

## 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? 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, 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 proposed to clarify that in-home aides do not receive payment enhancements or additional percentages, and to rescind and replace Appendix A to the rule with new rates and provider category changes due to the passage of Amended Substitute House Bill 110 of the 134th General Assembly.

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" outlines the payment rates and procedures for providers of publicly funded child care services. It is being amended with the following changes: Clarified that in-home aides are not eligible for payment enhancements or extra percentages; Appendix A to rule 5101:2-16-10 is being rescinded and replaced to reflect a 25% increase in provider rates and to move 7 counties to higher categories.

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 have no impact on revenues or expenditures.

0

This will neither increase nor decrease revenues or expenditures, as the costs associated with the new provider rates were assumed in the budget.

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? Yes
  - A. How many new regulatory restrictions do you propose adding? 0
  - B. How many existing regulatory restrictions do you propose removing? 1

(N) Payment rates for in-home aides shall be determined according to the following: