

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

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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 110 - 134 - Oelslager
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?

This rule is being proposed to implement changes due to the passage of Amended Substitute House Bill 110 of the 134th General Assembly, to correct paragraph reference errors and to remove revision dates from form citations.

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

5101:2-16-09 "Provider responsibilities for publicly funded child care" outlines provider requirements for participation in the Publicly Funded Child Care (PFCC) program. The following changes were made:

- Removed "Beginning September 1, 2020" from paragraph (A)(1) and added "Except as described in paragraph (A)(2) of this rule";
- Corrected errors in the referencing of some paragraphs in the rule;
- Removed revision dates from form citations.

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).

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?**

Not Applicable.

- 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**

Child care providers who wish to provide publicly funded child care must complete a provider agreement and for those providers not regulated by ODJFS, the provider must request approval to be eligible to sign a provider agreement.

- 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**

Non-compliance may result in the loss of an agreement to provide 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 who wish to provide publicly funded child care must complete a provider agreement and for those providers not regulated by ODJFS, the provider must request approval to be eligible to sign a provider agreement.

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

There may be time costs to the program related to filling out the provider agreement for all programs, and to request approval to a sign a provider agreement for programs not regulated by ODJFS.

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