

H. B. No. 647  
As Introduced

\_\_\_\_\_ moved to amend as follows:

- In line 1 of the title, delete "5104.042" and insert "5104.01"; delete "and" 1 2
- In line 2 of the title, after "5104.34" insert ", 5104.38, and 5104.53" 3 4
- In line 3 of the title, delete ",," 5
- In line 4 of the title, delete "amended," and insert "amended" 6
- In line 10, delete "5104.042" and insert "5104.01"; delete "and" 7
- In line 11, after "5104.34" insert ", 5104.38, and 5104.53" 8
- After line 48, insert: 9
- "Sec. 5104.01.** As used in this chapter: 10
- (A) "Administrator" means the person responsible for the daily operation of a center, type A home, or approved child day camp. The administrator and the owner may be the same person. 11 12 13
- (B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code. 14 15



(C) "Authorized representative" means an individual	16
employed by a center, type A home, or approved child day camp	17
that is owned by a person other than an individual and who is	18
authorized by the owner to do all of the following:	19
(1) Communicate on the owner's behalf;	20
(2) Submit on the owner's behalf applications for	21
licensure or approval;	22
(3) Enter into on the owner's behalf provider agreements	23
for publicly funded child care.	24
(D) "Border state child care provider" means a child care	25
provider that is located in a state bordering Ohio and that is	26
licensed, certified, or otherwise approved by that state to	27
provide child care funded by the child care block grant act.	28
(E) "Career pathways model" means an alternative pathway	29
to meeting the requirements to be a child care staff member or	30
administrator that does both of the following:	31
(1) Uses a framework approved by the director of children	32
and youth to document formal education, training, experience,	33
and specialized credentials and certifications;	34
(2) Allows the child care staff member or administrator to	35
achieve a designation as an early childhood professional level	36
one, two, three, four, five, or six.	37
(F) "Caretaker parent" means the father or mother of a	38
child whose presence in the home is needed as the caretaker of	39
the child, a person who has legal custody of a child and whose	40
presence in the home is needed as the caretaker of the child, a	41
guardian of a child whose presence in the home is needed as the	42
caretaker of the child, and any other person who stands in loco	43

parentis with respect to the child and whose presence in the 44  
home is needed as the caretaker of the child. 45

(G) "Chartered nonpublic school" means a school that meets 46  
standards for nonpublic schools prescribed by the director of 47  
education and workforce for nonpublic schools pursuant to 48  
section 3301.07 of the Revised Code. 49

(H) "Child" includes an infant, toddler, preschool-age 50  
child, or school-age child. 51

(I) "Child care block grant act" means the "Child Care and 52  
Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 53  
U.S.C. 9858, as amended. 54

(J) "Child day camp" means a program in which only school- 55  
age children attend or participate, that operates for no more 56  
than twelve hours per day and no more than fifteen weeks during 57  
the summer. For purposes of this division, the maximum twelve 58  
hours of operation time does not include transportation time 59  
from a child's home to a child day camp and from a child day 60  
camp to a child's home. 61

(K) "Child care" means all of the following: 62

(1) Administering to the needs of infants, toddlers, 63  
preschool-age children, and school-age children outside of 64  
school hours; 65

(2) By persons other than their parents, guardians, or 66  
custodians; 67

(3) For part of the twenty-four-hour day; 68

(4) In a place other than a child's own home, except that 69  
an in-home aide provides child care in the child's own home; 70

(5) By a provider required by this chapter to be licensed 71  
or approved by the department of children and youth, certified 72  
by a county department of job and family services, or under 73  
contract with the department to provide publicly funded child 74  
care as described in section 5104.32 of the Revised Code. 75

(L) "Child care center" and "center" mean any place that 76  
is not the permanent residence of the licensee or administrator 77  
in which child care or publicly funded child care is provided 78  
for seven or more children at one time. "Child care center" and 79  
"center" do not include any of the following: 80

(1) A place located in and operated by a hospital, as 81  
defined in section 3727.01 of the Revised Code, in which the 82  
needs of children are administered to, if all the children whose 83  
needs are being administered to are monitored under the on-site 84  
supervision of a physician licensed under Chapter 4731. of the 85  
Revised Code or a registered nurse licensed under Chapter 4723. 86  
of the Revised Code, and the services are provided only for 87  
children who, in the opinion of the child's parent, guardian, or 88  
custodian, are exhibiting symptoms of a communicable disease or 89  
other illness or are injured; 90

