

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5101:2-13-10

**Rule Type:** Amendment

**Rule Title/Tagline:** Training and professional development requirements for a licensed family child care provider and child care staff members.

**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? 7/29/2021
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? 5104.017, 5104.018
5. What statute(s) does the rule implement or amplify? 5104.017, 5104.018
6. What are the reasons for proposing the rule?

This rule is being amended as a result of the five year review, to meet federal requirements, remove duplicate requirements, remove revision dates from form citations, and provide clarifications for family child care providers.

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

5101:2-13-10 "Training and professional development requirements for a licensed family child care provider and child care staff members" outlines the initial and on-going training for providers and staff. Amendments to this rule include clarifying the requirements for management of communicable disease and child abuse and neglect recognition and prevention trainings, clarifying that child care staff members have ninety days after hire to complete trainings and cannot be left alone with children until completed, adding that the child care staff member meeting trainer requirements in appendix A to this rule is considered to meet the training requirement for first aid, CPR, or management of communicable disease. Staff members are not exempt from completing child abuse and neglect recognition and prevention training, and clarifying substitute training requirements. Amendments to the appendices include clarifying course content and documentation requirements and amending the list of approved trainers for health trainings.

- 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 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 rule. Training costs will vary depending on the number of staff the program employs and the trainer selected. The ODJFS created training is free but does take time to complete.

**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 providers and child care staff members to complete health and professional development trainings. 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? Yes

- A. How many new regulatory restrictions do you propose adding? 0
- B. How many existing regulatory restrictions do you propose removing? 3

5101:2-13-10(C)(2) Trainings shall meet course and trainer requirements in appendix A to this rule.

5101:2-13-10(C)(3) Audiovisual or electronic media training shall not be used to meet the CPR training requirement pursuant to paragraph (C)(1) of this rule unless there is also an in-person component of the training.

5101:2-13-10(A) The family child care provider shall complete the following: