



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

Business Impact Analysis

Agency, Board, or Commission Name: Department of Job and Family Services

Rule Contact Name and Contact Information:

Michael Lynch 614-466-8376 Michael.Lynch@jfs.ohio.gov

Regulation/Package Title (a general description of the rules' substantive content):

In-Home Aide Ohio Child Licensing and Quality System (OCLQS) and Child Care and Development Block Grant (CCDBG) rule changes

Rule Number(s): 5101:2-14-02, 5101:2-14-03, 5101:2-14-04, 5101:2-14-05, 5101:2-14-06, 5101:2-14-07, 5101:2-14-08, 5101:2-14-09, 5101:2-14-10, 5101:2-14-11, 5101:2-14-12, 5101:2-14-13

Date of Submission for CSI Review: 8/7/23

Public Comment Period End Date: 8/14/23

Rule Type/Number of Rules:

New/ 10 rules

No Change/ rules (FYR?)

Amended/ 2 rules (FYR? Y)

Rescinded/ 2 rules (FYR? Y)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

Reason for Submission

1. **R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.**

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. ☒ **Requires a license, permit, or any other prior authorization to engage in or operate a line of business.**
- b. ☒ **Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.**
- c. ☒ **Requires specific expenditures or the report of information as a condition of compliance.**
- d. ☒ **Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.**

Regulatory Intent

2. **Please briefly describe the draft regulation in plain language.**

Please include the key provisions of the regulation as well as any proposed amendments.

Rule changes are being made for the five-year review, to comply with federal Child Care and Development Block Grant requirements, to better organize the rules, to add new rules to group related procedures, and to clarify certain processes and requirements.

5101:2-14-02 "Application and approval for certification as an in-home aide" " has been amended to clarify and better organize the application and approval process for in-home aides. The following changes were made:

- Updated weblink for the Ohio Professional Registry (OPR).
- Clarified a "pre-certification visit" is an "inspection."
- Moved paragraph (D)(1) of this rule to paragraph (A)(4) of this rule.
- Moved the qualifications to be a certified IHA from paragraph (A) of rescinded rule 5101:2-14-03 to paragraph (B) of this rule.
- Removed "for those individuals certified after April 1, 2003" from paragraph (B)(2).
- Clarified the requirement for a medical statement by adding that the medical statement on file must be dated within 12 months prior to the date the IHA applies for initial certification. Clarified the contents of a valid IHA certificate.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

- Updated the process for contacting the county if the IHA decides to voluntarily withdraw their certification from notifying "either verbally or in writing" to notifying "in OCLQS."
- Moved the ratio and maximum group size language from paragraph (C) of this rule to paragraph (C) of new rule 5101:2-14-08.
- Removed "requirements once a certificate has been issued" from paragraph (D) and replaced with "responsibilities of a certified IHA."
- Clarified when unannounced inspections will take place.
- Added requirement for IHA to keep their own mailing address, telephone number, email address and scheduled days and hours of care current in OCLQS.
- Added requirement for IHA to maintain their profile, dashboard and scheduled days and hours in the Ohio Professional Registry (OPR).
- Moved paragraph (A)(10) of rescinded rule 5101:2-14-03 to new paragraph (D)(8) of this rule.
- Moved paragraphs (A)(14), (A)(16) and (A)(17) of rescinded rule 5101:2-14-04 to new paragraphs (D)(5), (D)(6) and (D)(7) of this rule.
- Updated the process for contacting the county agency if the IHA discontinues caring for children, by removing "contact the county agency" and replacing with "update OCLQS."
- Clarified the procedure if an IHA wants to become certified at a second location.
- Added that the IHA is to submit the parent and child's new address in OCLQS if the parent and child move.
- Clarified that an inspection must take place at the new location if a parent and child move.
- Added the IHA responsibilities for addressing non-compliances found during inspections.
- Moved the process to request a review if a county agency proposes an adverse action from paragraph (E) of rescinded rule 5101:2-14-04 to new paragraph (J) of this rule.

