

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: April 10, 2018
TIME: 10:00 A.M.
LOCATION: Room 2921, Rhodes State Office Tower
30 East Broad St., Columbus, Ohio 43215

Pursuant to sections 5104.30, 5104.34, 5104.35, 5104.38, 5104.39 and Chapter 119 of the Revised Code, the director of the Ohio Department of Job and Family Services (ODJFS) gives notice of the department's intent to consider the amendment and implementation of the rules as identified below and of a public hearing thereon. ODJFS has identified the need to enhance and improve how Ohio tracks publicly funded child care attendance and calculates payments to approved child care providers. These rules are proposed for amendment to implement the new automated child care system.

5101:2-16-01 "Definitions for Eligibility for Publicly Funded Child Care Benefits" is being amended with the following changes:

- "Automated child care system" has been defined
- "Back Swipe Period" has been removed
- Added border state provider to "eligible provider"
- "Designee/Sponsor" has been defined and responsibilities clarified
- "POS device" has been removed
- "Professional development day" has been defined
- "School child" has been amended to "School-age child"
- "School not in session" has been defined

5101:2-16-07 "County Agency Responsibilities for the Administration of Publicly Funded Child Care" is being amended with the following changes:

- Removed the manual claim, payment after denial and payment adjustment processes

5101:2-16-30 "Eligibility Requirements for Receipt of Publicly Funded Child Care Benefits" is being amended with the following changes:

- The revision date of the PFCC applications have been updated
- Federal work study assignment has been added to the definition of post-secondary education activities
- Job skills training activities have been clarified and updated to include workforce inventory of education training (WIET) provider as possible approved activity when the training provider has been approved by ODJFS
- Protective child care has been amended to clarify that there is no income or qualifying activity requirement
- Homeless child care has been defined in a new paragraph
- Updated references to specific paragraphs within this rule

- Clarified post-secondary activities
- Clarified transitional child care

5101:2-16-35 "County Agency Responsibilities for Determining Eligibility for Publicly Funded Child Care Benefits" is being amended with the following changes:

- Removed the requirement for county agencies to approve publicly funded child care payment after denial
- Removed references to Ohio electronic child care (ECC) and replaced it with "automated child care system"

5101:2-16-35.1 "Caretaker Eligibility Requirements to qualify for publicly funded child care benefits" is being amended with the following changes:

- Changed the term "designee" to "designee/sponsor"
- Clarified language pertaining to the responsibilities of the designee/sponsor for the new automated child care system
- Removed references to Ohio electronic child care (ECC) and replaced with "automated child care system"
- Removed requirements for lost or stolen swipe cards

5101:2-16-36 "County Agency Responsibility for Annual Re-determination of Eligibility for Publicly Funded Child Care" is being amended with the following change:

- Updated the JFS 01124 "Redetermination application for child care benefits" form revision date

5101:2-16-37 "Caretaker Requirements for Annual Re-determination of Eligibility for Publicly Funded Child Care" is being amended with the following change:

- Updated the JFS 01124 "Redetermination application for child care benefits" form revision date

5101:2-16-39 "Copayment for Publicly Funded Child Care" is being amended with the following change:

- Clarified language to include homeless child care when a county agency waives a copayment for a family
- Changed the requirement to clarify that cost of care for a week does not include payment to the provider when there is no tracked attendance for the week even if absent days or professional development days have been reported

5101:2-16-41 "Payment Rates and Procedures for Providers of Publicly Funded Child Care" is being amended with the following changes:

- Clarified "provider" refers to a program licensed by the Ohio Department of Education only when the program is complying with rule 5101:2-16-43 of the Administrative Code
- Changed internal paragraph references
- Removed expired exemptions for Head Start and Early Head Start programs

- Language was added to require tracked attendance in the previous twelve months prior to the payment of an absent day
- Language was added to allow programs to be reimbursed for two professional development days per fiscal year
- Removed requirement that the provider must notify the county agency when there has been loss of contact with the caretaker
- Language was added to prohibit two providers from being paid for the same child at the same time

5101:2-16-44 "Provider Agreement for Payment of Publicly Funded Child Care" is being amended with the following changes:

- Clarified that providers must utilize the automated child care system to track attendance
- Removed reference to specific paragraphs in rule 5101:2-16-39 of the Administrative Code
- Clarified the submission of data with the addition of when data shall be submitted and when caretaker approval is needed
- Clarified the prohibition of the provider's use of a caretaker's personal identification to track attendance
- Updated the reference to the manual claim form for services provided prior to the effective date of this rule
- Updated the reference to the adjustment form for services provided prior to the effective date of this rule
- Updated the reference to the payment after denial process for services provided prior to the effective date of this rule, including appeal process
- Removed references to swipe card
- Removed references to Ohio electronic child care (ECC) and replaced with "automated child care system"
- Clarified the process for programs to request payment for services provided prior to the effective date of the rule
- Language added that provider is financially responsible for the replacement of hardware used for attendance tracking

5101:2-16-70 "Caretaker Improper Payments or Misuse of Publicly Funded Child Care" is being amended with the following changes:

- Removed references to Ohio electronic child care (ECC) and replaced with "automated child care system"
- Removed the reference to Ohio ECC swipe card and replaced with "personal identification information" of a caretaker

5101:2-16-71 "Provider Improper Payments of Misuse of Publicly Funded Child Care" is being amended with the following changes:

- Removed references to Ohio electronic child care (ECC) and replaced with "automated child care system"

- Removed the reference to Ohio ECC swipe card and replaced with "personal identification information" of a caretaker

5101:2-16-72 "Publicly Funded Child Care Program Integrity Review" is being amended with the following changes:

- Removed references to Ohio electronic child care (ECC) and replaced with "automated child care system"

A copy of the proposed rules is available, without charge, to any person affected by the rules at the address listed below. The rules are also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rules will be held at the date, time, and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Requests for a copy of the proposed rules or comments on the rules should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal and Acquisition Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at rules@jfs.ohio.gov.