



## 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, Business Advocate

**DATE:** November 9, 2021

**RE:** **CSI Review – Publicly Funded Child Care Implementation (OAC 5101:2-16-09)**

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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 one amended rule proposed by the Ohio Department of Job and Family Services (ODJFS). This rule package was submitted to the CSI Office on October 8, 2021, and the public comment period was held open through October 15, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on October 8, 2021.

Ohio Administrative Code 5101:2-16-09 establishes requirements for providers of publicly funded childcare (PFCC). The rule establishes provider eligibility, PFCC agreement requirements, payment and record procedures. The rule is amended to remove revision dates, update references, and remove outdated language.

During early stakeholder outreach, ODJFS reviewed the proposed changes to the rule during a meeting of the Child Care Advisory Council on August 4, 2021. No comments were received during that time or during the CSI public comment period.

The business community impacted by the rule includes 5,007 childcare providers participating in

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the PFCC program. The adverse costs created by the rule include the time necessary to establish a provider agreement, which requires the completion of the online provider agreement and submission of documents. ODJFS states that the rule is necessary to meet statutory requirements for the provision of PFCC.

### **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