(2) A child day camp; 91

(3) A place that provides care, if all of the following 92  
apply: 93

(a) An organized religious body provides the care; 94

(b) A parent, custodian, or guardian of at least one child 95  
receiving care is on the premises and readily accessible at all 96  
times; 97

(c) The care is not provided for more than thirty days a 98

year;	99
(d) The care is provided only for preschool-age and school-age children.	100 101
(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	102 103 104 105
(N) "Child care resource and referral services" means all of the following services:	106 107
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	108 109 110
(2) Provision of individualized consumer education to families seeking child care;	111 112
(3) Provision of timely referrals of available child care providers to families seeking child care;	113 114
(4) Recruitment of child care providers;	115
(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;	116 117 118 119
(6) Collection and analysis of data on the supply of and demand for child care in the community;	120 121
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	122 123 124
(8) Stimulation of employer involvement in making child	125

care more affordable, more available, safer, and of higher	126
quality for their employees and for the community;	127
(9) Provision of written educational materials to	128
caretaker parents and informational resources to child care	129
providers;	130
(10) Coordination of services among child care resource	131
and referral service organizations to assist in developing and	132
maintaining a statewide system of child care resource and	133
referral services if required by the department of children and	134
youth;	135
(11) Cooperation with the county department of job and	136
family services in encouraging the establishment of parent	137
cooperative child care centers and parent cooperative type A	138
family child care homes.	139
(O) "Child care staff member" means an employee of a child	140
care center, type A family child care home, licensed type B	141
family child care home, or approved child day camp who is	142
primarily responsible for the care and supervision of children.	143
The administrator, authorized representative, or owner may be a	144
child care staff member when not involved in other duties.	145
(P) "Drop-in child care center," "drop-in center," "drop-	146
in type A family child care home," and "drop-in type A home"	147
mean a center or type A home that provides child care or	148
publicly funded child care for children on a temporary,	149
irregular basis.	150
(Q) "Early learning and development program" has the same	151
meaning as "licensed child care program."	152
(R) "Employee" means a person who either:	153

(1) Receives compensation for duties performed in a child care center, type A family child care home, licensed type B family child care home, or approved child day camp;	154 155 156
(2) Is assigned specific working hours or duties in a child care center, type A family child care home, licensed type B family child care home, or approved child day camp.	157 158 159
(S) "Employer" means a person, firm, institution, organization, or agency that operates a child care center, type A family child care home, licensed type B family child care home, or approved child day camp subject to licensure or approval under this chapter.	160 161 162 163 164
(T) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.	165 166 167 168 169 170
(U) <u>"Fraud against the publicly funded child care program" means an intentional act or omission to deceive for purposes of obtaining or retaining payments under the publicly funded child care program that a provider of publicly funded child care is not entitled to obtain or retain.</u>	171 172 173 174 175
(V) <u>"Head start program" means a school-readiness program that satisfies all of the following:</u>	176 177
(1) Is for children from birth to age five who are from low-income families;	178 179
(2) Receives funds distributed under the "Improving Head Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as	180 181

amended;	182
(3) Is licensed as a child care program.	183
<del>(V)</del> (W) "Home education" has the same meaning as in section 3321.042 of the Revised Code.	184 185
<del>(W)</del> (X) "Home education learning pod" means a voluntary association of parents who direct their children's education through home education and includes the following characteristics:	186 187 188 189
(1) The parents choose to group their children together in a home or other location at various times, which may include hours when home education is not provided.	190 191 192
(2) The pod includes only the parents' children who are receiving home education, except that it also may include siblings of those children, or other children who are under the care of the parents, regardless of age.	193 194 195 196
(3) At least one parent of any of the children participating in the pod must be on the premises while the pod is meeting.	197 198 199
<del>(X)</del> (Y) "Homeless child care" means child care provided to a child who satisfies any of the following:	200 201
(1) Is homeless as defined in 42 U.S.C. 11302;	202
(2) Is a homeless child or youth as defined in 42 U.S.C. 11434a;	203 204
(3) Resides temporarily with a caretaker in a facility providing emergency shelter for homeless families or is determined by a county department of job and family services to be homeless.	205 206 207 208

