



Ohio Administrative Code

Rule 5180:6-1-11 Program improper payments or misuse of publicly funded child care benefits.

Effective: August 1, 2026

(A) What is a program improper child care payment?

A program improper child care payment means that payment was made to a program for which the program was not eligible to receive. Improper payments are the result of one of the following:

- (1) An error on the part of the program.
- (2) An error on the part of the county department of job and family services (CDJFS) or the Ohio department of children and youth (DCY).

(B) What is considered program misuse of publicly funded child care (PFCC) benefits or the automated child care system?

Program misuse includes, but is not limited to:

- (1) Utilizing the personal identification information of a caretaker or designee/sponsor to log a child's attendance in the automated child care system.
- (2) Falsifying attendance records.
- (3) Knowingly seeking and/or accepting payment for child care services that were not provided.
- (4) Knowingly seeking and/or accepting payment for child care services which the program was not eligible to receive, including providing care at an unlicensed location.
- (5) Knowingly seeking and/or accepting payment for child care services provided to a child that resides in the program's own home.

(C) What are the procedures if a program improper child care payment is a result of a CDJFS error?

- (1) Correct the error in the child care information data system.
- (2) Calculate the total overpayment amount that resulted from the county error.
- (3) Send a program with a current provider agreement a notice of the determined overpayment using the DCY 01172 "County Agency Notice of Child Care Improper Payment and Repayment Requirements for Child Care Providers."
- (4) Notify DCY of the program improper child care payment so that DCY may adjust all impacted payments in the child care automated system.



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- (5) Refer all program improper child care payments for programs without a current provider agreement to DCY.
- (D) What are the repayment procedures for all improper payments, including misuse of the automated child care system?
 - (1) DCY may recoup one hundred per cent of the over payment via payment adjustments if the program has a current provider agreement and is currently receiving payments for PFCC services.
 - (2) An invoice will be issued to the program if either of the following are true:
 - (a) The program does not have a current provider agreement or is not currently receiving payments for PFCC services.
 - (b) Overpayments are unable to be recouped through the payment adjustment process, for those programs currently receiving payments for PFCC services.
 - (3) After forty-five calendar days, any remaining balance will be certified to the office of the attorney general for collection.
- (E) Can a child care program request a review of an identified overpayment?
 - (1) A child care program may request in writing to DCY that a reconsideration review be conducted for any identified overpayment that is subject to recoupment.
 - (2) The written request must be received by DCY no later than fifteen calendar days after the date the program receives the overpayment notice.
- (F) What is program fraud?
 - (1) Program fraud is the willful withholding or falsification of information by the program with an intent to deceive or defraud, resulting in the acceptance of or the receipt of payment for which the program was not entitled, as determined by a court of law or the program's admission.
 - (2) The CDJFS is to recommend to DCY the termination of the provider agreement if a program has admitted or pleaded guilty to committing fraud or has been convicted of fraud, as determined by a court of law.