



October 29, 2021

Child Care Center Manual Transmittal Letter No. 32

TO: All Child Care Center Manual Holders

FROM: Matt Damschroder, Director

SUBJECT: Child Care Center Licensing Rules Five Year Review (2)

Background:

The Office of Family Assistance has completed a five-year review of child care center licensing rules. The licensing rules below have been reviewed to ensure that the Ohio Department of Job and Family Services (ODJFS) is only mandating essential health and safety requirements and not including requirements that could inhibit small business in Ohio. Rules were revised in compliance with Section 121.95 of the Ohio Revised Code requiring the department to remove at least two regulatory restrictions for each new regulatory restriction added in the rules. Additionally, rules were revised to meet federal requirements, remove duplicate requirements, clarify rule requirements, correct typographical errors in paragraph references, remove revision dates from form citations, update references to OCLQS, and provide clarifications for child care centers.

These rules are effective October 29, 2021.

Rules amended:

5101:2-12-01 "Definitions for licensed child care centers" has been amended with the following changes:

- Added a missing definition of moderate risk non-compliance and clarified definition of serious risk non-compliance
- Embedded the definition of substitute child care staff member within the definition of child care staff member
- Added the definition of corrective action plan

5101:2-12-02 "Application and amendments for a child care center license" has been amended with the following changes:

- Clarified the application process, including pre-licensing training requirement, application fee amount, and requirements for voluntary withdraw of an application

- Clarified center license visibility to parents, issuance of license to an address or space currently licensed by another program, and that the center license is to be continuous unless the owner of the center changes
- Clarified the timelines for requesting amendments for a change in administrator and a change in capacity
- Clarified the requirements if a center wants to permanently move to a different location, including a list of required documents now located in appendix B to this rule, if care ceases at the old location and if the new location is unable to be licensed within ninety days after the request
- Removed the requirement that the center is to submit all required compliance materials prior to licensure at the new location as it is duplicative
- Clarified that if the center providing care in a temporary location is unable to return to the licensed location within one hundred eighty days, the center is to follow the process for a permanent change of location and that there are no extensions for a temporary change of location
- Clarified that the center's Ohio secretary of state entity number, if applicable and private pay rates are among the list of information to be kept current in OCLQS, rather than the provider portal

Appendix A to Rule 5101:2-12-02 Clarified the:

- Application process and added the center's written disaster plan to the list
- Requirement to submit a valid food service operation license, exemption status, and/or food processing establishment registration
- Background check requests in the OPR are to be submitted at the time of application

Appendix B to Rule 5101:2-12-02

- Created a new appendix, for ease of use, which lists the required documents for a change of location

5101:2-12-03 "Compliance inspection and complaint investigation of a licensed child care center" has been amended with the following changes:

- Clarified compliance and complaint inspection requirements
- Clarified that the center may complete and submit a JFS 01155 "Request for Review for Licensing and Step Up To Quality" with any documentation within seven business days from the receipt of an inspection report

Appendix A to Rule 5101:2-12-03

- Clarified the appendix title to reflect moderate and serious risk non-compliances, clarified language of existing non-compliances
- Reduced the number of points given for each non-compliance by combining them into one infraction
- Criteria for 5101:2-12-09 Moderate Risk Non-Compliance (3 Points):
 - Added a non-compliance surrounding staff working at the program with preliminary approval not on file or in the OPR
 - Stated "preliminary approval or JFS 01176" to clarify when staff are not permitted to be left alone with children
- Criteria for 5101:2-12-09 Serious Risk Non-Compliance (6 Points):

- Added "owner has an ineligible background check"
- Criteria for 5101:2-12-12 Moderate Risk Non-Compliance (3 Points):
 - Removed the carbon monoxide detector non-compliance as this is no longer a requirement
- Criteria for 5101:2-12-14 Serious Risk Non-Compliance (6 Points):
 - Removed "child left unattended on a field trip or in a vehicle" as this non-compliance is addressed in criteria for 5101:2-12-19
 - Clarified the driver under the influence non-compliance to include drugs, alcohol, or other substances which could impair driving
- Criteria for 5101:2-12-19 Serious Risk Non-Compliance (6 Points):
 - Added child completely alone in building (no adults)
 - Removed physical abuse/neglect/endangerment by any employee, child care staff member, owner, or administrator as it is addressed in non-compliance criteria as substantiated by public children's services agency
- Criteria for 5101:2-12-22 Moderate Risk Non-Compliance (3 Points):
 - Added a non-compliance bullet stating "supplemental food not onsite, meals or snacks provided did not meet the requirements of the rule"
- Criteria for 5101:2-12-24 Serious Risk Non-Compliance (6 Points):
 - Clarified "when not in use" to non-compliance that states "Swimming site accessible to child(ren)"
- Criteria for 5101:2-12-25 Moderate Risk Non-Compliance (3 Points):
 - Added JFS 01217 incomplete
 - Clarified "current label or physician's instructions" prescription medication label non-compliance

5101:2-12-04 "Building department inspection, fire inspection and food service requirements for a licensed child care center" has been amended with the following changes:

- Reformatted paragraph (B) to mirror paragraph (A) for ease of use
- Clarified requirements for a certificate of occupancy and fire inspection
- Clarified requirements for food service license and exemption.
- Clarified that meals or snacks may be provided by an off-site food processing establishment registered with the Ohio department of agriculture (ODA), including meals or snacks prepared by a child care center and provided or transported to a different child care center for serving to compliment ODA regulations
- Added that the center is to maintain on file a copy of the food processing establishment's current registration
- Added that if the food processing establishment only provides the food, and it is the responsibility of the center to serve the food, the center is to follow the requirements of the local health department, including securing a food service operation license for the center
- Added food service license or exemption requirements if the center is located in an existing public school, chartered nonpublic school, church or similar location

5101:2-12-05 "Denial, revocation and suspension of a licensed child care center application or license" has been amended with the following changes:

- Moved the definition of owner from paragraph (K) to paragraph (A) of the rule
- Removed the requirement that an application may be denied, or a license revoked if the center has accumulated eighteen or more points from moderate or serious risk non-compliances, as the license can be denied or revoked for non-compliances with any rule
- Added that if the center has been issued a notice of intent to revoke, they are to notify the families of all enrolled children and post the notice of intent in a noticeable location within forty-eight hours of receipt of the notice
- Removed the requirement that if an owner/applicant was previously certified by the county agency and that certification was revoked for a health and safety reason, he or she is to not be licensed until five years have elapsed from the date the certification was revoked, as it is already covered in this rule
- Added that closing a license if the owner has changed is not subject to an administrative hearing

5101:2-12-06 "Procedures for a licensed child care center operating under a provisional license" has been amended with the following changes:

- Clarified the qualified administrator requirement for the center provisional license to be amended to a continuous license at the end of the provisional period

5101:2-12-07 "Administrator responsibilities, requirements and qualifications for a licensed child care center" has been amended with the following changes:

- Updated references to the Ohio Professional Registry (OPR) throughout the rule
- Added that the administrator is to complete the staff orientation training as prescribed by ODJFS within thirty days of being named administrator at the center unless the administrator has documentation of completion of the child care center staff orientation or pre-licensing training
- Added that if there is more than one administrator, at least one is to meet the requirement to be on-site a minimum of one-half of the hours that the child care center is in operation during the week, or forty hours, whichever is less
- Added that the administrator is to cooperate with other government agencies as necessary
- Clarified the administrator's on-going OPR and documentation responsibilities, which were moved from rule 5101:2-12-08, into a new paragraph for ease of use.

Appendix A to Rule 5101:2-12-07

- Added alphabetizing to organize the table for ease of use
- Clarified appendix language for education and experience
- Added an Ohio's School-Age Administrator Professional Endorsement as an education qualification with no minimum experience if serving only school-age children (table row F)
- Clarified that for current designation under the career pathways level one, a current designation under the career pathways level two must be achieved within one year (table row I)
- Clarified the education requirement for no minimum education above the high school diploma or GED to include "or achieve and maintain a career pathways level two" (table row L)

- Added a method of converting training years to semester or quarter hours and training courses to semester or quarter hours
- Added that in order to continue to meet administrator qualifications after being named, designated educational qualifications must remain current

Appendix B to Rule 5101:2-12-07

- Revised the format of the appendix for ease of use
- Clarified appendix language for required policies and procedures to match rule
- Clarified that the center is to include policies and procedures about supervision of children, including a separate supervision policy for older school-age children, if applicable.
- Clarified that child guidance is a separate policy from supervision
- Added that the center is to include policies and procedures about suspension and expulsion and compliance with the Americans with Disabilities Act
- Added that the center is to include food and dietary policies and procedures
- Moved the outdoor play policy requirement from general information section to center policies and procedures section

Appendix C to Rule 5101:2-12-07

- Added where the public can find inspection reports, how to receive notification when new inspections are available online
- Added contact information for Health and Human Services or ODJFS Bureau of Civil Rights to file a discrimination complaint

5101:2-12-08 "Employee and child care staff member requirements for a licensed child care center" has been amended with the following changes:

- Clarified that employees and child care staff members are to have a complete medical statement on file on or before their first day of employment
- Moved the requirement from appendix A to the rule that requires employees and child care staff members to have written documentation on file of "current" immunization against tetanus, diphtheria, and pertussis (Tdap), unless exempt.
- Added new policy from House Bill 210 requiring tuberculosis (TB) testing for child care center applicants that have both resided in a country identified as having a high burden of TB and arrived in the United States within five years immediately preceding the date of application for employment
- Removed documentation requirements for child care staff members and employees in a child care center, as they are responsibilities of the child care center administrator and have been moved to rule 5101:2-12-07
- Clarified that child care staff members, including substitute child care staff members, are to complete the child care center staff orientation training
- Clarified acceptable two-year career-technical and college credit programs and that an individual enrolled in a career-technical program receives supervision by the training program
- Removed the requirement that all child care staff members are to meet training requirements of rule 5101:2-12-10, as this is duplicative
- Clarified that the child care staff member may be used in ratio, but is to not be left alone with children until the orientation requirement is completed

- Added that employees and child care staff members are to create or update their individual profile in the OPR and maintain their OPR profile within five calendar days of any change
- Clarified whistle blower protection for employees and child care staff members

Appendix A to Rule 5101:2-12-08

- Added citation of Chapter 4731. of the Revised Code as source for definition of a licensed physician
- Clarified the medical statement needs to include documentation of immunizations against tetanus, diphtheria, and pertussis (Tdap)
- Clarified exemptions to immunizations for religious or medical reasons
- Added the screened for tuberculosis (TB) requirement as outlined in rule 5101:2-12-08 of the Administrative Code