<del>(Y)</del> <u>(Z)</u> "Income" means gross income, as defined in section	209
5107.10 of the Revised Code, less any amounts required by	210
federal statutes or regulations to be disregarded.	211
<del>(Z)</del> <u>(AA)</u> "Indicator checklist" means an inspection tool,	212
used in conjunction with an instrument-based program monitoring	213
information system, that contains selected licensing	214
requirements that are statistically reliable indicators or	215
predictors of a child care center's, type A family child care	216
home's, or licensed type B family child care home's compliance	217
with licensing requirements.	218
<del>(AA)</del> <u>(BB)</u> "Infant" means a child who is less than eighteen	219
months of age.	220
<del>(BB)</del> <u>(CC)</u> "In-home aide" means a person who does not reside	221
with the child but provides care in the child's home and is	222
certified by a county director of job and family services	223
pursuant to section 5104.12 of the Revised Code to provide	224
publicly funded child care to a child in a child's own home	225
pursuant to this chapter and any rules adopted under it.	226
<del>(CC)</del> <u>(DD)</u> "Instrument-based program monitoring information	227
system" means a method to assess compliance with licensing	228
requirements for child care centers, type A family child care	229
homes, and licensed type B family child care homes in which each	230
licensing requirement is assigned a weight indicative of the	231
relative importance of the requirement to the health, growth,	232
and safety of the children that is used to develop an indicator	233
checklist.	234
<del>(DD)</del> <u>(EE)</u> "License capacity" means the maximum number in	235
each age category of children who may be cared for in a child	236
care center, type A family child care home, or licensed type B	237

family child care home at one time as determined by the director	238
of children and youth considering building occupancy limits	239
established by the department of commerce, amount of available	240
indoor floor space and outdoor play space, and amount of	241
available play equipment, materials, and supplies.	242
<del>(EE)</del> <u>(FF)</u> "Licensed child care program" means any of the	243
following:	244
(1) A child care center licensed by the department of	245
children and youth pursuant to this chapter;	246
(2) A type A family child care home or type B family child	247
care home licensed by the department of children and youth	248
pursuant to this chapter;	249
(3) A licensed preschool program or licensed school child	250
program.	251
<del>(FF)</del> <u>(GG)</u> "Licensed preschool program" or "licensed school	252
child program" means a preschool program or school child	253
program, as defined in section 3301.52 of the Revised Code, that	254
is licensed by the department of children and youth pursuant to	255
sections 3301.52 to 3301.59 of the Revised Code.	256
<del>(GG)</del> <u>(HH)</u> "Licensed type B family child care home" and	257
"licensed type B home" mean a type B family child care home for	258
which there is a valid license issued by the director of	259
children and youth pursuant to section 5104.03 of the Revised	260
Code.	261
<del>(HH)</del> <u>(II)</u> "Licensee" means the owner of a child care	262
center, type A family child care home, or type B family child	263
care home that is licensed pursuant to this chapter and who is	264
responsible for ensuring compliance with this chapter and rules	265

adopted pursuant to this chapter.	266
<del>(II)</del> (JJ) " <u>Misuse of public funds</u> " means the <u>improper</u>	267
<u>billing, expenditure, receipt, or retention of publicly funded</u>	268
<u>child care payments in violation of this chapter or rules</u>	269
<u>adopted under it.</u>	270
<u>(KK)</u> "Operate a child day camp" means to operate,	271
establish, manage, conduct, or maintain a child day camp.	272
<del>(JJ)</del> (LL) "Owner" includes a person, as defined in section	273
1.59 of the Revised Code, or government entity.	274
<del>(KK)</del> (MM) "Parent cooperative child care center," "parent	275
cooperative center," "parent cooperative type A family child	276
care home," and "parent cooperative type A home" mean a	277
corporation or association organized for providing educational	278
services to the children of members of the corporation or	279
association, without gain to the corporation or association as	280
an entity, in which the services of the corporation or	281
association are provided only to children of the members of the	282
corporation or association, ownership and control of the	283
corporation or association rests solely with the members of the	284
corporation or association, and at least one parent-member of	285
the corporation or association is on the premises of the center	286
or type A home during its hours of operation.	287
<del>(LL)</del> (NN) "Part-time child care center," "part-time	288
center," "part-time type A family child care home," and "part-	289
time type A home" mean a center or type A home that provides	290
child care or publicly funded child care for not more than four	291
hours a day for any child or not more than fifteen consecutive	292
weeks per year, regardless of the number of hours per day.	293
<del>(MM)</del> (OO) "Place of worship" means a building where	294

