

5101:2-16-09

Provider responsibilities for publicly funded child care.**(A) Who is eligible to sign an agreement to provide publicly funded child care?**

(1) A child care provider who operates a licensed child care center; a licensed type A or type B child care home; an approved Ohio department of education (ODE) licensed program; an approved child day camp; a certified in-home aide; or a regulated border state provider is eligible to sign a provider agreement.

(a) A school child or preschool program licensed by the ODE, pursuant to sections 3301.52 to 3301.59 of the Revised Code, will become eligible to sign a provider agreement after requesting approval to provide publicly funded child care services. All requests shall be made by:

(i) Submitting the JFS 01140 "Request to Provide Publicly Funded Child Care for Ohio Department of Education Programs" (10/2017) with a copy of the ODE license or the Ohio child licensing and quality system (OCLQS) generated equivalent to ODJFS.

(ii) Complying with background check requirements pursuant to rule 5101:2-12-09 of the Administrative Code.

(b) A border state provider shall register in OCLQS prior to signing a provider agreement.

(2) Beginning July 1, 2020, a provider who operates a licensed child care program is eligible to provide publicly funded child care only if the program is rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code.

(3) A provider is exempt from paragraph (A)(2) of this rule if the provider operates any of the following:

(a) A program that operates only during the summer and not for more than fifteen consecutive weeks.

(b) A program that operates only during school breaks.

(c) A program that operates only on weekday evenings, weekends, or both.

(d) A program that holds a provisional license issued under section 5104.03 of the Revised Code.

(e) A program that had its step up to quality program rating removed by the department of job and family services within the previous twelve months.

(f) A program that is the subject of a revocation action initiated by the department, but the license has not yet been revoked.

(4) Child care providers with a signed provider agreement shall maintain compliance with all requirements of the Child Care and Development Block Grant Act of 2014, P.L.113-186 (11/19/2014), 128 Stat. 1971 (2014) 42 U.S.C. 9858 (CCDBG Act of 2014).

(B) What are the provider requirements to sign an agreement for publicly funded child care services?

(1) Providers are eligible for payment after they complete the provider agreement with the Ohio department of job and family services (ODJFS) and have entered all required information in the automated system.

(a) The provider agreement is effective on the date it is signed and submitted by the provider or the date the provider becomes an eligible provider pursuant to paragraph (A) of this rule, whichever is later.

(b) The provider agreement as entered into with ODJFS may be terminated if ODJFS determines misuse of publicly funded child care or the automated child care system.

(c) The provider agreement as entered into with ODJFS, may be terminated in accordance with the terms contained in the agreement.

(d) The provider agreement shall be terminated if the eligible provider fails to maintain approval as an eligible provider.

(e) Providers of publicly funded child care with a valid provider agreement shall not be considered employees of ODJFS but shall be considered independent contractors who are responsible for the requirements of self-employment.

(2) ODJFS shall pay eligible child care providers for publicly funded child care services provided to eligible caretakers authorized to that provider.

(a) An eligible child care provider who provides child care services for a caretaker who is potentially eligible for publicly funded child care benefits shall be paid for child care services if an authorization is created by the county agency pursuant to rule 5101:2-16-06 of the Administrative Code.

(b) Payment for publicly funded child care services shall be contingent upon the availability and appropriation of state and federal funds.

(C) How shall a provider track attendance for publicly funded child care services?

(1) Child care providers shall utilize the automated child care system to track attendance data for caretakers who have applied or have been determined eligible for publicly funded child care, in accordance with procedures outlined by ODJFS.

(2) Child care providers or a person acting in any capacity for the provider shall not use the personal identification information created by the caretaker or a caretaker's designee/sponsor to track or approve attendance in the automated child care system.

(3) The provider shall be responsible for the cost of replacement or repair of the hardware required for use of the automated child care system. Recoupment may occur through the payment adjustment process.

(D) How are school hours deducted in the automated system for school-age children being cared for by a provider?

(1) The provider shall enter each school-age child's current school schedule in the automated system on or before the first day of the school year as defined in rule 5101:2-16-01 of the Administrative Code or the child's first week of attendance if authorization is after the first day of the school year. Each school schedule shall include all of the school year, but may begin earlier and/or end later.

(2) The schedule set by the provider for each school-age child shall be used to deduct the hours in which that child is in school and not at the child care program.

(E) How shall a provider submit attendance data for child care services provided?

A child care provider shall submit all data for the calculation of payments in accordance with instructions provided by ODJFS.

(1) Attendance data shall be submitted for payment after the close of the service week and no later than four weeks from the last day of the service week or four weeks from the last day of the week the authorization is provided to the automated system, whichever is later.

(2) Only complete data (days with both an in and out time for the child receiving care) may be submitted.

