

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-16-09

Rule Type: Amendment

Rule Title/Tagline: Provider responsibilities for publicly funded child care.

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?** No
 - A. **What is the rule's five year review date?** 10/20/2024
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** HB 197 - 133
- Powell and Merrin
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 5104.30, 5104.38
5. **What statute(s) does the rule implement or amplify?** 5104.30, 5104.32, 5104.34, 5104.35, 5104.37, 5104.38, 5104.31
6. **What are the reasons for proposing the rule?**

To implement section 5104.31 of the Revised Code as amended by Amended Substitute House Bill No. 197 of the 133rd General Assembly.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule describes provider responsibilities for publicly funded child care. It is being updated to extend the date from July 1, 2020 to September 1, 2020 for when a provider who operates a licensed child care program providing publicly funded child care must be rated through the step up to quality (SUTQ) program.

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).

The 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 "Info Center" link on the ODJFS web site (<http://jfs.ohio.gov/>) in accordance with 121.75(B)(4).

This rule incorporates one or more dated references to a federal act or acts. This question is not applicable to any dated incorporation by reference to a federal act because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A)(2)(c).

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?**

No new costs.

- 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**

An eligible provider must sign a provider agreement with the Ohio department of job and family services to receive payment for providing publicly funded child care services.

- 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 maintain the requirements of this rule could result in the termination of the provider agreement and the ability to be reimbursed for publicly funded child care services.

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

Child care providers must submit attendance data via the automated child care system for services provided.

- 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? Yes**

The rule increases expenses for child care providers who are required to be rated to continue receipt of publicly funded child care funds to comply with step up to quality rating requirements. The amount of any increase in cost depends on individual program business practices. However, the rule also provides for a corresponding increase in reimbursement rate for providers as they join the program and continue to increase their rating within the program. The proposed changes to the rule would have no impact on provider costs or expenses.

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