activities of an organized religious group are conducted and	295
includes the grounds and any other buildings on the grounds used	296
for such activities.	297
<del>(NN)</del> <u>(PP)</u> "Preschool-age child" means a child who is three	298
years old or older but is not a school-age child.	299
<del>(OO)</del> <u>(QQ)</u> "Protective child care" means publicly funded	300
child care for the direct care and protection of a child to whom	301
all of the following apply:	302
(1) A case plan has been prepared and maintained for the	303
child pursuant to section 2151.412 of the Revised Code.	304
(2) The case plan indicates a need for protective care.	305
(3) The child resides with a parent, stepparent, guardian,	306
or another person who stands in loco parentis as defined in	307
rules adopted under section 5104.38 of the Revised Code.	308
<del>(PP)</del> <u>(RR)</u> "Publicly funded child care" means administering	309
to the needs of infants, toddlers, preschool-age children, and	310
school-age children under age thirteen during any part of the	311
twenty-four-hour day by persons other than their caretaker	312
parents for remuneration wholly or in part with federal or state	313
funds, including funds available under the child care block	314
grant act, Title IV-A, and Title XX, distributed by the	315
department of children and youth.	316
<del>(QQ)</del> <u>(SS)</u> "Religious activities" means any of the	317
following: worship or other religious services; religious	318
instruction; Sunday school classes or other religious classes	319
conducted during or prior to worship or other religious	320
services; youth or adult fellowship activities; choir or other	321
musical group practices or programs; meals; festivals; or	322

meetings conducted by an organized religious group. 323

~~(RR)~~(TT) "School-age child" means a child who is enrolled 324  
in or is eligible to be enrolled in a grade of kindergarten or 325  
above but is less than fifteen years old or, in the case of a 326  
child who is receiving special needs child care, is less than 327  
eighteen years old. 328

~~(SS)~~(UU) "Serious risk noncompliance" means a licensure or 329  
certification rule violation that leads to a great risk of harm 330  
to, or death of, a child, and is observable, not inferable. 331

~~(TT)~~(VV) "Special needs child care" means child care 332  
provided to a child who is less than eighteen years of age and 333  
either has one or more chronic health conditions or does not 334  
meet age appropriate expectations in one or more areas of 335  
development, including social, emotional, cognitive, 336  
communicative, perceptual, motor, physical, and behavioral 337  
development and that may include on a regular basis such 338  
services, adaptations, modifications, or adjustments needed to 339  
assist in the child's function or development. 340

~~(UU)~~(WW) "Title IV-A" means Title IV-A of the "Social 341  
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 342

~~(VV)~~(XX) "Title XX" means Title XX of the "Social Security 343  
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 344

~~(WW)~~(YY) "Toddler" means a child who is at least eighteen 345  
months of age but less than three years of age. 346

~~(XX)~~(ZZ) "Type A family child care home" and "type A home" 347  
mean the permanent residence of the administrator in which child 348  
care or publicly funded child care is provided for eight to 349  
fourteen children at one time or a permanent residence of the 350

administrator in which child care is provided for four to 351  
fourteen children at one time if four or more children at one 352  
time are under two years of age, provided that if the number of 353  
children under the age of two years at one time is greater than 354  
three or the total number of children at one time is greater 355  
than seven, an additional adult shall be present. In counting 356  
children for the purposes of this division, any children under 357  
six years of age who are related to a licensee, administrator, 358  
or employee and who are on the premises of the type A home shall 359  
be counted. "Type A family child care home" and "type A home" do 360  
not include any child day camp. 361

~~(YY)~~ (AAA) "Type B family child care home" and "type B 362  
home" mean a permanent residence of the provider in which care 363  
is provided for one to seven children at one time and in which 364  
no more than three children are under two years of age at one 365  
time. In counting children for the purposes of this division, 366  
any children under six years of age who are related to the 367  
provider and who are on the premises of the type B home shall be 368  
counted. "Type B family child care home" and "type B home" do 369  
not include any child day camp." 370