Appendix B to Rule 5101:2-12-08

- Clarified appendix language for the Ohio high school equivalence diploma
- Clarified that verification of a high school education for home schooled or non-chartered non-public school students is to be documented as required by section 3313.6110 of the Revised Code

Appendix C to Rule 5101:2-12-08

- Added a new appendix titled "Center Requirements for Positive Tuberculosis (TB) Test Results" with actions for centers to take when a positive TB test result is received for a prospective administrator, employee or child care staff member for ease of use

5101:2-12-10 "Training and professional development requirements for a licensed child care center" has been amended with the following changes:

- Added that to meet federal requirements, all child care staff members are to be trained in first aid and cardiopulmonary resuscitation (CPR) appropriate for the age and developmental levels of the children in care
- Added that first aid and CPR trainings are to be completed within the first ninety days of hire
- Added that until all required individuals are current in the trainings, at a minimum, the center is to have at least one trained child care staff member on-site (in each building) during all hours of operation who meets these requirements
- Clarified that all child care staff members, are to be current with either the ODJFS child abuse and neglect recognition and prevention training which is valid for two years or child abuse and neglect recognition and prevention training as described in appendix A to this rule, which is valid for three years
- Added that a child care staff member meeting trainer requirements in appendix A to this rule is considered to meet the training requirement for that health training
- Added professional development requirements, including documentation, for a substitute child care staff member who is used more than ninety days in a fiscal year
- Clarified that training cards or certificates issued by the training organization meet health training documentation requirements

Appendix A to Rule 5101:2-12-10

- Clarified course content for first aid, CPR, management of communicable disease, and child abuse and neglect recognition and prevention
- Clarified documentation requirements for first aid and CPR
- Added a list of topics that first aid courses must include
- Added race, equity, and diversity, including how implicit biases may impact reporting to the list of child abuse and neglect recognition and prevention topics
- Clarified requirements and qualifications for health training approved trainers
- Added licensed athletic trainer to the list of approved trainers for first aid

Appendix B to Rule 5101:2-12-10

- Added to the list of approved professional development trainers an individual that currently serves in a professional capacity, for at least two years, that directly relates to the subject of the training and that the individual is to only train within the jurisdiction of his or her job

5101:2-12-14 "Transportation and field trip safety for a licensed child care center" has been amended and filed as new text to meet rule writing requirements for easier reading with the following changes:

- Clarified that supplies and medications may need to be taken on the trip
- Removed the requirement that an adult must be present with the vehicle any time children are in the vehicle and at no time are children to be left unattended, as this is duplicative of rule 5101:2-12-19
- Removed the statement that while children are being transported directly between the center and their homes or schools all other requirements of Chapter 51012-12 of the Administrative Code still apply, as it is duplicative
- Removed the requirement that the employee or child care staff member driver is to never leave children alone in a vehicle, as it is addressed in 5101:2-12-19 of the Administrative Code
- Removed that drivers are to meet the requirements of an employee or child care staff member, as it is already stated in paragraph (C)
- Clarified that all passengers, which includes the driver, adhere to the state of Ohio's child restraint law when transporting children in care
- Removed the requirement that the center keep on file and update annually the JFS 01266 for drivers who are not used in the staff/child ratios and who are not employees of the center, as the requirements outlined in paragraph (C) do not apply to public transportation drivers or companies contracted by the program and who are not employees or child care staff members
- Consolidated requirements for weekly and annual vehicle inspections and clarified who may perform the inspections and how inspections are to be documented
- Removed the requirement that the center is to require providers of transportation services to maintain documentation of inspections and repairs, as rule requirement to maintain documentation of inspections and repairs does not apply to contracted drivers

Appendix A to Rule 5101:2-12-14

- Removed appendix language to reflect that the center is to secure written permission from the parent for all field trip types, as the last paragraph is duplicative

Appendix B to Rule 5101:2-12-14

- Removed child care center vehicle requirements that expired January 1, 2017
- Removed contracted vehicles from list requiring vehicles to have factory installed passenger restraints suitable for transporting children of any age, as this rule requirement does not apply to contracted drivers
- Removed inspection and safety check language from appendix B, as it is addressed in rule
- Clarified that the driver is considered to be a passenger of any vehicle approved for use in this appendix

5101:2-12-15 "Child record requirements for a licensed child care center" has been amended with the following changes:

- Clarified the requirement for medical statement dates and expiration dates
- Clarified the conditions or diagnosis that requires the use of the JFS 01236 to add ongoing administration of medication or medical foods and added a definition of medical food
- Reorganized the list of training requirements for child care staff members for each child's JFS 01236 and clarified that a JFS 01236 trained child care staff member presence includes being on-site at field trips
- Added that each child medical statement, JFS 01217, JFS 01234 and JFS 01236 as well as all written permission from parents or physicians are to be kept on file for twelve months from the date the form is signed or updated, whichever is later, even if the child no longer attends the program or the form is no longer required for the child

5101:2-12-22 "Meal preparation/nutritional requirements for a licensed child care center" has been amended with the following changes:

- Clarified the requirements for fruit and vegetable juice if served to meet fruit and vegetable requirements or as a beverage alternative
- Added the requirement to ensure that supplemental food is onsite at the center and that no child goes more than four hours without a snack or meal, except when the child is sleeping
- Moved requirements for serving fluid milk in the center from rule to the new appendix C to this rule
- Removed the paragraph containing requirements for meals and snacks when parents provide the food, as requirements for supplemental food and ensuring that no child goes more than four hours without a snack are now addressed in paragraph (A)(6)
- Removed the paragraph requiring provision of written nutritional information, as this is addressed in appendix B to rule 5101:2-12-07

Appendix A to Rule 5101:2-12-22

- Revised the food content list to add "fluid" milk
- Clarified fruit and vegetable servings requirement for meals. A vegetable may be used to meet the entire fruit requirement. When two vegetables are served at lunch or dinner, two different kinds of vegetables are to be served

Appendix B to Rule 5101:2-12-22

- Added optional meat or meat alternative to the breakfast section of portion sizes for meals chart in accordance with the United States department of agriculture (USDA)

Appendix C to Rule 5101:2-12-22

- Consolidated fluid milk requirements found throughout the current rule and appendices into its own appendix for ease of use

5101:2-12-25 "Medication administration for a licensed child care center" has been amended with the following changes:

- Changed title of rule to "Medication administration for a licensed child care center"
- Combined requirements for when a JFS 01217 "Request for Administration of Medication for Child Care" is needed into one place in rule for ease of use
- Clarified the requirements for administering and storing prescription and non-prescription medications, medical foods, topical products, and lotions
- Removed references to food supplements
- Clarified that the documentation requirement for each administration of medication includes when school-age children administer their own medication
- Moved the requirement that the JFS 01217 is valid for the time period listed on the form into paragraph (E)(5) for clarification
- Clarified requirements for the administration of medications on the JFS 01236 "Child Medical/Physical Care Plan for Child Care"

Revised forms:

JFS 01217 "Request for Administration of Medication For Child Care" was revised to clarify when it needs to be completed, allow more space for writing in each field, and to revise signature boxes.

JFS 01230 "Vehicle Inspection Report For Child Care Centers" was revised to update rule language, add FMCSA Certified Safety Inspectors, remove "other" box from the inspector type section, and add contact information field for the inspector completing the form.

JFS 01234 "Child Enrollment and Health Information For Child Care" was revised to improve formatting, add a checkbox for use if information is the same as the child's, and create more space for answering additional information questions.

JFS 01236 "Child Medical/Physical Care Plan For Child Care" was revised to allow more space for writing in each field, to separate all the questions on the form into their own fields, and to provide a space for parent and certified personal trainer signatures.

JFS 01240 "Food Service License Exemption Report For Child Care Centers" was revised to clarify exemption options for the child care center that prepares and/or serves no food on-site, prepares and/or serves food to thirteen or fewer individuals daily, or a food processing establishment registered with the Ohio department of agriculture provides and serves the food, with a copy of the current registration on file at the center.

JFS 01250 "Plan of Operation For Child Care" was revised to add a checkbox in the outdoor play space section for programs operating less than four consecutive daylight hours and will not be providing outdoor play and to clarify information required for vehicles to be used by the program, if applicable.

JFS 01276 "Health Training Documentation For Child Care" was revised to clarify language and improve formatting, require training-exempt individuals to show proof of certification that verifies trainer requirements have been met, clarify documentation of trainer requirements, update contact information fields for the trainer, and to add rule 5101:2-18-08 to the form.

JFS 01305 "Child Medical Statement For Child Care" was reformatted to clarify the examination and immunization sections. Additions to the form include an allergy field, a check box to indicate that additional information accompanies the form (for special health care and developmental considerations); the list of required immunizations from Section 5104.014 of the Ohio Revised Code; and the recommended date format for immunization doses.

Implementation:

The requirements that all administrators and child care staff members complete first aid and CPR trainings will not be assessed during a six-month period to allow centers adequate time for implementation. ODJFS will begin assessing compliance for this requirement on May 1, 2022.

The most recent version of all ODJFS forms referenced in this MTL can be accessed through [Forms Central](#). Revised forms are to be utilized beginning on October 29, 2021. The following JFS forms that are completed and on file at the program do not need to be converted to the new forms until they expire or require an update, whichever comes first. This includes: JFS 01217, JFS 01234, JFS 01236, and JFS 01305. Previously dated versions of the JFS 01276 will not be accepted for training completed on or after after May 1, 2022.

Questions:

Please contact the Child Care Policy Helpdesk at childcarepolicy@jfs.ohio.gov or 1-877-302-2347, option 4, if you have any questions.

5101:2-12-01

Definitions for licensed child care centers.

- (A) "Administrator" means the person responsible for the daily operation of the center. The administrator and the owner may be the same person. The administrator is also a child care staff member.
- (B) "Adult" means an individual who is at least eighteen years of age.
- (C) "Advanced practice registered nurse (APRN)" means a certified registered nurse anesthetist, clinical nurse specialist, certified ~~nurse-midwife~~nurse midwife or certified nurse practitioner under Chapter 4723. of the Revised Code. This was previously called advanced practice nurse (APN).
- (D) "Authorized representative" means an individual employed by a center that is owned by a person other than an individual and who is authorized by the owner to do all of the following:
- (1) Communicate on the owner's behalf.
 - (2) Submit on the owner's behalf applications for licensure or approval.
 - (3) Enter into on the owner's behalf provider agreements for publicly funded child care.
- (E) "Career pathways model" means an alternative pathway to meeting the requirements for a child care staff member or administrator that uses an approved framework to document formal education, training, experience, specialized credentials and certifications. This allows the child care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.
- (F) "Certified nurse practitioner (CNP)" means a registered nurse who holds a valid certificate of authority issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a CNP in accordance with section 4723.43 of the Revised Code and rules adopted by the board of nursing.
- (G) "Child" means an infant, toddler, preschool child or school-age child.
- (H) "Child care" per section 5104.01 of the Revised Code means all of the following:
- (1) Administering to the needs of infants, toddlers, preschool-age children and school-age children outside of school hours.
 - (2) By persons other than their parents, guardians, or custodians.
 - (3) For part of the twenty-four-hour day.

- (4) In a place other than a child's own home, except that an in-home aide provides child care in the child's own home.
- (5) By a provider required by Chapter 5104. of the Revised Code to be licensed or approved by the department of job and family services, certified by a county department of job and family services, or under contract with the department to provide publicly funded child care as described in section 5104.32 of the Revised Code.
- (I) "Child care staff member" means an employee of a child care center who is responsible for the care and supervision of children. A substitute child care staff member may replace a child care staff member on a temporary basis. The administrator, authorized representative, or owner may be a child care staff member when not involved in other duties.
- (J) "Corrective action plan" describes the action taken by the program to correct a non-compliance. This plan does not confirm the program is in compliance with the rule, or negate the non-compliance finding. Corrective action plans are submitted in the Ohio child licensing and quality system (OCLQS) and are to be completed in their entirety to be approved.
- ~~(K)~~(K) "Drop-in center," as defined in Chapter 5104. of the Revised Code, means a center that provides child care for children on a temporary, irregular basis. "Temporary and irregular" means no more than thirty days a year for any child enrolled. Drop-in centers shall comply with all rules in Chapter 5101:2-12 of the Administrative Code except:
- (1) In reference to rule 5101:2-12-25 of the Administrative Code, the drop-in center shall not administer any medication, food supplement or modified diet.
 - (2) In reference to rule 5101:2-12-20 of the Administrative Code, the drop-in center shall not be required to provide a cot for each child the center is licensed to serve.
 - (3) In reference to rule 5101:2-12-04 of the Administrative Code, the drop-in center which does not prepare and serve food shall not be required to obtain a health department approval.
 - (4) In reference to rule 5101:2-12-11 of the Administrative Code, the drop-in center shall not be required to meet the provisions of paragraphs (C) and (D) of that rule, but if these provisions are not met, the drop-in center shall have a specific plan to provide for gross motor activity for children in care. If a drop-in center

chooses to include outdoor play the drop-in center shall meet the requirements of paragraph (A)(5) of rule 5101:2-12-17 of the Administrative Code.

~~(K)~~(L) "Employee" means a person who either receives compensation for duties performed in a child care center or has assigned work hours or duties in a child care center.

~~(L)~~(M) "Field trips" means infrequent or irregularly scheduled excursions from the center.

~~(M)~~(N) "Food supplement" means a vitamin, mineral, or combination of one or more vitamins, minerals and/or energy-producing nutrients (carbohydrate, protein or fat) used in addition to meals or snacks.

~~(N)~~(O) "Infant" means a child who is under eighteen months of age.

~~(O)~~(P) "License capacity" is the maximum number of children who may be cared for in a child care center at any one time. License capacity is indicated on the license. License capacity is not the same as the total number of children enrolled in the center or attending the center on any given day. Children away from the center on a field trip or a special outing, and under the supervision of a child care staff member, shall be included in the count for license capacity.

~~(P)~~(Q) "Medication" means any substance or preparation which is used to prevent or treat a wound, injury, infection, infirmity, or disease. This includes medication that is over the counter, or prescribed or recommended by a physician or advance practice nurse certified to prescribe medication, and permitted by the parent for administration or application.

(R) "Moderate risk non-compliance" means a licensure rule violation that has the potential to lead to an increased risk of harm to, or death of, a child and is observable, not inferable.

~~(Q)~~(S) "Modified diet" means any diet eliminating the use of any one or more of the four food groups or altering the amount of food required to be served to meet one-third of the recommended dietary allowance as required by rule 5101:2-12-22 of the Administrative Code.

~~(R)~~(T) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity.

~~(S)~~(U) "Parent" means the father or mother of a child, an adult who has legal custody of a child, an adult who is the guardian of a child, or an adult who stands in loco parentis with respect to a child, and whose presence in the home is needed as the caretaker of the child. Parent has the same meaning as "caretaker parent" as defined in section 5104.01 of the Revised Code.

~~(F)~~(V) "Parent cooperative child care center", as defined in Chapter 5104. of the Revised Code, means a corporation or association organized for providing educational services only for children of its members without gain to the corporation. Ownership and control of the corporation or association rests solely with its members, and at least one parent member of the corporation is on the premises during the center's hours of operation. Parent cooperatives shall comply with all rules in Chapter 5101:2-12 of the Administrative Code except:

- (1) In reference to rule 5101:2-12-07 of the Administrative Code, the duties of the administrator of a parent cooperative may be carried out under the supervision and in conjunction with a parent board.
- (2) In reference to rule 5101:2-12-07 of the Administrative Code, the parent board of a parent cooperative, in cooperation with the administrator, may be responsible for conducting preadmission interviews.
- (3) In reference to rule 5101:2-12-04 of the Administrative Code, the parent cooperative center which does not prepare and serve food shall not be required to obtain a health department approval.

~~(U)~~(W) "Part-time child care center," as defined in Chapter 5104. of the Revised Code, means a center that provides child care for no more than four hours per day for any child or no more than fifteen weeks per summer. Part-time child care centers shall comply with all rules in Chapter 5101:2-12 of the Administrative Code except:

- (1) In reference to rule 5101:2-12-20 of the Administrative Code, the part-time center, which does not include a nap as part of their scheduled daily program, shall be required to provide only one washable cot, mat, or pad for an ill child.
- (2) In reference to rule 5101:2-12-07 of the Administrative Code, an administrator of a part-time center may have duties as a child care staff member during all hours of operation.
- (3) In reference to rule 5101:2-12-17 of the Administrative Code, only the part-time center which includes outdoor play as part of their scheduled daily program shall be required to comply with all stipulations of that rule, except as indicated in paragraph (A)(5) of rule 5101:2-12-17 of the Administrative Code, for a part-time program that provides child care for no more than four hours per day for any child.

~~(V)~~(X) "Physician" means a person issued a certificate to practice in accordance with Chapter 4731. of the Revised Code and rules adopted by the state medical board or a comparable body in another state.

~~(W)~~(Y) "Physician assistant (PA)" means a person who has obtained a valid certificate to practice in accordance with Chapter 4730. of the Revised Code and rules adopted by the state medical board or a comparable body in another state.

~~(X)~~(Z) "Preschool child" means a child who is three years old or older but is not a school-age child.

~~(Y)~~(AA) "Public children services agency (PCSA)" means an entity specified in section 5153.02 of the Revised Code that has assumed the powers and duties of the children services function prescribed by Chapter 5153. of the Revised Code for a county.

~~(Z)~~(BB) "Routine trips" means repeated excursions off the center premises which regularly occur on a previously scheduled basis and that parents have been made aware of the destinations of the trip.

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

~~(BB)~~(DD) "Serious risk ~~non-compliance~~noncompliance" means a licensure rule violation that has the potential to lead to a great risk of harm to, or death of, a child.

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

~~(DD)~~ "Substitute" means a child care staff member who replaces an assigned staff member on a temporary basis.

~~(EE)~~(FF) "Toddler" means a child who is at least eighteen months of age but less than three years of age.

~~(FF)~~(GG) "Transitioning child" means any child enrolled in a center who, for easy adjustment, is temporarily being placed with a group prior to being permanently assigned to that group.

~~(GG)~~(HH) "Voluntary temporary closure" means the program requests to stop serving children, but not close the license. A voluntary temporary closure shall not exceed twelve months.

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5101:2-12-02

Application and amendments for a child care center license.

(A) What is the application process to establish or operate a licensed child care center?

The owner or owner's representative ~~shall~~is to:

- (1) Complete a professional registry profile through the Ohio professional registry (OPR) at <https://www.occrra.org/opr>.
- (2) Register online through the OPR and complete the required ~~orientation center~~prelicensing training. The ~~orientation prelicensing~~ training shall have been taken within the ~~two~~five years prior to application for a license.
- (3) Complete an initial application online in the Ohio child licensing and quality system (OCLQS) at <https://oclqs.force.com> and submit the fee of ~~five hundred~~fifty dollars to the Ohio department of job and family services (ODJFS).
 - (a) The application fee submitted with an application is nonrefundable and shall not be credited or transferred to any other application.
 - (b) The application is considered filed with the ODJFS as of the date it is received electronically and the payment has cleared.
 - (c) The application will be deleted from the system after one hundred ~~and~~ twenty days if the fee payment is not received.
 - (d) Any application submitted without complete and accurate information will need to be amended with complete and accurate information before being licensed.
 - (e) The application will be deleted and the fee forfeited if the center is not ready to be licensed after twelve months.
- (4) Notify in OCLQS if the owner or owner's representative wants to voluntarily withdraw the application. This results in a forfeiture of the application fee.

(B) What additional items shall be submitted during the application process?

The items listed in appendix A to this rule are required and shall be completed and submitted prior to licensure.

(C) Does the child care center license need to be ~~posted and where should it be~~postedvisible?

The license is to be visible to parents at all times.

~~(1) The license shall be posted.~~

~~(2) The license shall be visible to parents at all times.~~

(D) Can a child care center license be issued to an address or space that is currently licensed ~~as a~~ for family child care provider or a child care center?

A child care center license shall not be issued to any address that is currently licensed as a family child care provider home, or any space licensed for use by another child care center.

(E) Will the license be a continuous license?

The license shall be a continuous license unless:

(1) The center is in the provisional period pursuant to rule 5101:2-12-06 of the Administrative Code.

(2) The center moves to a new address and does not propose a change of location amendment pursuant to paragraph ~~(F)~~ (G) of this rule.

(3) The owner of the center, which can be a corporation or partnership, ~~changes and a new application for licensure is not submitted pursuant to paragraph (A) of this rule.~~

(4) The center voluntarily surrenders the license by notifying the ODJFS in ~~writing~~ OCLQS.

(5) It is revoked pursuant to rule 5101:2-12-05 of the Administrative Code.

(F) What is the process to change or amend a license?

(1) The center ~~shall log on to <https://ocls.force.com> and submit~~ is to submit a request and all applicable documents in OCLQS.

(2) What information can be amended on an existing license?

(a) Name of administrator.

(b) License capacity.

