

**Rule Summary and Fiscal Analysis (Part A)****Department of Job and Family Services**

Agency Name

**Division of Social Services**

Division

**Michael Lynch**

Contact

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**5101:2-13-20**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Sleeping and napping requirements for a licensed family child  
care provider.****RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **No**2. Are you proposing this rule as a result of recent legislation? **No**3. Statute prescribing the procedure in  
accordance with the agency is required  
to adopt the rule: **119.03**4. Statute(s) authorizing agency to  
adopt the rule: **5104.017, 5104.018**5. Statute(s) the rule, as filed, amplifies  
or implements: **5104.017, 5104.018**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being adopted to improve the clarity of the regulations and the organization of the chapter. It replaces rescinded rules 5101:2-13-19, 5101:2-13-42 and 5101:2-14-19.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE,

then summarize the content of the rule:

This rule outlines requirements for the use of cribs, mats, costs and other sleep surfaces for a licensed family child care provider.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

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).

This rule incorporates one or more dated references to an ODJFS form or forms. Each cited ODJFS form is dated and is generally available to persons affected by this rule via the inner-web at <http://innerapp.odjfs.state.oh.us/forms/inner.asp> or on the inter-net at <http://www.odjfs.state.oh.us/forms/inter.asp> in accordance with RC 121.75(E).

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not applicable.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

In paragraph (C)(1) added "unless the infant meets the requirements of paragraph (D) of this rule" to the beginning of the sentence and in paragraph (C)(7) removed "the infant to which it was assigned is no longer using it" and replaced with "not

currently assigned to an infant."

12. Five Year Review (FYR) Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

**FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

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The proposed rule will not have an impact on the agency's projected budget during the current biennium.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

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

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

**S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

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 home providers must be licensed because they serve seven or more children. Type B home providers must be licensed 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 may result in revocation of a license.

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

There may be costs associated with the purchase of cribs, mats, cots and other items required for sleeping and napping.

Ohio Department of Job and Family Services  
**SLEEP POSITION WAIVER STATEMENT  
 FOR CHILD CARE**

**Safe Sleep Practices**

Sudden Infant Death Syndrome (SIDS) is the sudden and unexplained death of an infant under one year of age. Doctors don't know what causes SIDS, but they have found some things that can make babies safer. The American Academy of Pediatrics and the National Institute of Child Health and Human Development state that one of the most important things that can help reduce the risk of SIDS is to put healthy babies on their backs to sleep. State regulations require child care centers, family child care, and in-home aides to place all infants to sleep on their back. A few babies have health or medical conditions that might require them to sleep in an alternative position. At the advice of the infant's physician, the child care program may be authorized to use an alternative sleep position for the infant due to health or medical conditions. If an infant is to be placed in the crib in any other positions than on their back, this form must be completed by the child's physician and signed by the parent.

**To Be Completed by the Infant's Parent/Guardian**

Name of Infant		Date of Birth	
Name of Primary Care Physician			
Name of Practice			
Address			
Phone	Fax (optional)		Email (optional)
Signature of Caretaker/Parent (authorizing this instruction)			Date

**To Be Completed by the Infant's Primary Physician**

The above named infant has the following health or medical condition that necessitates an alternative sleep position	
Describe the appropriate sleep position for the above named infant	
Additional instructions	
Signature of Physician	Date
This above instruction is effective from (date) to (date)	