

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-16-10

Rule Type: Amendment

Rule Title/Tagline: Payment rates and procedures for providers of publicly funded child care services.

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? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 5104.30, 5104.38, 5104.39
5. What statute(s) does the rule implement or amplify? 5104.30, 5104.35, 5104.38, 5104.39
6. What are the reasons for proposing the rule?

This rule is being amended to establish an in-home aide pilot program to update wages for an in-home aid in a participating county who serves at least one child who qualifies for special needs child care or at least one child who needs care during non-traditional hours. This rule is also being amended to address the payment procedures for programs during the COVID-19 Pandemic.

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

5101:2-16-10 "Payment rates and procedures for providers of publicly funded child care services" is being amended to establish an in-home aide pilot program to update wages for an in-home aide in a participating county who serves at least one child who qualifies for special needs child care or at least one child who needs care during non-traditional hours. This rule also explains how temporary pandemic school-age child care programs are paid and expands absent days from ten to twenty during each six-month period. Create thirty-five new pandemic days which the provider can use if they normally would have provided child care services, but were advised by ODH or the local health department or in compliance with guidance from ODH and the CDC as a result of the COVID-19 pandemic. This rule sets forth the payment rates and procedures for providers of publicly funded child care (PFCC) services.

- 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 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).

- 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 increase expenditures.

\$335,400.00

This rule will have an impact on expenditures as a result of increasing the hourly rate of an in-home aide in a participating county serving at least one child who qualifies

for special needs child care or a child in need of care during non-traditional hours. The cost is estimated to be \$335,400.00 for increased wages for the duration of the pilot.

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? No**

17. **Does this rule have an adverse impact on business? No**

- A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**
- 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? No**
- C. **Does this rule require specific expenditures or the report of information as a condition of compliance? No**
- 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 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