- (3) Each school-age child shall have an associated school schedule set by the provider pursuant to paragraph (D) of this rule before the child's attendance may be submitted for payment.
 - (4) Changes to attendance data shall be submitted with caretaker approval.
 - (5) The provider may track attendance or make changes to attendance data in the automated child care system without caretaker approval if all of the following apply:
 - (a) There has been a loss of contact with the caretaker for five consecutive calendar days from the last day of attendance.
 - (b) The provider has notified the county agency of the loss of contact.
 - (c) The authorization to the provider has been ended.
 - (d) Any new or changed attendance is limited to no more than five consecutive days.
 - (6) Once attendance has been submitted, the provider has until the following Saturday to recall the submitted attendance in order to make a change to the attendance data. Any changes made shall require caretaker approval pursuant to paragraphs (D)(3) and (D)(4) of this rule prior to resubmitting the attendance.
 - (7) ODJFS will begin processing the payment on the Sunday following the submission of the attendance data.
 - (8) If the attendance has not been submitted pursuant to the time line in paragraph (D)(1) of this rule, ODJFS shall automatically process any complete attendance data for payment. No new attendance data may be submitted after this date.
 - (9) ODJFS shall not pay for a child's attendance submitted by more than one provider for the same date and time.
- (F) How does a provider receive payment when a caretaker's application for publicly funded child care has been denied?
- (1) Child care providers shall submit attendance data pursuant to paragraphs (C) and (D) of this rule when notification has been received that a caretaker's application for child care has been denied.
 - (2) The provider may appeal a denial notice of eligibility for payment after denial within fifteen days from the date of denial if either of the following apply:

(a) Payment was denied due to a caretaker's incomplete application.

(b) Payment was denied because the provider did not have a valid provider agreement when services were provided.

(3) Attendance submitted for payment after denial shall not include absent days or professional development days.

(G) How does a provider request a payment adjustment after a payment has been issued?

(1) The provider shall submit a request for payment adjustment in the automated child care system within four weeks of the payment date. No new attendance may be submitted for payment adjustments.

(2) If the incorrect payment amount is because of a county agency data entry error, the provider shall contact the county agency to request correction of the error before the provider submits the request for payment adjustment. ODJFS shall not process the request for payment adjustment until the error is corrected by the county agency. The request for adjustment may exceed four weeks from the original payment date.

(H) What are the provider's responsibilities to collect a copayment?

(1) The provider shall establish a written and signed agreement with the caretaker for payment of the child's assigned copayment.

(2) If an assigned copayment is delinquent more than two weeks from the date established in the written copayment agreement, the provider shall submit a record of the delinquent copayment to the county agency no later than three weeks from the date the copayment was due.

(3) If a provider fails to inform the county agency of the delinquent copayment, the caretaker shall be responsible for any delinquent copayments reported by the provider for up to the previous three weeks from the date the county agency was notified.

(I) What is the process for requesting payment for services provided prior to December 16, 2018?

(1) Child care providers shall submit to ODJFS the JFS 01261 "Publicly Funded Child Care Manual Claim for Attendance" (rev. 9/2014) for attendance not recorded in the Ohio electronic child care (Ohio ECC) system for the following reasons:

(a) Authorization made prior to the back swipe period.

- (b) A bureau of state hearings decision.
 - (c) The point of services (POS) device was not installed when services were provided.
 - (d) A caretaker is awaiting a swipe card.
 - (e) A caretaker withdraws without notice.
 - (2) The child care provider shall submit the JFS 01261 no later than seven weeks from the week of service being submitted unless otherwise determined by ODJFS.
 - (3) ODJFS shall reject the JFS 01261 for care provided during the back swipe period.
 - (4) Child care providers shall submit to ODJFS the JFS 01292 "Publicly Funded Child Care Request for Ohio ECC Payment Adjustment" (rev. 7/2017) when a payment has been issued and needs to be corrected no later than seven weeks from the week of service unless otherwise determined by the bureau of state hearings.
 - (5) Child care providers shall submit to ODJFS the JFS 01211 "Request for Payment of Publicly Funded Child Care Services Provided for a Denial of Application" (rev. 9/2014) when notification has been received that a caretaker's application for child care has been denied.
- (J) What is the process for requesting a payment enhancement when a provider must make accommodations to care for a child with special needs?
 - (1) A child care provider may submit a request for a payment enhancement when accommodations must be made to care for a child who meets the definition of special needs as defined in rule 5101:2-16-01 of the Administrative Code.
 - (a) To request this payment rate, the provider shall submit a completed JFS 01231 "Request for Payment Rate for Special Needs Child Care" (rev. 10/2019) to ODJFS.
 - (b) ODJFS will notify the provider with verification of the approved amount, the effective date of the change in payment rate, or if the request is denied.
 - (c) An approved payment enhancement shall be in effect for twelve months for a child authorized to receive publicly funded child care at the approved provider.

- (2) If state and/or federal funds are not available for the purchase of publicly funded child care services, ODJFS shall reserve the right to deny all requests.
- (3) The granting of this payment rate by ODJFS shall not be construed as constituting precedence for the granting of any other payment changes or the subsequent renewal of a rate. All requests shall be considered on an individual basis.

Replaces: 5101: 2-16-42, 5101: 2-16-43, 5101:2-16-44

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5104.30, 5104.38
Rule Amplifies: 5104.30, 5104.32, 5104.34, 5104.35, 5104.37, 5104.38
Prior Effective Dates: 07/01/1989 (Emer.), 09/28/1989, 07/01/1990 (Emer.),
09/30/1990, 05/01/1991 (Emer.), 07/29/1991,
11/01/1991 (Emer.), 01/20/1992, 07/06/1992 (Emer.),
10/01/1992, 09/01/1993, 01/01/1994 (Emer.),
03/31/1997, 10/01/1997 (Emer.), 12/30/1997,
01/01/1999, 06/10/2000, 05/12/2002, 06/09/2003,
07/01/2003, 02/01/2007, 02/01/2008, 07/01/2008,
10/21/2009, 03/28/2010, 06/01/2011, 08/28/2011,
05/04/2014, 09/14/2014, 08/10/2015, 07/09/2017,
10/29/2017, 12/16/2018