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Substitute Bill Comparative Synopsis

Sub. H.B. 647

136th General Assembly

House Children and Human Services

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. Organized by topic, it addresses only substantive differences between the two bill versions.

Topic	Previous Version (I_136_3186-1)	Latest Version (I_136_3186-4)
Backdating publicly funded child care (PFCC) attendance (R.C. 5104.32(C)(3))	Requires the Department of Children and Youth (DCY) to allow backdating of a child's attendance record but generally limits it to the time period that is within the later of the following – ten business days or 14 calendar days of the date that PFCC was provided. Authorizes DCY to approve backdating a child's attendance record within 30 days of the date that PFCC was provided or scheduled to be provided if the backdating relates to either of the following: ▪ A documented emergency or extenuating circumstance beyond the PFCC provider's or caretaker parent's control, including a system outage, natural disaster, or other	Authorizes DCY to allow backdating during that same time period – unless evidence demonstrates and DCY has reason to suspect waste, fraud, or abuse on the part of a PFCC provider or caretaker parent. Maintains this authority – unless evidence demonstrates and DCY has reason to suspect waste, fraud, or abuse on the part of a PFCC provider or caretaker parent.

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	serious event as DCY determines; ▪ The 30-day period during which PFCC may be provided when a caretaker parent is seeking employment or participating in employment orientation or other activities in anticipation of education or training.	
Absent days (R.C. 5104.32(C)(1) and 5104.321)	Requires DCY to recognize as an absent day any day that the child is authorized and scheduled to be in the care of a PFCC provider but does not receive the care as authorized, including when the child attended for part of the day but needed to leave. Requires DCY to allow a PFCC provider to use an eligible absent day when care cannot be provided due to an emergency or other circumstance beyond the provider's control preventing the provider from operating on a day that the child was authorized and scheduled to receive care.	Authorizes DCY to recognize the absent day (1) unless evidence demonstrates and DCY has reason to suspect waste, fraud, or abuse on the part of a PFCC provider or caretaker parent and (2) with the following condition – that the child's caretaker parent was notified of, and gave approval for, the use of the absent day. Also removes the description of a child attending for part of the day but needing to leave early. Authorizes DCY to allow the use of the eligible absent day, unless evidence demonstrates and DCY has reason to suspect waste, fraud, or abuse on the part of a PFCC provider or caretaker parent.
Dual authorizations (R.C. 5104.34(E))	Modifies the law prohibiting a caretaker parent from receiving PFCC from more than one provider per child during a week, including as follows:	Maintains the previous version's modifications, but with the following changes: (1) generally requires DCY to grant exemptions, while also authorizes DCY to allow only a

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	▪ By restating the prohibition as a limit, specifying that a caretaker parent must receive PFCC only from one provider, unless an exemption is granted; ▪ By clarifying that an exemption is granted on a temporary basis by DCY or its designee, rather than by a county department of job and family services as under current law; ▪ By eliminating the exemption available for care needed during nontraditional hours; ▪ By stating, with respect to the exemption regarding a provider change mid-week, that the change is needed for a period not more than one week; ▪ By establishing an additional ground for an exemption – that the child’s need cannot be met by one provider without impacting the family’s education, employment, or training schedule.	county department to do so on its behalf and (2) limits an exemption granted because of a family’s education, employment, or training schedule to a period not more than 30 days, which may be extended one or more times to a period not exceeding six months if the caretaker parent demonstrates to DCY that the family’s education, employment, or training schedule continues to be impacted.
PFCC provider contracts – mental states (R.C. 5104.32(D) and (E))	Authorizes DCY to take certain actions against a PFCC provider, including terminating or suspending the provider’s contract, if the provider knowingly misused public funds or acted with intent to commit fraud against the PFCC program.	Instead authorizes those actions if the provider misused public funds or committed fraud against the PFCC program.

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Fraud and misuse definitions (R.C. 5104.01, with corresponding changes in R.C. 5104.38 and 5104.53)	Defines fraud against the publicly funded child care program to mean an intentional act or omission to deceive for purposes of obtaining or retaining PFCC payments to which a PFCC provider is not entitled to obtain or retain and misuse of public funds to mean the improper billing, expenditure, receipt, or retention of PFCC payments in violation of statutory and administrative law governing child care.	No provision.
Investigations, prosecutions, and public records (R.C. 121.44 and 5104.45)	Requires the Inspector General, on becoming aware of criminal or improper activity related to child care generally or the PFCC program specifically, to coordinate with the DCY Director to determine an appropriate course of action, which may include the Inspector General conducting an investigation and requires the Inspector General to investigate once it is determined to be appropriate. Requires the Inspector General, if the investigation yields credible evidence of criminal or improper activity (including waste, fraud, and abuse) to first share the investigation's findings with the prosecuting attorney. Requires the Inspector General to share findings with the Attorney General, but only if the prosecuting attorney decides not to take action. Authorizes the Attorney General to prosecute a criminal violation or pursue a civil remedy, but only	Transfers the Inspector General's duties to the Attorney General and permits the Superintendent of the Bureau of Criminal Identification and Investigation to assist with the investigation. Instead requires the Attorney General to share the investigation's findings with the prosecuting attorney. No provision. Same.

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	after the prosecuting attorney does not take such action. Specifies that records of any investigation conducted by the Inspector General are not public records until a report of the investigation is released.	No provision.