Appendix A to rule 5101:2-14-02 has been amended with the following changes:

- Changed title to "Required Documents for an Initial and Renewal Application for Certification as an In-Home Aide".
- Clarified when documentation must be submitted by the IHA.
- Updated rule references.
- Removed training verifications from the list of uploads required, because training verifications are accessed in the OPR.
- Added that the Emergency and Disaster Plan is to be uploaded at application.
- Clarified that the JFS 01642 "In-Home Aide Assurances" is the only documentation required to be uploaded at renewal.
- Updated the weblink for the Ohio Professional Registry (OPR).
- Clarified background check requirements to match paragraph (B) of 5101:2-14-04.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

Appendix B to rule 5101:2-14-02 is a new appendix replacing rescinded Appendix A to rescinded rule 5101:2-14-03, with the following changes:

- Removed "associate's" and replace with "associate" in paragraph number three to match Revised Code.
- Added "or a graduate of a non-chartered non-public school" to paragraph number four to match Revised Code.
- Removed "a letter from the state or local board of education stating that the curriculum for the course of home study taken by the provider meets the required standards for high school completion" from paragraph number four and replaced with "documentation as required by section 3313.6110 of the Revised Code.

Appendix C to rule 5101:2-14-02 is a new appendix replacing rescinded Appendix C to rescinded rule 5101:2-14-03 with the following changes:

- Clarified when the IHA must submit a medical statement.
- Replaced "physician's" assistant with "physician" assistant to match Revised Code.

5101:2-14-03 "Training requirements for an in-home aide" is a new rule replacing rescinded rule 5101:2-14-03 "Qualifications for certification as an in-home aide" for rule re-numbering, to move background check requirements to their own rule and to clarify when health trainings are required. The following changes were made:

- Grouped the health trainings required before an IHA may be certified, exemptions from health training requirements, and specific CPR requirements into new paragraph (A) of this rule.
- Grouped the on-going health training requirements into new paragraph (B) of this rule, including moving existing requirements in paragraphs (A)(4), (A)(5) and (A)(6) of rescinded rule 5101:2-14-03 to new paragraphs (B)(1) and (B)(2) of this rule.
- Moved professional development requirements from paragraph (B) of rescinded rule 5101:2-14-03 to new paragraph (C) of this rule.
- Created new paragraph (D) to outline the documentation requirements for health trainings and professional development hours.

Appendix A to rule 5101:2-14-03 replaces rescinded Appendix B to rescinded rule 5101:2-14-03 with the following changes:

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

- Added new paragraph number two to clarify that the first aid training must follow a curriculum that is appropriate for the age and developmental levels of the children in care.
- Replaced "Physician's" assistant with "physician" assistant and "associate's" degree with "associate" degree to match Revised Code.

Appendix B to rule 5101:2-14-03 replaces rescinded Appendix D to rescinded rule 5101:2-14-03. There are no proposed changes to this appendix.

5101:2-14-04 "Background check requirements for a certified in-home aide" is a new rule replacing paragraph (C) through paragraph (K) of rescinded rule 5101:2-14-03 to move background check requirements to their own rule; and replacing rescinded rule 5101:2-14-04 "In-home aide responsibilities and assurances" for rule re-numbering. The following changes were made:

- Clarified when a background check is required.
- Moved the background check requirements when an IHA has a break in employment for more than one hundred eighty consecutive days to new paragraph (B)(3).
- Clarified that when an IHA requests a background check review, a new JFS 01176 and JFS 01177 will only be provided if there is a change in the original decision.

Appendix A to rule 5101:2-14-04 replaces rescinded Appendix (E) to rescinded rule 5101:2-14-03 to move the rehabilitation requirements for background checks to the new background check rule; and replaces rescinded appendix A to rule 5101:2-14-04 for rule re-numbering. The following changes were made:

- Moved "an existing or former offense of any municipal corporation, this state, or any other state, or the United States that is substantially equivalent to any of these offenses, or that would meet the ineligibility requirements under 45 CFR Section 98.43 or" from the bottom of the list of offenses to paragraph 2c.
- Added the following to the list of prohibited offenses to align with the Ohio Revised Code and the Child Care and Development Block Grant:

R.C. 2903.03 – Voluntary manslaughter

R.C. 2903.04 – Involuntary manslaughter

R.C. 2905.32 – Trafficking in persons

R.C. 2907.04 – Unlawful sexual conduct with minor

R.C. 2907.05 – Gross sexual imposition

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

R.C. 2907.19 – Commercial sexual exploitation of a minor

R.C. 2907.21 – Compelling prostitution

R.C. 2907.31 – Disseminating matter harmful to juveniles

R.C. 2911.01 – Aggravated robbery

R.C. 2911.02 – Robbery

R.C. 2911.11 – Aggravated burglary

R.C. 2911.12 – Burglary

R.C. 2919.23 – Interference with custody

R.C. 2919.24 – Contributing to unruliness or delinquency of a child

R.C. 2923.13 – Having weapons while under disability

R.C. 2923.161 – Improperly discharging firearm at or into a habitation, in a school safety zone or with intent to cause harm or panic to persons in a school building or at a school function

5101:2-14-05 "Safe and sanitary environment and equipment requirements for in-home aides" was amended to re-group topics for clarity, to add existing requirements to rule that were previously only listed on required forms, and to add federal requirements. The following changes were made:

- Moved old paragraph (A)(2) of this rule to new paragraph (A)(2) of rule 5101:2-14-08.
- Moved old paragraphs (A)(3) and (A)(4) of this rule to new paragraph (B) of rule 5101:2-14-07.
- Added lead hazard procedures.
- Moved old paragraphs (C)(1) and (C)(2) of this rule to new paragraphs (A)(3) and (A)(4) of this rule.
- Added requirement that cleaning agents, aerosol cans and all other chemical substances are to be stored in a designated area in their original containers and/or clearly labeled.
- Added that toilets are to be flushed after each use to match requirements on the JFS 01533 "In-Home Aide Inspection."
- Removed "weapons, firearms and ammunition materials shall be kept inaccessible to children, out of sight of children in locked storage areas." Replaced with "All weapons, including loaded and unloaded firearms and ammunition are to be stored in a secure, safe, locked environment inaccessible to children while in the care of the IHA at the home."

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

- Added that "All alcohol, drugs, and household and child medications are to be kept out of the reach of children while in the care of the IHA at the home."
- Added that the home is to have both hot and cold running water and that hot water temperature is not to exceed one hundred twenty degrees Fahrenheit.
- Added handwashing requirement for a sturdy, nonslip platform if the sink is not of suitable height for children.
- Added the requirement that the JFS 08087 "Communicable Disease Chart" is to be readily available to the IHA, parents and residents.
- Moved the first aid kit requirement from paragraph (A)(10) to new paragraph (D) of this rule.
- Added standard precaution procedures due to federal requirements, and to match requirements on the JFS 01533.
- Added existing requirements found on the JFS 01642 "In-Home Aide Assurances" form regarding swimming and safety procedures, due to federal requirements.
- Added requirements for pet safety.

Appendix A to rule 5101:2-14-05 has no proposed changes.

Appendix B to rule 5101:2-14-05 is a new appendix that outlines the requirements when a child is sick. This appendix was added due to federal requirements.

Appendix C to rule 5101:2-14-05 is a new appendix that outlines first aid equipment requirements for clarification and to match the list on the JFS 01533. No changes were made to the contents of the list.

5101:2-14-06 "Child record requirements for a certified in-home aide" is a new rule replacing paragraphs (C)(1) through (C)(5) of rescinded rule 5101:2-14-04 to group child record requirements into their own rule for clarity, replacing rescinded rule 5101:2-14-06 "County agency responsibilities for the issuance and renewal of in-home aid certifications" for rule renumbering, and adding existing requirements to rule that were previously only listed on required forms. The following changes were made:

- Added that the parent and the IHA are to initial and date the JFS 01234 "Child Enrollment and Health Information for Child Care" when information is reviewed or updated.
- Added that the child's JFS 01234 must be sent with any child who is being transported for emergency treatment.
- Added that each child's JFS 01234 must be kept in a location where it can be quickly and easily accessed and removed from the home if there is an emergency that requires moving the child to another location.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

- Added that the JFS 01236 "Medical/Physical Care Plan for Child Care" is required when there is ongoing administration of medication or medical foods.
- Added that the parent and the IHA are to initial and date the JFS 01236 when information is reviewed or updated.
- Added that the JFS 01236 is to be on file in the home by the first day that the IHA provides child care services, or upon confirmation of a health condition, to match the existing requirement on the JFS 01642.
- Added that if the IHA suspects that the child has a health condition, the IHA may require a physician's statement within a designated time frame.
- Removed the requirement that the IHA must keep attendance records, indicating the hours of care for each child, previously found in paragraph (C)(4) of rescinded rule 5101:2-14-04.
- Clarified child record confidentiality requirements in new paragraph (D).
- Consolidated child record retention requirements already existing in rule in new paragraph (E).

Appendix A to rule 5101:2-14-06 is a new appendix replacing rescinded Appendix B to rescinded rule 5101:2-14-04. There are no changes to the language of this appendix.

5101:2-14-07 "Emergency and health-related plans for a certified in-home aide" is a new rule replacing paragraph (D) of rescinded rule 5101:2-14-04 to group incident reporting requirements into one rule for clarity, replacing rescinded rule 5101:2-14-07 "County agency responsibility for compliance inspections and complaint investigations for an in-home aide" for rule re-numbering, adding federal requirements, and for the five-year review. The following changes were made:

- Added that that IHA is to have a written plan for medical and dental emergencies on the JFS 01242 "Medical, Dental and General Emergency Plan for Child Care." The plan is to be completed, implemented when necessary and kept in a location readily available to the IHA.
- Added that the IHA is to complete the JFS 01201 "Dental First Aid" and keep in a location readily available to the IHA.
- Added that written emergency and disaster plans are to include brief instructions for evacuations and diagrams with indoor severe weather safe spots and evacuation routes.
- Added that severe weather and fire evacuation routes are to be posted on each level of the home in use for care.
- Moved the existing requirements for fire and weather emergency drills in paragraphs (A)(15) and (D)(1)(b) of rescinded rule 5101:2-14-04 to new paragraphs (A)(5) and (E)(2) of this rule.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

- New paragraph B of this rule replaces and clarifies the existing incident/injury report requirements that were previously located in paragraphs (A)(3) and (A)(4) of rule 5101:2-14-05.
- Clarified what should be considered a serious incident and the requirements when a serious incident occurs.
- New paragraph (C) of this rule replaces and clarifies the existing disaster plan requirements that were previously located in paragraph (D) of rescinded rule 5101:2-14-04.

5101:2-14-08 "Supervision of children and child guidance for a certified in-home aide" is a new rule consolidating supervision and child guidance requirements into one rule for clarity and adding existing requirements to rule that were previously only listed on required forms. The following changes were made:

- Moved and clarified the existing supervision requirements in paragraph (A)(2) of rule 5101:2-14-05 to new paragraphs (A)(1) and (A)(2) of this rule.
- Moved and clarified the existing supervision requirements in paragraphs (A)(2), (A)(3), (A)(6), and (A)(7) of rescinded rule 5101:2-14-04 to paragraphs (A)(3), (A)(5), and (A)(7) of this rule.
- Moved and clarified the existing supervision requirement in paragraph (A)(9) of rescinded rule 5101:2-14-03 to new paragraph (A)(4) of this rule.
- Added the existing requirement found on the JFS 01642 that the IHA is not to permit the children to be exposed to inappropriate language or media.
- Added that "suitable weather" for outdoor play is a minimum of twenty-five to ninety degrees Fahrenheit.
- Added outdoor play supervision requirements, to match existing requirements on the JFS 01533.
- Added that school-age children are permitted in the outdoor play space without the IHA if they remain within sight and hearing of the IHA, the IHA is always able to intervene if needed, and the children are not engaged in higher risk activities such as swimming or using equipment with movable parts.
- Added that when the outdoor play space is not on the premises, the IHA is to accompany and supervise all children in transit and at the outdoor play space.
- Added that the children must have access to bathroom facilities and drinking water during outdoor play times to match existing requirements on the JFS 01533.
- Added new paragraph (B) that specifies when school-age children may leave home for specific activities and the written permission requirements for allowing school-age children to leave home for these activities.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

- Moved the ratio and maximum group size requirements from rule 5101:2-14-02 to new paragraph (C) of this rule.
- Moved the guidance requirements from paragraph (B) of rescinded rule 5101:2-14-04 to new paragraph (D)(1) of this rule.
- Added new paragraph (D)(2) to clarify that the IHA must consult with the parent before implementing a specific behavior management plan.
- Moved the mandated reporter requirements from paragraph (A)(13) of rescinded rule 5101:2-14-04 to new paragraph (E) of this rule.

Appendix A to rule 5101:2-14-08 is a new appendix replacing rescinded Appendix A to rescinded rule 5101:2-14-04. There are no proposed changes to the language of this appendix.

5101:2-14-09 "Transportation and field trip safety for a certified in-home aide" is a new rule replacing paragraph (A)(11) of rescinded rule 5101:2-14-04 and adding existing requirements to rule that were previously only listed on required forms. It clarifies existing requirements for written permission for field trips and for ensuring no child is left in a vehicle. The following changes were made:

- Added existing requirements found on the JFS 01642 and the JFS 01533 regarding what must be taken with the IHA on all trips.
- Added that seatbelts must be utilized by adults and children and no more than one person may be strapped in each belt in paragraph (A)(6).
- Added that IHAs who transport children must complete the one-time ODJFS transportation training in the OPR, unless public transportation is utilized in new paragraph (B).
- Added vehicle inspection requirements in new paragraph (C).

Appendix A to rule 5101:2-14-09 is a new appendix replacing the existing requirements in paragraphs (A)(11)(a) through (A)(11)(e) of rescinded rule 5101:2-14-04. There are no changes to the language of these requirements.

5101:2-14-10 "Sleeping, napping and overnight requirements for a certified in-home aide" is a new rule replacing paragraphs (A)(4) and (A)(5) of rescinded rule 5101:2-14-04, and adding existing requirements to rule that were previously only listed on required forms. The following changes were made:

- Added that the JFS 01235 "Sleep Position Waiver Statement for Child Care" must be on file if an infant under twelve months of age is not placed on their back to sleep.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

- Added that infants who can roll from back to front and front to back must initially be placed on back for sleeping but may be allowed to remain in position they prefer.
- Added that sleep or nap areas must be lighted to allow for visual supervision.
- Added that IHA's own children in care are to be assigned their own bed, crib, cot, mat or playpen for sleeping and napping.
- Added existing requirements found on the JFS 01642 regarding sleeping arrangements and crib requirements.
- Added evening and overnight care requirements in paragraph (F).

5101:2-14-11 "Meal preparation/nutritional requirements for a certified in-home aide" is a new rule replacing paragraph (A)(12) of rescinded rule 5101:2-14-04 and adding existing requirements to rule that were previously only listed on required forms. The following changes were made:

- Clarified portion size and nutritional requirements for meals and snacks to match the existing requirements on the JFS 01642.
- Added that food should be developmentally appropriate in size, amount, and texture, and should not be a choking hazard.
- Added requirements around medical foods and alternate diets in paragraphs (A)(5) and (A)(6).
- Added food storage requirements to match the existing requirements on the JFS 01642.
- Added self-feeding requirements in paragraph (B).

Appendix A to rule 5101:2-14-11 is a new appendix outlining the requirements for meals and snacks to match the existing requirements on the JFS 01642.

