

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 45 - 134 - Thomas West, Bill Roemer
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, 5104.38, 5104.31
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

Amended Substitute House Bill 45 of the 134th General Assembly. With the

implementation of House Bill 45 ,this rule is being revised for amendment so that certain child care programs will no longer be required to be Step Up To Quality (SUTQ) rated to provide Publicly Funded Child Care (PFCC).

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

Rule 5101:2-16-09 outlines the requirements for Providers who serve children in PFCC programs. The proposed changes are to correct a punctuation error and add two new exemptions to Section A:

(g) A licensed child care, ODE licensed pre-school or school-age program that provides publicly funded child care to less than twenty-five per cent of the program's license capacity.

(h) A program that is a type A child-care home or licensed type B family child-care home.

9. Does the rule incorporate material by reference? Yes

10. 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)(a).

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).

11. 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

- 12. 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

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

No new costs

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

- 16. 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

- 17. Was this rule filed with the Common Sense Initiative Office? Yes**

- 18. 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? No**

Not Applicable

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

- 19. 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 to this rule?**

Not Applicable

- B. How many existing regulatory restrictions do you propose removing from this rule?**

Not Applicable

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

Not Applicable

- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable