



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 – Family Child Care Licensing #2 (OAC 5101:2-13-02 through 5101:2-13-08, 5101:2-13-10, 5101:2-13-14, 5101:2-13-15, 5101:2-13-22, and 5101:2-13-25)**

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This rule package consists of 11 amended rules, one rescinded rule, and one new rule proposed by the Ohio Department of Job and Family Services (ODJFS) as part of the statutory five-year review process.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 9, 2021, and the public comment period was held open through July 16, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on July 9, 2021.

Ohio Administrative Code (OAC) Chapter 5101:2-13 establishes licensing requirements for licensed family child care homes. OAC 5101:2-13-02 sets forth the application process for family child care providers and is amended to update references to the Ohio Child Licensing and Quality System (OCLQS), changing the application fee from \$250 to \$25, and clarifying the responsibilities of providers regarding ownership, locations, and amending a license. OAC 5101:2-13-03 concerns compliance inspections and complaint investigations and is amended to require one compliance inspection during each half of the state fiscal year and updating requirements for

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submission of information through OCLQS. OAC 5101:2-13-04 establishes requirements for building and fire safety inspections and is amended to include type B home building requirements and clarify temporary change of location requirements and fire safety plans.

OAC 5101:2-13-05 and 5101:2-13-06 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 5101:2-13-07 and 5101:2-13-08 list provider responsibilities and qualifications and include amendments that require immunization information, clarification of prohibited activities, and use of OCLQS and Ohio Professional Registry documentation. OAC 5101:2-13-08 is replaced as a new rule due to reorganization of the content. OAC 5101:2-13-10 lists training and professional development requirements and is amended to require training in child abuse and neglect recognition and prevention, completion of training within 90 days of hiring, and additional requirements related to trainers. OAC 5101:2-13-14 concerns transportation and field trip safety. The rule is amended to address medications taken on trips, remove duplicative requirements, and clarify requirements for employee and child care staff member drivers. OAC 5101:2-13-15 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 5101:2-13-22 and 5101:2-13-25 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 USDA-recommended meal preparation, training personnel in CPR and first aid, and other clarifications.

The business community impacted by the rules includes approximately 270 Type A and 2,034 Type B family child care providers currently operating in Ohio. The adverse impacts created by the rules include license fees, inspections, trainings, and record and notification maintenance. License fees for family child care providers cost \$25 and another \$25 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 family child care 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