5101:2-14-12 "Medication administration for a certified in-home aide" is a new rule replacing paragraph (C)(5) of rescinded rule 5101:2-14-04 and adding existing requirements to rule that were previously only listed on required forms. The following changes were made:

- Clarified requirements for filling out the JFS 01217 "Request for Administration of Medication for Child Care" based on type of medication administered.
- Clarified that the JFS 01217 is not required for medication required by a JFS 01236 "Child Medical/Physical Care Plan for Child Care" or for non-prescription topical products or lotions.
- Added that the IHA is not to administer any medication, medical food, or topical product until the child has received the first dose or application.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

- Added that the IHA is not to administer any medication, medical food or topical product for any period beyond the date indicated by the physician, or after the expiration date of the medication, whichever comes first.
- Clarified that each administration or application must be documented on the JFS 01217 immediately after administering, including when school-age children administer their own medication.
- Clarified existing requirements on the JFS 01642 regarding medication storage.

5101:2-14-13 "Infant care and diaper care for a certified in-home aide" is a new rule replacing paragraphs (A)(8), (A)(9) and (A)(10) of rescinded rule 5101:2-14-04, and adding existing requirements to rule that were previously only listed on required forms. The following changes were made:

- Added infant daily care requirements in paragraphs (A)(1)(a) through (A)(1)(c) due to federal requirements.
- Added existing requirements from the JFS 01642 to paragraphs (A)(1)(d), (A)(2), (B), (C) and (D).
- Added that new foods are to be introduced by the IHA only after consultation with the parent.
- Added requirements for diapering more than one child in paragraphs (C)(3)(b) and (C)(3)(c).
- Added requirements for storing and laundering soiled diapers in paragraph (C)(4).

Appendix A to rule 5101:2-14-13 is a new appendix clarifying the requirements for breast milk storage.

3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.

Rule Number	Statutory Authority
5101:2-14-02	5104.019
5101:2-14-03	5104.013, 5104.019
5101:2-14-04	5104.013, 5104.019
5101:2-14-05	5104.019
5101:2-14-06	5104.019
5101:2-14-07	5104.019

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

5101:2-14-08	5104.019
5101:2-14-09	5104.019
5101:2-14-10	5104.019
5101:2-14-11	5104.019
5101:2-14-12	5104.019
5101:2-14-13	5104.019

- 4. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program? If yes, please briefly explain the source and substance of the federal requirement.**

The proposed regulations are being adopted to comply with the requirements of the Child Care and Development Block Grant Act of 2014.

- 5. If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

These regulations do not exceed federal requirements.

- 6. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

These rules, promulgated pursuant to the requirements of the Ohio Revised Code, establish a process for inspections and certifications to be done electronically by the county, implement federal CCDBG health and safety requirements and clarify certain processes and requirements.

- 7. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

The success of these regulations is determined during county compliance inspections and complaint investigations and through the monitoring of incident reports submitted by regulated in-home aides and through materials submitted to address non-compliances. Stakeholders also provide continuous input into the regulation and their ability to comply with the rules.

- 8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?**

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.

Not applicable.

Development of the Regulation

9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

The Child Care Advisory Council (CCAC) consists of twenty-two voting members appointed by the director of the Ohio Department of Job and Family Services as prescribed in section 5104.08 of the Ohio Revised Code. Members include for-profit and non-profit child care centers; parents; family child care home providers; county department of job and family services agencies staff; individuals interested in the welfare of children; and ex-officio members from other state agencies. The council reviewed these rules on June 1, 2023.

ODJFS made the proposed rules available for public comment from July 6, 2023 through July 20, 2023. There were six comments from one stakeholder.

10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

Changed 5101:2-14-02(A)(3)(d) to clarify a "pre-certification" inspection

Removed "or the parent" from 5101:2-14-02(E)(1). The IHA will update in OCLQS.

Changed 5101:214-05 (F)(1) to mirror family child care, and not allow children to use a home swimming pool while in care of the IHA.

