

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5101:2-12-05

**Rule Type:** Amendment

**Rule Title/Tagline:** Denial, revocation and suspension of a licensed child care center application or license.

**Agency Name:** Department of Job and Family Services

**Division:** Division of Social Services

**Address:** OFC- 4200 E. 5th Ave., 2nd fl. L2-01 P.O. Box 183204 Columbus OH 43218-3204

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#### I. Rule Summary

1. Is this a five year rule review? No
  - A. What is the rule's five year review date? 12/31/2021
2. Is this rule the result of recent legislation? Yes
  - A. If so, what is the bill number, General Assembly and Sponsor? HB 166 - 133 - Oelslager
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 5104.015, 5104.042
5. What statute(s) does the rule implement or amplify? 5104.015, 5104.04, 5104.042
6. What are the reasons for proposing the rule?

This rule is being amended as a result of Am. Sub. HB 166.
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule outlines the parameters for denying an application and suspending or revoking a child care center license. This rule is being amended to add language that if an in-home aide certification has been revoked, the applicant may not be granted a child care center license until five years have elapsed from the date of the revocation and to amend the standards and procedures for the suspension of licenses.

8. **Does the rule incorporate material by reference? Yes**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(A)(1).

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(A)(3).

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

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This rule has no expected fiscal impact on current or future budgets.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

There are no anticipated new costs of compliance as a result of this amended rule.

- 13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
- 14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

### **III. Common Sense Initiative (CSI) Questions**

- 15. Was this rule filed with the Common Sense Initiative Office? Yes
- 16. Does this rule have an adverse impact on business? Yes
  - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes

Centers must be licensed because they serve seven or more children.
  - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes

Failure to comply can result in revocation of a license.
  - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No