Delete lines 49 through 113 371

In line 473, strike through "a county department" and insert "the 372  
department of children and youth or its designee" 373

In line 474, reinsert "one"; delete "either" 374

In line 482, after the second "days" insert ";" 375

(3) The child's need cannot be met by one provider without 376  
impacting the family's education, employment, or training 377  
schedule" 378

After line 485, insert: 379

**"Sec. 5104.38.** In addition to any other rules adopted 380  
under this chapter, the director of children and youth shall 381  
adopt rules in accordance with Chapter 119. of the Revised Code 382  
governing financial and administrative requirements for publicly 383  
funded child care and establishing all of the following: 384

(A) Procedures and criteria to be used in making 385  
determinations of eligibility for publicly funded child care 386  
that give priority to children of families with lower incomes 387  
and procedures and criteria for eligibility for publicly funded 388  
protective child care or homeless child care. The rules shall 389  
specify the maximum amount of income a family may have for 390  
initial and continued eligibility. The maximum amount shall not 391  
exceed three hundred per cent of the federal poverty line. The 392  
rules may specify exceptions to the eligibility requirements in 393  
the case of a family that previously received publicly funded 394  
child care and is seeking to have the child care reinstated 395  
after the family's eligibility was terminated. 396

(B) A schedule of fees requiring all eligible caretaker 397  
parents to pay a fee for publicly funded child care according to 398  
income and family size, which shall be uniform for all types of 399  
publicly funded child care, except as authorized by rule, and, 400  
to the extent permitted by federal law, shall permit the use of 401  
state and federal funds to pay the customary deposits and other 402  
advance payments that a provider charges all children who 403  
receive child care from that provider. 404

(C) A formula for determining the amount of state and 405  
federal funds appropriated for publicly funded child care that 406  
may be allocated to a county department to use for 407  
administrative purposes; 408

(D) Procedures to be followed by the department and county 409

departments in recruiting individuals and groups to become	410
providers of child care;	411
(E) Procedures to be followed in establishing state or	412
local programs designed to assist individuals who are eligible	413
for publicly funded child care in identifying the resources	414
available to them and to refer the individuals to appropriate	415
sources to obtain child care;	416
(F) Procedures to deal with fraud and abuse committed by	417
either recipients or providers of publicly funded child care;	418
(G) Procedures for establishing a child care grant or loan	419
program in accordance with the child care block grant act;	420
(H) Standards and procedures for applicants to apply for	421
grants and loans, and for the department to make grants and	422
loans;	423
(I) A definition of "person who stands in loco parentis"	424
for the purposes of <del>division (00) (3) of</del> section 5104.01 of the	425
Revised Code;	426
(J) Procedures for a county department of job and family	427
services to follow in making eligibility determinations and	428
redeterminations for publicly funded child care available	429
through telephone, computer, and other means at locations other	430
than the county department;	431
(K) If the director establishes a different payment rate	432
under division (E) (3) (d) of section 5104.30 of the Revised Code,	433
standards and procedures for determining the amount of the	434
higher payment that is to be issued to a child care provider	435
based on the special needs of the child being served;	436
(L) To the extent permitted by federal law, procedures for	437

enrolling and paying for up to thirty days of child care for a 438  
child whose caretaker parent is seeking employment, taking part 439  
in employment orientation activities, or taking part in 440  
activities in anticipation of enrolling in or attending an 441  
education or training program or activity, if the employment or 442  
the education or training program or activity is expected to 443  
begin within the thirty-day period; 444

(M) Any other rules necessary to carry out sections 445  
5104.30 to 5104.43 of the Revised Code. 446

**Sec. 5104.53.** (A) As used in this section: 447

(1) "Family services program" has the same meaning as in 448  
section 5101.35 of the Revised Code. 449

(2) "IEP" has the same meaning as in section 3323.01 of 450  
the Revised Code. 451

(3) "Resource caregiver" has the same meaning as in 452  
section 5103.02 of the Revised Code. 453