Changed 5101:2-14-10 (A)(1) and (A)(2) to indicate the JFS 01242 and the JFS 01201 are to be readily available to the IHA and removed that the forms are to be posted.

11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

Not applicable.

12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?
Alternative regulations may include performance-based regulations, which define the required outcome, but do not dictate the process the regulated stakeholders must use to comply.

These rules were promulgated to comply with the statutory requirements of ORC 5104.013, 5104.019, and 5104.12, and to meet federal Child Care Development Block Grant (CCDBG) requirements for the health and safety of the in-home aides and children in care. Therefore, alternative regulations were determined to be inappropriate.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

13. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation? Rules are reviewed by ODJFS rule specialists and legal staff to ensure there is no duplication of our agency or other agency rules

14. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

County departments of job and family services utilize a software system to inspect certified in-home aides. ODJFS help desk staff provides support and assistance to certified in-home aides and families regarding the provisions of the rules. Formal notification of the rules is provided to providers, families and others by use of an eManual for child care which is located at <http://emanuals.odjfs.state.oh.us/emanuals/>.

Adverse Impact to Business

15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:

a. Identify the scope of the impacted business community, and

There are approximately 22 in-home aides throughout Ohio.

b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a representative business. Please include the source for your information/estimated impact.

Costs already in place include time to complete the application for certification and renewal, costs for criminal record checks, a medical exam and for training, time costs for obtaining written permission slips and required forms from the parent, and time costs for developing the emergency and disaster plan.

We have estimated the average initial cost to become a provider is \$175.00 for health trainings, including child abuse and neglect recognition and prevention, unless the applicant takes a free training offered through the Ohio Professional Registry. The cost for a medical examination would vary depending on the health care provider and whether the individual has health insurance. The estimated average cost to obtain both a BCI and FBI criminal record check is \$58.00. The cost to comply with annual professional development coursework would vary depending on trainer's fees.

New costs associated with the amendments may include time for completing the medical and dental emergency forms, creating and updating the IHA's organization dashboard in the OPR, and ensuring data in the OPR is accurate.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

New costs also may include time costs for IHA drivers to complete the one-time ODJFS transportation training and the monthly vehicle inspections.

The costs for an IHA to comply with the requirements of the rules are based on factors including, but not limited to, business model, number of children in the home that the IHA is caring for, and whether the IHA will care for their own children in the home.

Time costs to fill out forms will be approximately 30 minutes. Transportation training may take about 30 minutes and monthly vehicle inspections should take about 15-20 minutes

16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. (*Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors*). Some requirements for reviewing documentation were eliminated.

Once the IHA creates their organizational dashboard in OCLQS and performs the one-time linking of their employment records from the OPR, the IHA will no longer need to submit paper verification of training. The county agency will be able to view the training verification electronically.

We have reduced the paperwork necessary for renewal of certification to one form.

We have removed the requirement that the IHA maintain attendance records for the children in care.

17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

The regulatory intent justifies the financial impact certified in-home aides may incur because these approval standards are federally mandated to ensure health and safety of children. Ohio Revised Code requires in-home aides to be regulated.

Regulatory Flexibility

18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

No. The concept of an alternative means of compliance is not suited for these federal CCDBG protocols.

19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation? Not applicable.

20. What resources are available to assist small businesses with compliance of the regulation?

ODJFS provides technical assistance through technical assistance staff, technical assistance

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

documents, emails, eblasts, eManual, help desks, and through the Ohio Child Care Resource and Referral Association.

ODJFS provides the following:

Child Care Policy Helpdesk:

CHILDCAREPOLICY@jfs.ohio.gov

1-877-302-2347 option 4

Manual for child care located at: [ODJFS eManuals \(ohio.gov\)](http://odjfs.eManuals.ohio.gov)

Email updates from ODJFS can be received by signing up at:

[eNotifications Sign Up](#) | [Governor Mike DeWine \(ohio.gov\)](#)

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov