

5101:2-16-11

**Provider improper payments or misuse of publicly funded child care benefits.****(A) What is a provider improper child care payment?**

A provider improper child care payment means that a payment was made to a provider for which the provider was not eligible to receive. Improper payments are the result of one of the following:

- (1) An error on the part of the provider.
- (2) An error on the part of the county agency or the Ohio department of job and family services (ODJFS).

**(B) What is considered provider misuse of publicly funded child care benefits or the automated child care system?**

Provider misuse includes, but is not limited to:

- (1) Utilizing the personal identification information of a caretaker or designee/ sponsor to log a child's attendance in the automated child care system.
- (2) Falsifying attendance records.
- (3) Knowingly seeking and/or accepting payment for child care services that were not provided.
- (4) Knowingly seeking and/or accepting payment for child care services which the provider was not eligible to receive, including providing care at an unlicensed location.
- (5) Knowingly seeking and/or accepting payment for child care services provided to a child that resides in the provider's own home.

**(C) What are the procedures if a provider improper child care payment is a result of a county error?**

If the improper payment is the result of a county data error, the county agency shall:

- (1) Correct the error in the child care information data system.
- (2) Calculate the total overpayment amount that resulted from the county error.
- (3) Send a provider with a current provider agreement a notice of the determined overpayment using the JFS 01172 "County Agency Notice of Child

Care Improper Payment and Repayment Requirements for Child Care Providers" (rev. 12/2018).

- (4) Notify ODJFS of the provider improper child care payment so that ODJFS may adjust all impacted payments in the child care automated system.
- (5) Refer all provider improper child care payments for providers without a current provider agreement to ODJFS.
- (D) What are the repayment procedures for all improper payments, including misuse of the automated child care system?
  - (1) ODJFS may recoup one hundred per cent of the over payment via payment adjustments if the provider has a current provider agreement and is currently receiving payments for publicly funded child care services.
  - (2) An invoice will be issued to the provider if either of the following are true:
    - (a) The provider does not have a current provider agreement or is not currently receiving payments for publicly funded child care services.
    - (b) Overpayments are unable to be recouped through the payment adjustment process, for those providers currently receiving payments for publicly funded child care services.
  - (3) After thirty calendar days, any remaining balance will be certified to the office of the attorney general for collection.
- (E) Can a child care provider request a review of an identified overpayment?
  - (1) A child care provider may request in writing to ODJFS that a reconsideration review be conducted for any identified overpayment that is subject to recoupment.
  - (2) The written request must be received by ODJFS no later than fifteen calendar days after the date the provider receives the overpayment notice.
- (F) What is provider fraud?
  - (1) Provider fraud is the willful withholding or falsification of information by the provider with an intent to deceive or defraud, resulting in the acceptance of or the receipt of payment for which the provider was not entitled, as determined by a court of law or the provider's admission.

- (2) The county agency shall recommend to ODJFS the termination of the provider agreement if a provider has admitted or pleaded guilty to committing fraud or has been convicted of fraud, as determined by a court of law.

Replaces: 5101:2-16-71

Effective:

Five Year Review (FYR) Dates:

---

Certification

---

Date

Promulgated Under: 119.03

Statutory Authority: 5104.38

Rule Amplifies: 5104.32, 5104.38, 5104.37

Prior Effective Dates: 06/03/1996, 10/01/1997 (Emer.), 12/30/1997,  
01/01/2002, 02/01/2007, 07/01/2008, 03/28/2010,  
08/28/2011, 05/04/2014, 08/10/2015, 07/09/2017,  
12/16/2018