

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

Contact: Michael Lynch **Phone:** 614-466-4605

Email: Michael.Lynch@jfs.ohio.gov

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? No
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?

This rule is being proposed to remove outdated guidance for payment for services provided prior to December 16, 2018.

- 8. 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 proposed change is to remove the guidance for requesting payment for service provided prior to December 16, 2018 due to the implementation of an electronic process to request payment for services during that time.

- 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)(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).

- 11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

This rule is being revised filed to remove statute 5104.37 as referenced in the rule amplify list.

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

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?** Yes

- A. **How many new regulatory restrictions do you propose adding to this rule?** 0

- B. **How many existing regulatory restrictions do you propose removing from this rule?** 5

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

(I)(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.

(I)(3) ODJFS shall reject the JFS 01261 for care provided during the back swipe period.

(I)(4) Child care providers shall submit to ODJFS the JFS 01292 "Publicly Funded Child Care Request for Ohio ECC Payment Adjustment" 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.

(I)(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" when notification has been received that a caretaker's application for child care has been denied.

- 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