(c) Change of location of the program.

(3) What is the timeline for requesting an amendment?

- (a) For a change in administrator, the center ~~shall request the amendment within five days of the administrator's last day and submit~~ is to submit the amendment, with qualifications pursuant to rule 5101:2-12-07 of the Administrative Code for the new administrator, within thirty days. This includes when an existing administrator is on temporary leave for ninety or more days.
- (b) For a change in capacity, the center shall request and be approved for the amendment prior to serving additional children. This includes submitting all corrective action plans required pursuant to rule 5101:2-12-03 of the Administrative Code.
- (c) For a change in location, the center shall request the amendment at least thirty days prior to the last day at the current location. Failure to request within thirty days may result in a gap of care. Care shall not begin until the license has been transferred to the new location.
- (4) What are the requirements if a center wants to permanently move to a different location?

The center ~~shall~~ is to:

- (a) Comply with paragraph (F)(3)(c) of this rule.
- (b) Submit all required documents listed in appendix B to this rule prior to licensure at the new location.
- ~~(b)(c)~~ (c) Submit a fee of ~~two hundred~~ fifty dollars in OCLQS thirty days prior to the proposed move.
- ~~(c)(d)~~ (d) Comply with an inspection at the new location and any applicable determinations of license capacity for the new location.
- ~~(d)~~ Submit all required compliance materials prior to licensure at the new location.
- (e) Cease child care operations at the original center location at the time the license is issued for the new address.
- (f) If care ceases at the old location before the new location is ready to be licensed, the program may be temporarily closed pursuant to paragraph (G) of this rule.

(g) If the new location is unable to be licensed within ninety days after the request, the request for amendment will be closed, which results in forfeiture of the application fee.

- (5) What are the requirements if a center needs to temporarily provide care in a different location?
- (a) If the center is temporarily unable to provide care in the licensed location because the location has been deemed unsafe for care of children by the building department, fire department, local health department, local law enforcement or other government agency, the center may request to temporarily provide care in a new location.
- (i) The center shall send a written request to ODJFS and comply with an inspection of the temporary location prior to providing care at the temporary location.
- (ii) The written request shall include written documentation from the government agency that deemed the location to be unsafe for care of children and shall include the plan and timeline for addressing the needs of the licensed location.
- (iii) Prior to resuming care at the licensed location, the center shall provide written approval to ODJFS from the government agency that has deemed the location safe to resume care of children.
- (b) If the center is unable to return to the licensed location within ~~ninety~~ one hundred eighty days, the center shall follow the process for a permanent change of location pursuant to paragraph (F)(4) of this rule. There are no extensions for a temporary change of location.
- (G) How shall an administrator, owner or owner's representative request a voluntary temporary closure status for a license of a child care center?
- (1) The administrator, owner or owner's representative ~~shall submit in writing to ODJFS~~ is to request the temporary closure status in OCLQS.
- (2) The temporary closure status shall not exceed twelve months.
- (3) The center shall not serve any children during the temporary closure status.
- (4) The center may be required to comply with an inspection prior to the end of the temporary closure status and prior to serving children again.

(5) If at the end of the twelve months, the center has not requested in ~~writing~~ OCLQS to reinstate the license or is not able to be re-opened, the ODJFS may close the license without hearing rights afforded by Chapter 119. of the Revised Code.

(H) What information ~~shall~~ will the center keep current in OCLQS?

- (1) Mailing address.
- (2) Telephone number.
- (3) Email address.
- (4) Days and hours of operation.
- (5) Services offered.
- (6) Name of program.
- (7) Ohio secretary of state entity number, if applicable.
- (8) Private pay rates.

~~(I) What information shall the center keep current in the provider portal?~~

~~Private pay rates shall be kept current in the provider portal.~~

~~(J)~~ (I) What if an individual listed in OCLQS as a legal business owner (as defined in section 5104.03 of the Revised Code) ~~as an owner on the JFS-00598 "Owner's Authorized Representative/Partnership Form for Child Care" (rev. 10/2015)~~ changes?

The center ~~shall complete an updated JFS-00598~~ is to log into OCLQS to complete and submit the information ~~to the ODJFS~~ within thirty days of the change.

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Required Documents During the Application Process

The following documents shall be submitted at the time of application for a licensed child care center:

- Documentation of building approval issued pursuant to rule 5101:2-12-04 of the Administrative Code. Note: A license will not be issued without the Certificate of occupancy issued pursuant to rule 5101:2-12-04 of the Administrative Code.
- Name of administrator and documentation that they meet the qualifications as outlined in rule 5101:2-12-07 of the Administrative Code.
- Articles of incorporation, if applicable.
- JFS 01250 "Plan of Operation for Child Care" and any necessary attachments.
- Fire inspection approval issued pursuant to rule 5101:2-12-04 of the Administrative Code.
- Valid food service operation license, exemption status, and/or food processing establishment registration with the Ohio department of agriculture (ODA) issued pursuant to rule 5101:2-12-04 of the Administrative Code.
- Written information for parents and employees as required in rule 5101:2-12-07 of the Administrative Code.
- Written disaster plan for the center as required in rule 5101:2-12-16 of the Administrative Code.

Note: Requests for background checks in the Ohio Professional Registry (OPR) and fingerprints for the bureau of criminal investigation (BCI) and federal bureau of investigation (FBI) criminal records checks for the owner(s) and administrator(s) are to be submitted at the time of application in accordance with rule 5101:2-12-09 of the Administrative Code.

Required Documents for a Permanent Change of Location

The following documents are to be submitted at the time of a request for permanent change of location for a licensed child care center:

- Documentation of building approval issued pursuant to rule 5101:2-12-04 of the Administrative Code. Note: A license will not be issued without the Certificate of occupancy issued pursuant to rule 5101:2-12-04 of the Administrative Code.
- JFS 01250 "Plan of Operation for Child Care" and any necessary attachments.
- Fire inspection approval issued pursuant to rule 5101:2-12-04 of the Administrative Code.
- Valid food service operation license, or exemption status, and/or food processing establishment registration issued pursuant to rule 5101:2-12-04 of the Administrative Code.

5101:2-12-03

Compliance inspection and complaint investigation of a licensed child care center.

(A) What compliance inspections are required for child care centers?

- (1) At least one inspection prior to the initial issuance of a provisional license.
- (2) At least two inspections during the provisional period.
- (3) At least one inspection each state fiscal year after the issuance of the continuous license. Compliance inspections completed in the state fiscal year pursuant to paragraph (A)(2) of this rule meet this requirement.
- (4) Any complaint investigations involving the center.

(B) Will inspections be announced or unannounced?

At least one inspection shall be unannounced and all inspections may be unannounced.

(C) What is required of a licensed center for an inspection and/or complaint investigation?

The licensed child care center shall allow the Ohio department of job and family services (ODJFS) to:

- (1) Complete an inspection of all areas where child care is provided, children have access to and all areas used to verify compliance with Chapter 5101:2-12 of the Administrative Code and Chapter 5104. of the Revised Code.
- (2) Review required records and documentation.
- (3) Interview or take statements from anyone pertinent to the investigation which may include any of the following:
 - (a) Building ~~inspectors~~officials, fire department inspectors, sanitarians, public health or other state or local officials.
 - (b) Neighbors.
 - (c) Parents and relatives of children in care.
 - (d) Staff of the public children services agency (PCSA).
 - (e) Anyone mentioned by the complainant.
 - (f) Law enforcement personnel.

(g) Current and past center employees.

(h) Other witnesses.

(4) Document findings in writing or in photographs or by any other means.

(D) What are additional requirements for a licensed center as a result of an inspection and/or complaint investigation?

The center shall:

(1) ~~Provide written materials to ODJFS~~ Complete and submit a corrective action plan in the Ohio child licensing and quality system (OCLQS) addressing ~~non-compliances~~ the non-compliances detailed in the inspection report within the time frame requested in the inspection report.

(2) Not misrepresent, falsify or withhold information from ODJFS.

(E) Will a licensed center have additional inspections based on ~~non-compliances~~ non-compliances found?

~~Non-compliances, as detailed in appendix A to this rule,~~ All non-compliances may lead to additional inspections or compliance materials required by ODJFS.

(F) What if the center does not agree with the licensing findings?

The center ~~shall~~ may complete and submit a JFS 01155 "Request for Review for Licensing and Step Up To Quality" with any applicable documentation within seven business days from the receipt of the inspection report.

~~(1) Complete and submit a JFS 01155 "Request for Review for Licensing and Step Up To Quality" (12/2016) with any applicable documentation.~~

~~(2) The request and documentation shall be submitted within seven business days from the receipt of the inspection report.~~

(G) Are licensing inspection records available to the public?

(1) Inspections may be viewed at <http://childcaresearch.ohio.gov/>.

(2) An individual may submit a written request to ODJFS for a copy of the center's licensing record.

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Moderate and Serious Risk Non-Compliances and Point Values for Child Care Centers

All non-compliances not identified as a moderate risk or serious risk below are valued as 1 point.

5101:2-12-03 Compliance inspection and complaint investigation of a licensed child care center

Serious Risk Non-Compliance (6 Points)

- Owner, administrator, child care staff member, or employee refuses ODJFS access to program.
- Administrator/owner falsifies information to ODJFS.

5101:2-12-04 Building department, fire inspection and food service licensure for a licensed child care center

Moderate Risk Non-Compliance (3 Points)

- Food Service License – Center unable to obtain or maintain license due to violations or is serving food with no license.
- Fire Approval – Unable to obtain approval due to violations or update not requested at least 30 days prior to expiration.
- Center exceeds room/building occupancies; or cares for children on an unapproved floor, in a room not approved for care or in a room not approved for age group.

5101:2-12-09 Background check requirements for a licensed child care center

Moderate Risk Non-Compliance (3 Points)

- Background check request not submitted or fingerprints not submitted.
- Administrator, employee or child care staff member working at the program and preliminary approval not on file or in the Ohio professional registry (OPR).
- Child care staff member left alone with a child(ren) and preliminary approval or JFS 01176 is not on file or in the OPR.
- Background check is expired and not updated.

Serious Risk Non-Compliance (6 Points)

- Owner has an ineligible background check.
- Administrator, employee or child care staff member is not eligible for employment and remains employed.
- Owner, owner's representative, administrator, employee or child care staff member refuses to submit a background check request or refuses to submit fingerprints.

5101:2-12-11 Indoor and outdoor space requirements for a licensed child care center

Moderate Risk Non-Compliance (3 Points)

- "S" hooks not closed appropriately, equipment and/or ropes not securely anchored or entrapment hazards exist.
- Protective surfacing is required but inadequate or missing under equipment used for climbing, swinging, balancing, and sliding.
- Fence or barrier missing or inadequate.
- Unsafe route to off-site space.