(B) The early childhood education grant program is created 454  
in the department of children and youth. Subject to available 455  
funds, the program shall support and invest in early learning 456  
and development programs operating in this state by awarding 457  
grants to programs that meet the conditions of this section in 458  
an amount that corresponds to the number of eligible children 459  
served by the programs. 460

(C) To be eligible for a grant under this section, an 461  
early learning and development program shall meet each of the 462  
following conditions: 463

(1) The program is rated through the step up to quality 464  
program established under section 5104.29 of the Revised Code at 465

the tiered rating specified by the department in rules adopted 466  
under this section. 467

(2) The program provides early learning and development 468  
services to one or more preschool-age children described in 469  
division (D) of this section. 470

(3) The program meets any other eligibility condition 471  
specified by the department in rules adopted under this section. 472

(D) A preschool-age child who meets all of the following 473  
conditions, as determined by a county department of job and 474  
family services, is eligible to participate in the early 475  
childhood education grant program if a slot is available: 476

(1) Either the amount of the child's family income does 477  
not exceed two hundred per cent of the federal poverty line or 478  
the child meets one of the following conditions: 479

(a) An IEP has been developed for the child; 480

(b) The child is placed with a resource caregiver as 481  
described in Chapter 5103. of the Revised Code, with such 482  
placement documented by either a family case plan or kinship 483  
permanency incentive payments; 484

(c) The child is homeless as described in ~~division (V) of~~ 485  
section 5104.01 of the Revised Code. 486

(2) The child is a citizen of the United States or a 487  
qualified alien. 488

(3) The child meets any other eligibility condition 489  
specified by the department in rules adopted under this section. 490

(E) Any funds appropriated to the department for purposes 491  
of the early childhood education grant program shall be used as 492

follows:	493
(1) In each fiscal year, not more than two per cent of	494
appropriated funds shall be used for program support and	495
technical assistance.	496
(2) Appropriated funds other than those described in	497
division (E) (1) of this section shall be distributed to grant	498
recipients.	499
(F) In accordance with Chapter 119. of the Revised Code,	500
the director shall adopt rules to implement this section and	501
administer the early childhood education grant program,	502
including rules addressing all of the following topics:	503
(1) Eligibility conditions and other requirements for	504
participation in the grant program by early learning and	505
development programs, including the tiered rating at which a	506
program becomes eligible to participate;	507
(2) Eligibility conditions for children participating in	508
the early childhood education grant program if a slot is	509
available;	510
(3) Standards, procedures, and requirements to apply for	511
and distribute funds to participating early learning and	512
development programs;	513
(4) In the event funds are distributed in error under the	514
program, methods by which the department may recover those	515
funds.	516
(G) The award of an early childhood education grant under	517
this section shall not be considered publicly funded child care	518
or a family services program."	519
In line 486, delete "5104.042" and insert "5104.01"	520

In line 487, delete "and"; after "5104.34" insert ", 5104.38, and 5104.53" 521  
522

The motion was \_\_\_\_\_ agreed to.

**SYNOPSIS** 523

**Dual authorizations** 524

**R.C. 5104.34** 525

Establishes an additional ground on which the Department 526  
of Children and Youth (DCY) or its designee, rather than a 527  
county department of job and family service as under current 528  
law, may grant a family an exemption from the prohibition on 529  
receiving publicly funded child care (PFCC) from more than one 530  
child care provider per child during a week - that the child's 531  
need cannot be met by one provider without impacting the 532  
family's education, employment, or training. 533

**Summary license suspensions** 534

**R.C. 5104.042** 535

Removes provisions authorizing DCY to suspend, without 536  
prior hearing, the license of a child care center, type A family 537  
child care home, or licensed type B family child care home if 538  
DCY has reason to suspect that it has engaged in the misuse of 539  
public dollars or acted with intent to commit fraud against the 540  
PFCC program. 541

**Fraud and misuse definitions** 542

**R.C. 5104.01** 543

Defines "**fraud against the publicly funded child care** 544  
**program**" to mean an intentional act or omission to deceive for 545  
purposes of obtaining or retaining PFCC payments to which a PFCC 546  
provider is not entitled to obtain or retain and "**misuse of** 547  
**public funds**" to mean the improper billing, expenditure, 548  
receipt, or retention of PFCC payments in violation of statutory 549  
and administrative law governing child care. 550