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OHIO LEGISLATIVE SERVICE COMMISSION

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Office

H.B. 65
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 65's Bill Analysis](#)

Version: As Enacted

Primary Sponsor: Rep. Carfagna

Local Impact Statement Procedure Required: No

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Highlights

- The Ohio Department of Job and Family Services (ODJFS) will experience minimal costs to promulgate rules to enforce the bill.
- The Ohio Department of Health and local boards of health will receive reduced fee revenue from public swimming pool license applications, but also experience a corresponding savings by not having to inspect or regulate as many pools.

Detailed Analysis

Child care provider notice for serious risk noncompliance

The bill requires child care providers licensed by ODJFS to provide notice to each caretaker parent of enrolled children within 15 days of ODJFS determining the provider's act or omission constituted a serious risk noncompliance (SRNC). If the provider requests a review of the decision, the provider must notify caretaker parents within five business days of receiving a final determination from ODJFS. The notice may be furnished in writing or electronically and must inform parents about the ODJFS website and specify where to find additional information. If any political subdivisions operate a child care center licensed by ODJFS, it may experience a minimal cost if required to provide the notice.

In FY 2018, ODJFS found 166 SRNCs in child care centers and 155 SRNC cases in Type A and B homes,¹ which are rule violations that may:

¹ Ohio Department of Job and Family Services. Office of Family Assistance. "Child Care Licensing Report." State Fiscal Year 2018. <http://jfs.ohio.gov/cdc/docs/2018AnnualCCLicensingReport.stm>.

- Lead to the greatest risk of harm;
- Immediately endanger the health and safety of children while in care; or
- Potentially cause death.

The top three SRNC violations in FY 2018 for child care centers included: lacking supervision (75), not protecting children, resulting in serious incident/injury (18), and using a prohibited guidance or management technique that results in an abuse/neglect finding from a public children services agency (15). The top three SRNC violations in FY 2018 for Type A and B homes included failing to complete or update child abuse and neglect check for the provider (65), having alcohol within reach of children (19), and failing to complete or update child abuse and neglect check for employees (17).

The bill requires the ODJFS Director to adopt rules in order to enforce this section. It is not clear if all SRNCs will be grounds to require a provider to send the notice. ODJFS will experience a minimal increase in administrative costs to promulgate rules.

Private swimming pool classes

The bill allows a resident of a dwelling with a private residential swimming pool to allow paid, certified swimming classes at the pool without obtaining a public swimming pool license from the board of health or the Ohio Department of Health (ODH) under certain circumstances and places restrictions on the classes that can be offered. The bill may result in a lower number of public swimming pool license applications and associated fee revenue for local boards of health and ODH; however, costs to inspect or regulate would also decrease. Under current law, a board of health issues licenses for public swimming pools in most instances. However, ODH issues the licenses in instances in which a board is not authorized to do so. Local boards of health are permitted to charge annual public pool licensing and inspection fees that are not to exceed the cost to license or inspect, in addition to an \$80 fee that is transmitted to ODH. Fees charged by boards of health are deposited in each health district's swimming pool fund, while fees transmitted to or charged by ODH are deposited into the General Operations Fund (Fund 4700). The overall impact will depend on the number of residential swimming pool owners that apply for public swimming pool licenses, but is anticipated to be minimal.

Emergency clause

The bill declares an emergency so its provisions will go into effect immediately on enactment. However, the bill prohibits the notice required under the provisions concerning child care facilities from being required until the Director of Job and Family Services adopts rules.