5101:2-12-12 Safe equipment and environment for a licensed child care center

Moderate Risk Non-Compliance (3 Points)

- Chemicals or unsafe equipment (lawnmowers, power tools accessible, etc.) are accessible to children.
- Children not protected from unsafe items, conditions or situations.
- Space heaters used without approval.
- No mats under indoor climbing equipment.
- Illegal drugs on premises or alcohol accessible in area used for child care.

Serious Risk Non-Compliance (6 Points)

- Weapons, firearms or ammunition materials are found on the premises and there's no valid exemption, or are carried by someone with a valid exemption but are accessible to children.

5101:2-12-14 Transportation and field trip safety for a licensed child care center

Moderate Risk Non-Compliance (3 Points)

- Inspection not completed or not updated annually, inspection not completed by Automotive Service Excellence (ASE) certified mechanic or approved entity, driving a vehicle without correcting the noted violations or vehicle type not permitted to be used.
- Exiting/entering vehicle not from the curb.

Appendix A to Rule 5101:2-12-03

- Transporting a child under 12 years old in the front seat; not using required seat belts and/or car seats; more than one child in a seat belt; children sitting on floor or standing in a moving vehicle; not ensuring that all passengers adhere to the state of Ohio's child restraint law when transporting children in care.
- Child's JFS 01236 and/or specific items required on the JFS 01236 not available on trip.
- Not meeting additional adult requirements.

Serious Risk Non-Compliance (6 Points)

- Driver not 18 years old.
- Driver is not appropriately licensed, has a suspended license or has a license that expired more than 6 months ago.
- Driver is under the influence of drugs, alcohol or other substances which could impair driving.

5101:2-12-15 Child record requirements for a licensed child care center

Moderate Risk Non-Compliance (3 Points)

- JFS 01236 incomplete, not implemented, not on file or not followed.
- No trained staff on-site when child is present or on field trip with child or non-trained staff performed procedure on child.

5101:2-12-18 Group size and ratios for a licensed child care center

Moderate Risk Non-Compliance (3 Points)

- Program is out of ratio.
- Program exceeds license capacity.
- Additional employee or child care staff member required but not present.

5101:2-12-19 Supervision of children and child guidance for a licensed child care center

Moderate Risk Non-Compliance (3 Points)

- Child left unattended.
- Child care staff member uses prohibited disciplinary techniques.
- Staff under the influence of a substance which impairs their ability to supervise children who are present.

Serious Risk Non-Compliance (6 Points)

- Child unattended outside of facility building, during a swimming activity or any time child is off site.
- Child completely alone in building (no adults).
- Program fails to report suspected abuse/neglect/endangerment.
- Owner or administrator uses prohibited disciplinary techniques.
- Substantiated public children's services agency finding of abuse, neglect or endangerment for any employee, child care staff member, owner or administrator.
- Child(ren) not protected from harm which resulted in a serious incident or injury.

5101:2-12-20 Sleeping and napping requirements for a licensed child care center

Moderate Risk Non-Compliance (3 Points)

- Child placed in crib with object which poses suffocation/strangulation risk (bibs, pacifier clips/ribbons, teething jewelry, blankets, pillows, boppies, bumper pads, etc.).
- Stacked cribs are used, cribs do not meet size requirements, cribs are unstable or cribs do not meet the Consumer Product Safety Commission standards.
- Something other than a crib is used for sleeping or napping.
- JFS 01235 sleep position waiver needed but not on file.

5101:2-12-21 Evening and overnight care for a licensed child care center

Serious Risk Non-Compliance (6 Points)

- Staff responsible for supervising children are asleep.
- Child(ren) are asleep on unapproved floor of the building.

5101:2-12-22 Meal preparation/nutritional requirements for a licensed child care center

Moderate Risk Non-Compliance (3 Points)

- Supplemental food not onsite, meals or snacks provided do not meet the requirements of the rule.

5101:2-12-23 Infant care and diaper care for a licensed child care center

Moderate Risk Non-Compliance (3 Points)

Appendix A to Rule 5101:2-12-03

- Breast milk given to wrong child.
- Container used for heating bottles was accessible to children.

5101:2-12-24 Swimming and water safety requirements for a licensed child care center

Serious Risk Non-Compliance (6 Points)

- No lifeguard present during water activity or lifeguard is used to meet ratio.
- Staff not actively supervising.
- Swimming site accessible to child(ren) without staff supervision when not in use.
- Child(ren) swimming in lakes, ponds, rivers, etc.

5101:2-12-25 Medication administration, food supplements and medical foods for a licensed child care center

Moderate Risk Non-Compliance (3 Points)

- JFS 01217 incomplete, not on file or not followed, no current label or physician's instructions on prescription medication, medication not in original container.
- Medication accessible to child(ren).
- Medication instructions not followed or the wrong dosage was administered to the child.

Serious Risk Non-Compliance (6 Points)

- Medication was administered to the wrong child.

5101:2-12-04

Building department inspection, fire inspection and food service licensurerequirements for a licensed child care center.

(A) What are the requirements for building inspections ~~and approval~~?

- (1) A certificate of occupancy for the purpose of operating a child care center is required in accordance with Chapters 3781. and 3791. of the Revised Code and shall be obtained from ~~either the Ohio department of commerce or the local certified building authority department~~ or in the absence of a local certified building department, the Ohio department of commerce, and be available on-site for review.
- (2) The center shall comply with any stipulations or limitations noted on the certificate of occupancy.
- (3) A certificate of occupancy is required in the following circumstances:
 - (a) At the time of application for a child care center license.
 - (b) At the time a child care center requests a license amendment for a change of location, including a temporary change of location.
 - (c) Prior to the use of any areas of the structure not previously inspected and approved for child care use.
 - (d) At the time of major repair, modification or alteration of any existing structure presently being used for child care but prior to the continued use of modified or altered parts of the structure. Major repair, modification or alteration includes:
 - (i) Cutting away of any wall, partition or portion thereof, the removal of or cutting of any structural beam or bearing support or the removal or change of any required means of escape, or rearrangement of parts of the structure affecting the exit requirements.
 - (ii) Addition to, alteration of, replacement or relocation of any gas, oil, water, soil, waste or vent piping, electrical wiring or heating, ventilating or air-conditioning equipment.
 - (iii) Any modification ~~requiring a new certificate of occupancy that would otherwise need a plan approval~~ as required by the rules of the Ohio board of building standards ~~Ohio department of commerce or local certified building authority.~~
- (4) A new or revised certificate of occupancy is not required for the following:

- (a) A change in ownership with no change of use.
- (b) Child care is provided exclusively for school-age children in an existing public school or chartered nonpublic school building as described in section 5104.02 of the Revised Code.

(B) What are the requirements for a fire inspection ~~and approval~~?

- (1) Licensed child care centers shall secure a written fire inspection ~~and written approval~~ from the state fire marshal or the local fire safety inspector for the municipality or township having jurisdiction. ~~The child care center shall abide by any stipulations or limitations set forth in the written documentation by the state fire marshal or local fire safety inspector.~~

(2) The child care center is to abide by any stipulations or limitations set forth in the written documentation by the state fire marshal or local fire safety inspector.

~~(2)~~(3) A fire inspection ~~and approval~~ needs to be obtained at the following times:

- (a) At the time of initial application for a child care center license.
- (b) At the time of a child care center license amendment when requesting a change of location, including a temporary change of location.
- (c) At least once annually within each twelve months from the date of the last fire inspection~~approval~~ report.
- (d) Prior to the use of any areas of the structure not previously inspected and approved for child care use.

~~(3)~~(4) If child care is provided exclusively for school-age children in an existing public school or chartered nonpublic school building as described in section 5104.02 of the Revised Code, a fire inspection for the child care center is not required.

(C) What are the requirements for preparing and serving food for a child care center ~~a food service license or exemption~~?

- (1) A valid food service operation license or exemption status shall be obtained ~~permitting the preparation and serving of food, or exemption status,~~ from the local health department having jurisdiction ~~or from the Ohio department of health.~~

- (2) Meals or snacks may be provided by an off-site food processing establishment a licensed catering food service operation registered with the Ohio department of agriculture (ODA). This ODA registration requirement includes meals or snacks prepared by a child care center and provided or transported to a different child care center for serving. The center shall maintain on file a copy of the catering food service operation's current license. If the caterer only provides the food and it is the responsibility of the center to serve the food, the center shall follow the requirements of the local health department having jurisdiction.
- (a) The center is to maintain on file a copy of the food processing establishment's current registration.
- (b) If the food processing establishment only provides the food and it is the responsibility of the center to serve the food, the center is to follow the requirements of the local health department having jurisdiction, including securing a food service operation license for the center.
- (3) A food service license or exemption for the child care center is not required if the child care program is located in an existing public school, chartered non-public school, church or similar location which maintains a food service operation license. The child care center is to obtain written documentation by the food service operation license holder granting permission to operate under their license.

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5101:2-12-05

Denial, revocation and suspension of a licensed child care center application or license.(A) What does "owner" mean?

(1) For purposes of paragraphs (C) and (E) of this rule, "owner" is defined in rule 5101:2-12-01 of the Administrative Code, except that "owner" also includes a firm, organization, institution or agency, as well as any individual governing board members, partners, or authorized representatives of the owner as defined in section 5104.03 of the Revised Code.

(2) For all other paragraphs of this rule, "owner" is as defined in rule 5101:2-12-01 of the Administrative Code.

~~(A)~~(B) What are the reasons an applicant may have an application denied or a licensed child care center may have a provisional or continuous license revoked?

(1) The center is not in compliance with Chapter 5101:2-12 of the Administrative Code or Chapter 5104. of the Revised Code.

(2) The owner or administrator has been determined not eligible ~~for employment to own a child care program or to be employed in a child care program~~ as a result of the background check requirements pursuant to rule 5101:2-12-09 of the Administrative Code.

(3) The center fails to submit documentation or information requested by the Ohio department of job and family services (ODJFS) within required time frames.

(4) The center has refused to allow ODJFS staff access onto its premises or to any area used for child care.

(5) The center has furnished or made misleading or false statements or reports to ODJFS.

~~(6) The center has accumulated eighteen or more points from moderate or serious risk non-compliances in accordance with appendix A to rule 5101:2-12-03 of the Administrative Code during the provisional period.~~

~~(7)~~(6) Failure of any person, firm, partnership, organization, institution, or agency to cooperate with the ODJFS or any state or local official when performing duties required by Chapter 5104. of the Revised Code and Chapter 5101:2-12 of the Administrative Code.

~~(B)~~(C) What happens if an application is in the process of being denied or a provisional or continuous license is in the process of being revoked?

- (1) If an application for a child care center, type A home or type B home has been issued a notice of intent to deny, no new application for a child care center license shall be processed for the owner until after the completion of the denial process.
- (2) If a provisional or continuous license for a child care center, type A home or type B home has been issued an intent to revoke, no new application for a child care center license shall be processed for the same owner until after the completion of the revocation process.
- (3) If the child care center has been issued a notice of intent to revoke the program's license, the center is to notify the families of all enrolled children and post the notice of intent in a noticeable location within forty-eight hours of receipt of the notice.

~~(C)~~(D) What if a center voluntarily surrenders the license or voluntarily withdraws the application during the revocation or denial process?

The voluntary surrender of a license or the withdrawal of an application for licensure shall not prohibit ODJFS from revoking a license or denying an application.

~~(D)~~(E) What happens if an application has previously been denied, or a provisional or continuous license, or an in-home aide certification is revoked?

(1) If a license of a child care center, type A home, or type B home is revoked, another license shall not be issued to the owner of the center, type A home, or type B home until five years have elapsed from the date the license was revoked.

(2) If an application for a child care center, type A home, or type B home license is denied, the applicant shall not be licensed until five years have elapsed from the date the application was denied.

~~(3) If an owner/applicant was previously certified by the county agency and that certification was revoked for a health and safety reason, he or she shall not be licensed until five years have elapsed from the date the certification was revoked.~~

~~(4)~~(3) If the certification of an in-home aide is revoked, the applicant shall not be issued a child care center license until five years have elapsed from the date the certification was revoked.

~~(E)~~(F) Which licensing actions by ODJFS give the center rights to an adjudicatory hearing, in accordance with the requirements of Chapter 119. of the Revised Code?

- (1) Denial of an application.
- (2) Revocation of an existing license, either provisional or continuous.
- (3) The finding of jurisdiction in accordance with rule 5101:2-12-01 of the Administrative Code.
- (4) Issuance of a license with authorization for license capacity which does not agree with the authorization sought by the center.
- (5) Denial of a continuous license at the expiration of the center's provisional license.

~~(F)~~(G) When can ODJFS suspend a license?

ODJFS may immediately suspend the license of a center if ODJFS determines that any of the following have occurred:

- (1) A child dies or suffers a serious injury while receiving child care by the center.
- (2) A public children services agency (PCSA) accepts a complaint of abuse or neglect pursuant to section 2151.421 of the Revised Code on any of the following people:
 - (a) The center owner or owner's representative.
 - (b) The center administrator, if the administrator has not been released from employment or put on administrative leave.
 - (c) An employee of the center, if the employee has not been immediately released from employment or put on administrative leave.
- (3) Any of the following people have been charged by indictment, information, or complaint with an offense relating to the abuse or neglect of a child:
 - (a) The center owner or owner's representative.
 - (b) The center administrator, if the administrator has not been released from employment or put on administrative leave.
 - (c) An employee of the center, if the employee has not been released from employment or put on administrative leave.
- (4) ODJFS or a county agency determines that the center created a serious risk to the health or safety of a child receiving child care in the center that resulted in or could have resulted in a child's death or injury.

- (5) ODJFS determines that the owner or licensee of the center does not meet the requirements of section 5104.013 of the Revised Code.

~~(G)~~(H) What happens if a center's license is suspended?

- (1) Upon receipt of a written suspension order from ODJFS, delivered either by certified mail or in person, the center shall:
- (a) Immediately stop providing care to all children.
 - (b) Provide written notification of the suspension to the parents of all children enrolled in the center.
- (2) Refusal of delivery by personal service or by mail is not failure of delivery and service shall be deemed to be complete.

~~(H)~~(I) Can the center request a review of the decision to suspend the license?

The center may request an adjudicatory hearing before the department pursuant to sections 119.06 to 119.12 of the Revised Code.

~~(I)~~(J) How long will the license be suspended?

The suspension shall remain in effect until any of the following occurs:

- (1) The PCSA completes its investigation pursuant to section 2151.421 of the Revised Code and determines that all of the allegations are unsubstantiated.
- (2) All criminal charges are disposed of through dismissal or a finding of not guilty.
- (3) Pursuant to Chapter 119. of the Revised Code, ODJFS issues a final order terminating the suspension.

~~(J)~~(K) Which ODJFS licensing actions, ministerial in nature, are not subject to an administrative hearing?

- (1) Rejection by ODJFS of any application for a license for procedural reasons such as, but not limited to, improper fee payment, incomplete submission of required materials or use of invalid forms.
- (2) Denial of an application pursuant to paragraph ~~(D)~~(E) of this rule.
- (3) Closing a license that has been in a temporary closure for more than twelve months pursuant to rule 5101:2-12-02 of the Administrative Code.

(4) Closing a license if the child care center is no longer located at the address on the license and the owner has not requested a change of location or closure pursuant to rule 5101:2-12-02 of the Administrative Code.

(5) Closing a license if the owner of the child care center has changed.

~~(K) What does "owner" mean?~~

~~(1) For the purposes of paragraphs (B) and (D) of this rule, "owner" is as defined in rule 5101:2-12-01 of the Administrative Code, except that "owner" also includes a firm, organization, institution, or agency, as well as any individual governing board members, partners, or authorized representatives of the owner.~~

~~(2) For all other paragraphs of this rule, "owner" is as defined in rule 5101:2-12-01 of the Administrative Code.~~

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10/29/2017, 12/01/2019

5101:2-12-06

Procedures for a licensed child care center operating under a provisional license.

(A) How long is a provisional license valid for a newly licensed child care center?

A provisional license for a newly licensed child care center is valid for at least twelve months and until the continuous license is issued, unless revoked pursuant to rule 5101:2-12-05 of the Administrative Code.

(B) What requirements shall the child care center meet for the provisional license to be amended to a continuous license at the end of the provisional period?

By the end of the provisional period, the center shall:

- (1) Be in compliance with Chapter 5101:2-12 of the Administrative Code.
- (2) Have children enrolled and attending the center.
- (3) Have a qualified administrator named pursuant to rule 5101:2-12-07 of the Administrative Code ~~and responsible for the day-to-day operation of the program.~~

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5101:2-12-07

Administrator responsibilities, requirements and qualifications for a licensed child care center.

(A) What are the requirements to be an administrator in a licensed child care center?

- (1) Be named on the child care center license.
- (2) Written documentation verifying the administrator's qualifications shall be kept on file at the center or verified documentation is available for review in the Ohio professional registry (OPR). Administrators shall meet the education requirements detailed in appendix A to this rule.
- (3) A person named as administrator, who was promoted from within, and who does not meet the requirements of appendix A to this rule within one year of being named as administrator, may no longer serve as the administrator. The person also may not be named administrator at another location until the administrator qualifications have been met.
- (4) The administrator shall complete a rules review course provided by the Ohio department of job and family services (ODJFS).
 - (a) Administrators shall complete the rules review course within six months of the date of their appointment and every five years thereafter.
 - (b) Any current administrator who completed the course prior to December 31, 2016 shall complete the training again by December 19, 2021.
 - (c) Verification of completion of the rules review course shall be documented in the OPR ~~Ohio professional registry (OPR) or on the JFS 01307 "Professional Development Documentation for Child Care" (rev. 12/2016)~~. This form shall be kept on file at the center.
- (5) The administrator is to complete the staff orientation training as prescribed by ODJFS within thirty days of being named administrator at the center or the administrator has documentation of completion of the child care center staff orientation or child care center pre-licensing training after December 31, 2016.

(B) What are the responsibilities ~~additional duties~~ of the administrator ~~of~~ in a licensed child care center?

The administrator ~~shall~~ is to:

- (1) Be responsible for the daily operation of the child care center and for maintaining compliance with Chapter 5104. of the Ohio Revised Code and Chapter 5101:2-12 of the Administrative Code.

- (2) Be on-site a minimum of one-half of the hours that the child care center is in operation during the week, or forty hours per week, whichever is less. If there is more than one administrator, at least one administrator is to meet this requirement.
- (3) For child care centers that are in operation on the weekends and/or evenings/overnights, as well as during the week, be on-site at the center at least twenty hours per week during the hours of six a.m. to seven p.m., Monday through Friday. If there is more than one administrator, at least one ~~must~~ is to meet this requirement.
- (4) Post the administrator's scheduled hours of availability to meet with parents in a noticeable location ~~place that is easily accessible to parents~~.
- (5) Be responsible for the creation, maintenance and implementation of the policies and procedures detailed in appendix B to this rule. Nothing in these policies shall conflict with Chapter 5104. of the Revised Code or Chapter 5101:2-12 of the Administrative Code, and if applicable, Chapter; 5101:2-16 or 5101:2-17 of the Administrative Code. A copy of these policies and procedures shall be available on-site at the center.
- (6) Provide the parent and all employees with the policies and practices in appendix B to this rule.
- (7) Provide a copy of appendix C to this rule to the ~~parent(s)~~ parents of the children enrolled in the center.
- (8) Make available the current licensing rules in a noticeable area on the premises. The rules may be made available via paper copy or electronically.
- (9) Upon request, provide a parent with any information necessary for the parent to compile child care related expenses for income tax preparation, including tax identification numbers.
- ~~(10) Have available on-site a written list of all employees including their dates of hire, positions and scheduled hours.~~
- (10) Cooperate with other government agencies as necessary to maintain compliance with Chapter 5101:2-12 of the Administrative Code.
- (11) Ensure that no administrator, employee, licensee or child care staff member discriminates in the enrollment of children upon the basis of race, color, religion, sex, disability, or national origin.

(C) What are the OPR and documentation responsibilities for administrators in a licensed child care center?

All administrators are to:

- (1) Create or update their individual profile in the OPR.
- (2) Create or update the center's organization dashboard in the OPR for each child care center in which they are employed as administrator.
- (3) Ensure that all employees and child care staff members complete the following in the OPR:
 - (a) Create or update their individual profile in the OPR.
 - (b) Create an employment record in the OPR for the center on or before their first day of employment, including date of hire.
 - (c) Update changes to positions or roles in the OPR within five calendar days of a change.
- (4) Update the center's organization dashboard in the OPR within five calendar days of a change for employees and child care staff members of the program, including:
 - (a) Scheduled days and hours.
 - (b) Group assignments, if applicable.
 - (c) The end date of employment.
- (5) Maintain records for each current employee and child care staff member as required in Chapter 5101:2-12 of the Administrative Code on file in the center, if not yet verified in the OPR.
 - (a) Make employment records available upon request by ODJFS for at least three years after each person's departure, if not verified in the OPR.
 - (b) Keep employment records confidential except when made available to ODJFS for the purpose of administering Chapter 5104. of the Revised Code and Chapter 5101:2-12 of the Administrative Code.

