



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Sean McCullough**, Director

### MEMORANDUM

**TO:** Michael Lynch, Ohio Department of Job and Family Services

**FROM:** Jacob Ritzenthaler, Regulatory Policy Advocate

**DATE:** July 23, 2021

**RE:** **CSI Review – Child Care Center Licensing #2 (OAC 5101:2-12-02 through 5101:2-12-08, 5101:2-12-10, 5101:2-12-14, 5101:2-12-15, 5101:2-12-22, and 5101:2-12-25)**

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On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Department as provided for in ORC 107.54.

#### Analysis

This rule package consists of 11 amended rules, one rescinded rule, and one new rule proposed by the Ohio Department of Job and Family Services (ODJFS) as part of the statutory five-year review process. This rule package was submitted to the CSI Office on July 8, 2021, and the public comment period was held open through July 15, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on July 8, 2021.

Ohio Administrative Code (OAC) Chapter 5101:2-12 establishes licensing requirements for child care centers. OAC 5101:2-12-02 sets forth the application process for child care centers and is amended to update references to the Ohio Child Licensing and Quality System (OCLQS), change the application fee from \$500 to \$50, and clarify the responsibilities of providers regarding ownership, locations, and amending a license. OAC 5101:2-12-03 concerns compliance inspections and complaint investigations and is amended to clarify inspection requirements and update requirements for submission of information through OCLQS. OAC 5101:2-12-04

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establishes requirements for building department and fire safety inspections and is amended to update food preparation requirements and clarify requirements for certificates of occupancy and fire inspections. OAC 5101:2-12-05 and 5101:2-12-06 concern denial, revocation, or suspension of a license and procedures for provisional licensees. The rules are amended to require notification of families in the event of a license revocation, remove automatic denial of an application following accumulation of risk non-compliances and timeframes for obtaining certification following revocation, and clarify rule requirements. OAC 5101:2-12-07 and 5101:2-12-08 list provider responsibilities and qualifications and include amendments that require immunization information, clarify of administrator responsibilities, and require the use of OCLQS and Ohio Professional Registry documentation. OAC 5101:2-12-10 lists training and professional development requirements and is amended to require training in first aid, CPR, communicable disease, and child abuse and neglect recognition and prevention, completion of training within 90 days of hiring, and additional requirements related to trainers. OAC 5101:2-12-14 concerns transportation and field trip safety and is being replaced by a new rule of the same rule number due to the extent of content reorganization. The rule is amended to remove duplicative requirements and clarify requirements for employee and child care staff member drivers. OAC 5101:2-12-15 lists record requirements and is amended to update requirements for medical statements and health care plans, clarify form titles, and include record retention timelines. OAC 5101:2-12-22 and 5101:2-12-25 establish requirements related to meal preparation and medication administration. The rules are amended to clarify requirements related to food servings, ODJFS forms for requesting medication for a child, and medical foods and topical products.

During early stakeholder outreach, ODJFS reviewed the rules during meetings of the Child Care Advisory Council and sent the rules to stakeholders during the public clearance process. During that time, ODJFS made changes to the rules in response to stakeholder comments regarding training personnel in age-appropriate CPR and first aid, child abuse recognition and prevention training topics, and meal preparation. Two comments were received during the CSI public comment period which requested clarification regarding CPR training and facilities, to which JFS provided a response.

The business community impacted by the rules includes 3,892 licensed child care centers. The adverse impacts created by the rule include license fees, inspections, trainings, and record and notification maintenance. License fees for child care centers cost \$50 and another \$50 if the license holder makes an amendment. Costs for inspections can vary based on building size and fire safety inspections can cost up to \$100, in addition to free inspections offered by fire departments. ODJFS states that the burdens placed on child care center businesses are justified by ensuring adequate safety measures for children during situations that can be potentially harmful, including the administration of medicine, fire emergencies, or vehicle transportation.

**Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

**Conclusion**

The CSI Office concludes that the Department should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review