

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? Yes
 - A. What is the rule's five year review date? 7/28/2021
2. Is this rule the result of recent legislation? No
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 the five year review, to maintain federal requirements, remove duplicate requirements, remove revision dates from form citations, and provide clarifications for child care centers.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

5101:2-12-05 "Denial, revocation and suspension of a licensed child care center application or license" outlines the parameters for denying an application and suspending or revoking a child care center license. This rule is being amended with the following changes: added guidance surrounding family notification of intent to revoke the center's license and clarified that closing a license if the owner has changed is not subject to an administrative hearing.

- 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. 121.75, 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 121.75(A)(1)(a).

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 121.75(A)(1)(d).

- 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. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not Applicable.

- 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 rule. If a center's license is suspended, the center must provide written notification to all parents. There will be time and costs associated with this process.

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**
15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable.

III. Common Sense Initiative (CSI) Questions

16. **Was this rule filed with the Common Sense Initiative Office? Yes**
17. **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**

Child care centers must be licensed by the Ohio Department of Job and Family Services (ODJFS) in order to care for seven or more children. Child care centers must be licensed by ODJFS to serve publicly funded 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 child care center license.
 - C. **Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

The existing costs of a child care center to come into compliance with the requirements of the rule can vary greatly based on a number of factors and variables including, but not limited to, center size, business model, number of children and families enrolled in the center.
 - D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

There may be costs to the center to comply with the child care licensing requirements or to correct an identified non-compliance.

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding? 0

B. How many existing regulatory restrictions do you propose removing? 1

5101:2-12-05 (E)(3) If an owner/applicant was previously certified by the county agency and that certification was revoked for a health and safety reason, he or she shall not be licensed until five years have elapsed from the date the certification was revoked.