

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-16-11

Rule Type: New

Rule Title/Tagline: Provider improper payments or misuse of publicly funded child care benefits.

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?

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? 5104.38

5. What statute(s) does the rule implement or amplify? 5104.32, 5104.38, 5104.37

6. What are the reasons for proposing the rule?

This rule is being proposed to replace rescinded rule 5101:2-16-71 to group regulations according to topic and to renumber the rules consecutively as part of the five year rule review.

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

This rule sets forth the policies surrounding provider improper payments or misuse of publicly funded child care benefits.

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. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule incorporates one or more dated references to an ODJFS form or forms. Each cited ODJFS form is dated and is generally available to persons affected by this rule via the inner-web at <http://innerapp.odjfs.state.oh.us/forms/inner.asp> or on the inter-net at <http://www.odjfs.state.oh.us/forms/inter.asp> in accordance with RC 121.75(E).

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. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

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This rule has no expected fiscal impact on current or future budgets.

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

There will be monetary costs for providers who have to pay back improper payments or over-payments. These costs will vary depending on the amounts owed.

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**

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? Yes

16. 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

An eligible provider must sign a provider agreement to receive payment from the Ohio department of job and family services for providing publicly funded child care services.

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 with this rule may result in the loss of an agreement to provide publicly funded child care services and/or the requirement to pay back improper payments.

C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

Providers who have been paid improper child care payments or who have misused publicly funded child care will be required to pay back any improper payments.