment rates

The act eliminates a Medicaid payment rate exception for FY 2023 for intermediate care facilities for individuals with intellectual disabilities (ICF/IIDs) that was enacted as uncodified law in the main operating budget. The exception specified that if the statewide average rate for ICF/IIDs exceeds \$365.05, the payment rates are reduced by the percentage the statewide average exceeds that amount.

Instead, the act requires the Department of Developmental Disabilities to pay the Medicaid rate as calculated under codified law without the exception.⁷ The payments are to be made using funds from the enhanced federal medical assistance percentage (FMAP) enacted in the "Families First Coronavirus Response Act," in an amount up to \$10 million state share, with the corresponding federal share.⁸

HISTORY

Action	Date
Introduced	09-30-21
Reported, S. Health	03-02-22
Passed Senate (33-0)	03-02-22
Reported, H. State & Local Gov't	06-01-22
Passed House (61-31)	06-01-22
Senate concurred in House amendments (32-0)	06-01-22

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⁵ R.C. 5103.59.

⁶ R.C. 5103.58(B)(2) to (4).

⁷ See R.C. Chapter 5124, not in the act.

⁸ Section 2, amending Section 261.150 of H.B. 110 of the 134th General Assembly.