~~(C)~~(D) What if an administrator is not on the premises?

- (1) A child care staff member shall be designated as the person in charge and be on the premises.
- (2) The designated person in charge does not have to meet the educational requirements of an administrator nor be named on the license.
- (3) The designated person in charge shall handle all emergencies and have access to all records required by Chapter 5101:2-12 of the Administrative Code.

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01/01/2007, 09/01/2007, 07/01/2010, 09/29/2011,
11/22/2015, 12/31/2016, 10/29/2017, 12/01/2019

Administrator Qualifications

A child care administrator is to have completed a high school education and at least one of the following items listed under education combined with experience where noted:

| | Education | Experience |
|---|---|--|
| A | Associate, bachelor, master, or doctoral or other post- graduate degree in child development, early childhood education or related field approved by the Ohio department of job and family services (ODJFS). Must be from an accredited college, university or technical college. | No minimum experience. |
| B | A current license designated as appropriate for teaching in an associate teaching position in a preschool setting issued by the state board of education pursuant to section 3319.22 of the Ohio Revised Code. | No minimum experience. |
| C | A current infant and toddler or early childhood credential from a program accredited by the Montessori accreditation council for teacher education. | No minimum experience. |
| D | Two years of training, including at least four courses in child development or early childhood education from an accredited college, university, or technical college. | No minimum experience. |
| E | A current "Ohio Administrator Credential" as approved by ODJFS. | No minimum experience. |
| F | A current Ohio's School-Age Administrator Professional Endorsement (if serving only school-age children). | No minimum experience. |
| G | Current designation under the career pathways level three. | No minimum experience. |
| H | Current designation under the career pathways level two. | Two years of experience working as a child care staff member in a licensed child care program. |
| I | Current designation under the career pathways level one, within one year, a current designation under the career pathways level two must be achieved. | Two years of experience working as a child care staff member in a licensed child care program. |
| J | At least four courses in child development or early childhood education from an accredited college, university, or technical college. | Two years of experience working as a child care staff member in a licensed child care program. |
| K | A current child development associate credential issued by the council for professional recognition. | Two years of experience working as a child care staff member in a licensed child care program. |
| L | No minimum education above the high school diploma or GED, but within 1 year of being named administrator, must have completed at least four courses in child development or early childhood education from an accredited college, university, or technical college or achieve and maintain a career pathways level two. Verification of high school education is to meet the requirements in appendix B to rule 5101:2-12-08 of the Administrative Code. | A person who has two years of experience working as a child care staff member in a licensed child day care program and was promoted from within that center. |

Two years of training is equal to sixty semester or ninety quarter hours from an accredited college, university or technical college. Four courses is equal to twelve semester hours or eighteen quarter hours from an accredited college, university or technical college.

Written Information for Parents and Employees

Written information is to be developed and provided to parents and employees that include policies and procedures of the center containing, at a minimum, the following:

General Information

1. Center name, address, email address and telephone number.
2. Description of the center's program philosophy.
3. Days and hours of operation, scheduled closings and basic daily schedule.
4. Staff/child ratios and group size.
5. Opportunities for parent involvement in center activities.
6. Opportunities for parents to meet with teachers regarding their child.
7. Payment schedule, overtime charges and registration fees as applicable.
8. Programs are to have a policy in place describing supports for onsite breastfeeding or pumping for mothers who wish to do so (if the program serves infants or toddlers).

Center Policies and Procedures

1. Enrollment including required enrollment information.
2. Care of children without immunizations.
3. Attendance Policy:
 - Procedures for arrival and departure.
 - Program's absent day policy.
 - Releasing child to people other than the parent.
 - Releasing a child according to a custody agreement.
 - Follow up when a child scheduled to arrive from another program or activity does not arrive.
4. Supervision of children, including a separate supervision policy for school-age children, if applicable.
5. Child guidance.
6. Suspension and expulsion.
7. Ensure compliance with the Americans with Disabilities Act (ADA), including:
 - Administering medication to children with disabilities.
 - Administering care procedures to children with disabilities.
8. Outdoor play, including:
 - Limitations placed on outdoor play due to weather or safety issues.
 - Considerations may include but are not limited to temperature, humidity, wind chill, ozone levels, pollen count, lightning, rain or ice.
9. Food and dietary policy, including:
 - Information regarding meeting one-third of the child's recommended daily dietary allowance.
 - Policy regarding formula, breast milk, meals and snacks.
 - Policy on providing supplemental food.
10. Management of illness policy, including:
 - Isolation precautions.
 - Symptoms for discharge and return.
 - Notification of parent of ill child.
11. Summary of procedures taken in the event of an emergency, serious illness or injury.
12. Administration of medication and topical products policy, including:
 - Medical foods.

- Modified diets.
 - Whether school age children are permitted to carry their own medication and ointments.
13. Transportation policy for:
 - Field trips.
 - Routine walking trips, if applicable.
 - Emergencies, including if the center will provide child care services to children whose parents refuse to grant consent for transportation to the source of emergency treatment.
 14. Water activities/swimming.
 15. Infant care, if applicable, including:
 - Feeding.
 - Frequency of diaper checks.
 - Information about daily activities.
 16. Sleeping, napping and resting.
 17. Evening and overnight care, if applicable.
 18. Policy on hours of operation:
 - Closing due to weather.
 - School delays or closings.
 - Any other factors.
 19. Situations that may require disenrollment of a child, if applicable.
 20. Problem or issue resolution for parents or employees to follow when needing assistance in resolving problems related to the child care center.
 21. Formal screenings and assessments on enrolled children and if the program reports child level data to ODJFS pursuant to Chapter 5101:2-17 of the Administrative Code.

Center Parent Information

The center is licensed to operate legally by the Ohio Department of Job and Family Services (ODJFS). This license is posted in a noticeable place for review.

A toll-free telephone number is listed on the center's license and may be used to report a suspected violation of the licensing law or administrative rules. The licensing rules governing child care are available for review at the center.

The administrator and each employee of the center is required, under Section 2151.421 of the Ohio Revised Code, to report their suspicions of child abuse or child neglect to the local public children's services agency.

Any parent of a child enrolled in the center shall be permitted unlimited access to the center during all hours of operation for the purpose of contacting their children, evaluating the care provided by the center or evaluating the premises. Upon entering the premises, the parent, or guardian shall notify the Administrator of his/her presence.

The administrator's hours of availability to meet with parents and child/staff ratios are posted in a noticeable place in the center for review.

The licensing record, including licensing inspection reports, complaint investigation reports, and evaluation forms from the building and fire departments, is available for review upon written request from the ODJFS. Inspections are also online at <http://childcaresearch.ohio.gov/>. Parents may search for a specific program and sign up to be notified when the program's latest inspection is posted online.

It is unlawful for the center to discriminate in the enrollment of children upon the basis of race, color, religion, sex, national origin or disability in violation of the Americans with Disabilities Act of 1990, 104 Stat. 32, 42 U.S.C. 12101 et seq. To file a discrimination complaint, write or call Health and Human Services (HHS) or ODJFS. HHS and ODJFS are equal opportunity providers and employers.

Write or Call:
HHS
Region V, Office of Civil Rights
233 N. Michigan Ave, Ste. 240
Chicago, IL 60601
(312) 886-2359 (voice)
(312) 353-5693 (TDD)
(312) 886-1807 (fax)

Write or Call:
ODJFS
Bureau of Civil Rights
30 E. Broad St., 37th Floor
Columbus, OH 43215-3414
(614) 644-2703 (voice)
1-866-277-6353 (toll free)
(614) 752-6381 (fax)
1-866-221-6700 (TTY) or (614) 995-9961

For more information about child care licensing requirements as well as how to apply for child care assistance, Medicaid health screenings and early intervention services for your child, please visit <http://jfs.ohio.gov/cdc/families.stm>.

5101:2-12-08

Employee and child care staff member requirements ~~in~~for a licensed child care center.

(A) What are the requirements ~~of~~for an employee in a licensed child care center?

Each employee is to:

(1) ~~An employee shall have~~Have on file, on or before the employee's first day of employment, a completed medical statement that meets the requirements detailed in appendix A to this rule.

~~(2) The completed medical statement shall be on file on or before the employee's first day of employment.~~

(2) Have written documentation on file of current immunization against tetanus, diphtheria and pertussis (Tdap) from a licensed physician, as defined in Chapter 4731. of the Revised Code, physician's assistant, advanced practice registered nurse, certified nurse midwife, certified nurse practitioner or licensed pharmacist. The employee may be exempt from the immunization requirement for religious reasons with written documentation signed by the individual and for medical reasons with written documentation signed by a licensed physician.

(3) For the purpose of tuberculosis (TB) screening, notify the child care center if the person has both resided in a country identified by the world health organization (WHO) as having a high burden of TB and arrived in the United States within the five years immediately preceding the date of application for employment. A current list of identified high burden countries (HBC) for TB can be found in the most recent report on the WHO website at <https://www.who.int/teams/global-tuberculosis-programme/tb-reports>.

(a) Notification is to be made on a completed medical statement that meets the requirements detailed in appendix A to this rule.

(b) If the person meets the criteria described above, the child care center is to comply with the testing requirements of section 5104.037 of the Revised Code before employment. The TB test is either a two-step mantoux tuberculin skin test or a blood assay for m. tuberculosis.

(i) If the result of the TB test is negative, the child care center may employ the person.

(ii) If the result of any TB test performed is positive, the child care center is to follow the requirements outlined in appendix C to this rule.

(B) What are the requirements for a child care staff member in a licensed child care center?

~~A child care staff member shall meet one of the following:~~

Each child care staff member is to:

(1) Meet one of the following:

~~(1)(a)~~ (a) Be at least eighteen years of age and have completed a high school education.

~~(a)(i)~~ (i) High school education is defined in appendix B to this rule.

~~(a)(ii)~~ (ii) Verification shall be on file on or before the child care staff member's first day of employment.

~~(2)(b)~~ (b) Be enrolled in the second year of or have completed a two year career-technical program in child development or early childhood education or be a high school senior and also enrolled in a college credit program in child development or early childhood education.

~~(a)(i)~~ (i) Enrollment or completion of a two year career-technical program shall be verified by a signed statement from student's teacher/coordinator of the training program verifying that the student is enrolled in the program and receiving supervision by the training program.

