

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-13-20

Rule Type: Amendment

Rule Title/Tagline: Sleeping and napping requirements for a licensed family child care provider.

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

Contact: Michael Lynch **Phone:** 614-466-4605

Email: Michael.Lynch@jfs.ohio.gov

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? 5104.017, 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 maintain 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.

5101:2-13-20 "Sleeping and napping requirements for a licensed family child care provider" outlines requirements for the use of cribs, mats, cots and other sleep surfaces for a licensed family child care provider. Amendments to this rule include removing duplicative requirements for cleaning and sanitizing bed linens.

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. The existing costs associated with this rule can vary based on the number of children enrolled in the program. The provider's cost of compliance is dependent upon the space and furnishings (cots and cribs) available for each child to sleep and nap in the home.

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 family child care providers to provide a quiet space for children who want to rest, nap or sleep. 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? 4

5101:2-13-20 (B)(2) All manufacturer's warnings must be followed.

5101:2-13-20 (B)(3) Each couch and bed used shall have clean bed linens changed at least weekly, and more often if necessary.

5101:2-13-20 (B)(4) Bed linens shall be laundered before another child uses them pursuant to rule 5101:2-13-13 of the Administrative Code.

5101:2-13-20 (C)(1)(b) The date of manufacture must be attached to the crib.