

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-13-08

Rule Type: New

Rule Title/Tagline: Employees and child care staff members responsibilities and qualifications for a licensed family child care provider.

Agency Name: Department of Job and Family Services

Division: Division of Social Services

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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?
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? 5104.018, 5104.017
5. What statute(s) does the rule implement or amplify? 5104.017, 5104.018
6. What are the reasons for proposing the rule?

This new rule is being enacted to maintain federal requirements, remove duplicate requirements, remove revision dates from form citations, and provide clarifications for family child care providers, child care staff members and employees.

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

5101:2-13-08 "Employees, child care staff members and substitute responsibilities and qualifications for a licensed family child care provider" is being replaced as a new rule due to the number of revisions and rearrangement of the paragraphs and to update the language regarding the Ohio Professional Registry. This rule outlines the qualifications and responsibilities for all staff members and employees.

- 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).

This rule incorporates one or more references to a form or a digital application into which data is entered. This question is not applicable to any incorporation by reference to forms or digital data applications because such reference is exempt from compliance with RC 121.75 to 121.74 pursuant to RC 121.75(B)(4).

- 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.

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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 new 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**

- 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**

Type A family child care homes must be licensed by the Ohio Department of Job and Family Services because they serve seven or more children. Type B family child care homes must be licensed by the Ohio Department of Job and Family Services if they want to serve children who are publicly funded or they can voluntarily be regulated.

- 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 family child care Type A or Type B license.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

This rule requires child care staff members and employees to maintain documentation in writing and in the Ohio Professional Registry. To comply with

rule requirements, providers are responsible for correcting non-compliances, if received, through the Ohio Child Licensing and Quality System.

- 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

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? No

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

Not Applicable

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

Not Applicable