

TO BE RESCINDED

5101:2-16-41 Payment rates and procedures for providers of publicly funded child care.

- (A) The payment rates established by the Ohio department of job and family services (ODJFS) shall apply to all providers of publicly funded child care. These rates are shown in appendix A to this rule entitled "Payment Rates for Providers of Publicly Funded Child Care."
- (B) For the purposes of this rule "provider" means licensed child care centers, licensed type A home providers, licensed type B home providers, certified in-home aides, approved child day camps as defined by rule 5101:2-18-01 of the Administrative Code, programs licensed by the Ohio department of education and approved to provide child care pursuant to rule 5101:2-16-43 of the Administrative Code, and border state child care providers who are licensed, certified or otherwise approved by the border state to provide child care services.
- (C) The base payment rate for providers shall be determined as follows:
- (1) The base rate shall be the lower of these two:
 - (a) The rate that is shown in the appendix to this rule based on the provider's location and participation in step up to quality (SUTQ); or
 - (b) The provider's customary charge to the public.
 - (2) If a provider participating in SUTQ has a customary charge lower than the appendix for rated programs based on their location, the provider's base rate shall be the customary rate plus an additional four per cent of their customary rate, not to exceed the rated appendix.
- (D) The rate determined in paragraph (C) of this rule shall be used as the base rate to calculate any applicable additional payment amounts pursuant to paragraphs (K) to (O) of this rule.
- (E) The provider's publicly funded child care payment shall not include:
- (1) A child's copayment amount when a copayment has been assessed pursuant to rule 5101:2-16-39 of the Administrative Code.
 - (2) Payment for services provided during the hours the child is in care in another federal or state funded program (including but not limited to head start, early head start or the early childhood education program).

(F) Providers shall be paid for full-time weekly care, part-time weekly care or hourly care. The total payment for the week shall not exceed the provider's customary charge to the public.

- (1) A week is the seven-day period from twelve a.m. Sunday to fifty-nine minutes after eleven p.m. Saturday. Payment shall be made for the entire week.
- (2) A full-time weekly payment is for authorized care totaling twenty-five hours to sixty hours of care.
- (3) A part-time weekly payment is for authorized hours of care totaling seven hours to less than twenty-five hours of care.
- (4) Hourly payment shall be made for authorized hours of care totaling less than seven hours of care.
- (5) Full-time plus payment is for authorized hours of care which exceed sixty in a week and shall be paid at the full-time weekly payment rate plus the hourly rate for each hour of care in excess of sixty.

(G) School-age child care rates will be made according to the following:

- (1) The school year is defined as the first Sunday in September through the last Saturday in May.
- (2) Summer school-age rates shall be in effect outside of the school year listed in paragraph (G)(1) of this rule.

(H) A child is eligible for a maximum of ten absent days during each six-month period of January through June, and July through December of each state fiscal year.

(I) A provider may be paid for an absent day for which a child is eligible. An absent day shall not be paid prior to actual attendance at the authorized provider. Attendance shall have been recorded any day in the previous rolling twelve months. The value of an absent day is based on the authorization.

- (1) For a full-time or full-time plus authorization, the value of an absent day is eight hours.
- (2) For a part-time authorization, the value of an absent day is five hours.
- (3) For an hourly authorization, the value of an absent day is five hours.

- (J) A provider may be paid for two professional development days in a fiscal year, as defined by rule 5101:2-16-01 of the Administrative Code. A fiscal year is defined as July first through June thirtieth. The two professional development days cannot be utilized in two consecutive calendar days or two consecutive calendar months. The value of a professional development day is based on the child's authorization and shall not be used during non-traditional hours pursuant to paragraph (L)(2) of this rule.
- (1) For a full-time or full-time plus authorization, the value of a professional development day is eight hours.
 - (2) For a part-time authorization, the value of a professional development day is five hours.
 - (3) For an hourly authorization, the value of a professional development day is five hours.
- (K) Providers who provide care for children with special needs shall be paid an additional five per cent of the payment rate established in paragraph (C) of this rule. The payment shall not exceed the provider's customary charge to the public and shall apply only to the hours of care for the child with special needs.
- (L) Providers who care for children during non-traditional hours shall be paid an additional five per cent of the payment rate established in paragraph (C) of this rule. This rate shall apply to the child for all hours of care during a week when any non-traditional hours of care are provided. The payment shall not exceed the provider's customary charge to the public.
- (1) Non-traditional hours are hours between seven p.m. and six a.m. on weekdays and between twelve a.m. Saturday and six a.m. Monday.
 - (2) Non-traditional hours include any hours of care provided on New Year's day, Martin Luther King, Jr. day, Memorial day, Independence day, Labor day, Thanksgiving day, and Christmas day.
- (M) Providers who are accredited by an ODJFS approved accrediting body as listed at <http://jfs.ohio.gov/cdc/childcare.stm> shall be paid an additional ten per cent of the payment rate established in paragraph (C) of this rule. This rate shall apply to all publicly funded children.
- (N) Providers with a SUTQ rating shall be paid the following additional per cent of the payment rate established in paragraph (C) of this rule.
- (1) One-star rated programs shall be paid an additional five per cent.

- (2) Two-star rated programs shall be paid an additional eighteen per cent.
 - (3) Three-star rated programs shall be paid an additional twenty-one per cent.
 - (4) Four-star rated programs shall be paid an additional twenty-nine per cent.
 - (5) Five-star rated programs shall be paid an additional thirty-five per cent.
- (O) Providers who meet the requirements pursuant to both paragraphs (M) and (N) of this rule for additional percentages shall only be paid the higher of the two payment increases.
- (P) Providers shall make caretakers aware of fees for which the caretakers are responsible and that are not included in the payment that ODJFS makes to the provider. The provider shall have an agreement with caretakers for payment of these fees. Such fees may include the following:
- (1) Late fees.
 - (2) Activity fees.
 - (3) Transportation fees.
 - (4) Registration fees.
 - (5) Charges for absent days which exceed those eligible for payment from ODJFS.
 - (6) Charges for hours of care that exceed those authorized.
- (Q) A provider shall not require a caretaker to pay the difference between the provider's payment rate and the provider's customary charge to the public when the customary charge is higher.
- (R) A licensed child care center, licensed type A home or licensed type B home that provides false or misleading information to obtain payment for publicly funded child care may be determined to be in noncompliance pursuant to Chapters 5101:2-12, 5101:2-13, and 5101:2-14 of the Administrative Code.
- (S) An in-home aide is the only provider of publicly funded child care who may provide child care in a child's own home. Payment rates for in-home aides shall be determined according to all of the following:
- (1) An in-home aide shall be paid an hourly rate that is equal to the state minimum wage for forty or fewer hours in a week.

- (2) A rate of one and one-half times the state minimum wage shall be paid for hours in excess of forty in a week.
- (3) The total payment shall include child care services provided to all of the authorized child(ren) in the caretaker's home.
- (4) An in-home aide shall provide care only to the children of one caretaker.
- (5) An in-home aide shall not claim absent days or professional development days for publicly funded children in his or her care.

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Certification

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Date

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