~~(a)(ii)~~ (ii) Enrollment in a college credit program shall be verified by written ~~documentation~~ documentation from the college credit program.

~~(a)(iii)~~ (iii) Verification shall be on file on or before the child care staff member's first day of employment.

(2) Have on file, on or before the child care staff member's first day of employment, a completed medical statement that meets the requirements detailed in appendix A to this rule.

(3) Have written documentation on file of current immunization against tetanus, diphtheria and pertussis (Tdap) from a licensed physician, as defined in Chapter 4731. of the Revised Code, physician's assistant, advanced practice registered nurse, certified nurse midwife, certified nurse practitioner or licensed pharmacist. The child care staff member may be exempt from the immunization requirement for religious reasons with written documentation signed by the individual and for medical reasons with written documentation signed by a licensed physician.

(4) For the purpose of TB screening, notify the child care center if the person has both resided in a country identified by the WHO as having a high burden of TB and arrived in the United States within the five years immediately preceding the date of application for employment.

(a) Notification is to be made on a completed medical statement that meets the requirements detailed in appendix A to this rule.

(b) If the person meets the criteria described above, the child care center is to comply with the testing requirements of section 5104.037 of the Revised Code before employment. The TB test is either a two-step mantoux tuberculin skin test or a blood assay for m. tuberculosis.

(i) If the result of the TB test is negative, the child care center may employ the person.

(ii) If the result of any TB test performed is positive, the child care center is to follow the requirements outlined in appendix C to this rule.

~~(C)~~ What are the documentation requirements for employees in a child care center?

~~(1) The center shall maintain documentation for each current employee on file at the center.~~

~~(2) Employment records shall be made available upon request by the Ohio department of job and family services (ODJFS) for at least three years after each employee's departure.~~

~~(3) Employment records shall include days and hours worked, duties and group assignments, if applicable.~~

~~(4) Employee records shall be confidential, except that they shall be available to the ODJFS for the purpose of administering Chapter 5104. of the Revised Code and Chapter 5101:2-12 of the Administrative Code.~~

~~(D)~~(C) What are the orientation requirements for child care staff members?

(1) Child care staff members, including substitute child care staff members, shall complete the child care center staff orientation training as prescribed by the ODJFS within thirty days of starting employment at the center as a child care staff member unless the child care staff member has documentation of completion of the training after December 31, 2016.

~~(2) The online training may be used for up to six hours of professional development pursuant to rule 5101:2-12-10 of the Administrative Code.~~

~~(3)(2) Completion of the training shall be documented with verification from the Ohio professional registry OPR.~~

~~(4)(3) The child care staff member may be used in ratio, but may not have sole care of is not to be left alone with children until the orientation is completed.~~

(D) What are the Ohio professional registry (OPR) requirements for employees and child care staff members in a child care center?

All employees and child care staff members, including substitute child care staff members, are to:

(1) Create or update their individual profile in the OPR.

(2) Create an employment record for the child care center on or before the first day of employment, including date of hire.

(3) Update their individual profiles or employment records in the OPR within five calendar days of a change, including:

(a) Contact information.

(b) Positions or roles, and related dates.

(E) Do employees and child care staff members have whistle blower protection?

~~No~~Yes, an employer shall is not to discharge, demote, suspend or threaten to discharge, demote, suspend or in any manner discriminate against any employee or child care staff member based solely on the employee taking any of the following actions:

(1) Making any good faith oral or written complaint to the ODJFS or other agency responsible for enforcing Chapter 5104. of the Revised Code regarding a violation of this chapter or the rules adopted pursuant to Chapter 5104. of the Revised Code;

(2) Instituting or causing to be instituted any proceeding against the employer under section 5104.04 of the Revised Code;

(3) Acting as a witness in any proceeding under section 5104.04 of the Revised Code;

- (4) Refusing to perform work that constitutes a violation of Chapter 5104. or the rules adopted pursuant to Chapter 5104. of the Revised Code.

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**Medical Statement Requirements for Administrator, Employees, and Child Care Staff
Members in a Licensed Child Care Center**

The following items are to be contained in a medical statement:

- The date of the examination (must be within the previous twelve months).
- The signature, business address, telephone number of the licensed physician, as defined in Chapter 4731. of the Revised Code, physician's assistant, advanced practice registered nurse, certified nurse midwife or certified nurse practitioner who completed the examination.
- A statement that verifies that the individual is:
 - Physically fit for employment in a center caring for children.
 - Immunized against measles, mumps and rubella (MMR), except that for persons born on or before December 31, 1956, a history of measles or mumps disease may be substituted for the vaccine. A history of rubella disease shall not be substituted for rubella vaccine. Only a laboratory test demonstrating detectable rubella antibodies shall be accepted in lieu of rubella vaccine.
 - Immunized against tetanus, diphtheria-and pertussis (Tdap) from a licensed physician as defined in Chapter 4731. of the Revised Code, physician's assistant, advanced practice registered nurse, certified nurse midwife, certified nurse practitioner or licensed pharmacist.
 - The person may be exempt from the immunization requirement for religious reasons with written documentation signed by the individual, and for medical reasons with written documentation signed by a licensed physician.
 - Screened for TB as outlined in rule 5101:2-12-08 of the Administrative Code, including the following information:
 - Has the individual resided in a country identified by the world health organization (WHO) as having a high burden of TB?
 - Has the individual arrived in the United States within the five years immediately preceding the date of application for employment?
 - If the answer to both questions above are yes, the individual is to be tested for TB.
 - If tested for TB, the medical statement is to include the TB test date and TB test results as positive or negative.
- An additional report or examination by a licensed physician or mental health professional may be required when there is concern about an employee's ability to perform required duties.

Verification of High School Education

Verification of a high school education is to be one of the following:

1. A copy of a high school diploma recognized by the state board of education or the appropriate agency of another state or country as equivalent to the completion of a high school education.
2. A copy of other written documentation verifying high school completion or equivalency, such as the Ohio high school equivalence diploma-
3. A copy of the degree or transcript verifying completion of an associate's degree or higher from an accredited college, university or technical college.
4. For a home schooled student or a graduate of a non-chartered non-public school, documentation as required by section 3313.6110 of the Revised Code.
5. If the person does not have a copy of his or her high school diploma because of being a refugee, he or she may submit both of the following instead:
 - a. Documentation from the federal government that the person was admitted to the United States of America as a refugee.
 - b. A notarized statement that the person received a high school diploma (or equivalent) in his or her home country prior to being admitted to the United States as a refugee.

Center Requirements for Positive Tuberculosis (TB) Test Results

The child care center is to take the following actions when a **positive** TB test result is received for a prospective administrator, employee or child care staff member:

| | |
|--|---|
| <p>If the result of any TB test performed is positive</p> | <p>Prior to employment, the child care center is to require the person to undergo additional testing for TB, which may include a chest radiograph or the collection and examination of specimens.</p> |
| <p>If additional testing indicates active TB</p> | <p>Until the county or district TB control unit determines that the person is no longer infectious, the child care center is to not employ the person or, if employed, the center is to not allow the person to be physically present at the program's location.</p> <ul style="list-style-type: none"> • Evidence that a person is no longer infectious is to consist of a written statement to that effect signed by a representative of the TB control unit. |
| <p>If additional testing indicates latent TB</p> | <p>Until the person submits to the child care center evidence that the person is receiving treatment as prescribed by a licensed health professional, the child care center is to not employ the person or, if employed, the center is to not allow the person to be physically present at the program's location.</p> <ul style="list-style-type: none"> • Once the person submits to the program evidence of a TB treatment regimen, the child care center may employ the person and allow the person to be physically present at the program's location. • Evidence is to consist of a written statement to that effect signed by a representative of the TB control unit that is overseeing the person's treatment. |

Licensed health professionals that meet the qualifications to prescribe TB treatment include the following: licensed physicians, licensed physician assistants, certified nurse practitioners, and clinical nurse specialists.

Child care centers may check with their local board of county commissioners to locate the county TB control unit.

5101:2-12-10

Training and professional development requirements for a licensed child care center.

(A) What are the health training requirements for a child care center?

(1) All child care staff members are to be currently trained in first aid and cardiopulmonary resuscitation (CPR) appropriate for the age and developmental levels of the children in care.

(a) First aid and CPR trainings are to be completed within the first ninety days of hire.

(b) Until all required individuals are current in the trainings, at a minimum, the center is to have at least one trained child care staff member on-site (in each building) during all hours of operation who meets this requirement.

~~(1)(2)~~ A center shall have at least one child care staff member on-site (in each building) during all hours of operation who is currently trained in the management of communicable disease, following ~~(more than one person may be used to meet the requirements of this paragraph):~~

~~(a) First aid.~~

~~(b) Cardiopulmonary resuscitation (CPR) appropriate for all age groups that the center is licensed to serve.~~

~~(c) Management of communicable disease.~~

~~(d) Child abuse recognition and prevention six-hour training.~~

~~(2)(3)~~ ~~Every administrator, child care staff member, including substitutes, shall~~ All child care staff members are to be currently trained in child abuse and neglect recognition and prevention, be current with the ODJFS prescribed one-hour child abuse overview which is valid for two years, unless the child care staff member is current with the six-hour training or three-hour refresher course in paragraph (A)(1)(d) of this rule. This shall be taken within the first sixty days of hire.

(a) Child abuse and neglect recognition and prevention training is to be completed within the first sixty days of hire.

(b) Until all required individuals are current in the trainings, at a minimum, the center is to have at least one trained child care staff member on-site (in each building) during all hours of operation who meets this requirement.

- ~~(3)~~(4) Trainings shall meet course and trainer requirements in appendix A to this rule.
- (5) If a child care staff member meets the trainer requirements in appendix A to this rule for a health training, that person is considered to meet the training requirement for that health training pursuant to paragraphs (A)(1) and (A)(2) of this rule.
- ~~(4)~~(6) Audiovisual or electronic media training shall not be used to meet the CPR training requirement pursuant to paragraph ~~(A)(1)(b)~~(A)(1) of this rule unless there is also an in-person component of the training.
- (B) What are the ongoing professional development training requirements for the administrator and child care staff members?
- (1) Complete a minimum of six clock hours of training annually each fiscal year. The fiscal year is defined as July first through June thirtieth.
- (a) Training topics include those listed in appendix B to this rule.
- (b) Health trainings taken pursuant to paragraph (A) of this rule may not be used to meet the professional development training requirements.
- (c) Audiovisual or electronic media training may be used to meet the required six hours of annual training.
- (2) Child care staff members hired between January first and June thirtieth of each year are not required to complete the professional development requirements until the following fiscal year.
- (3) A person designated and employed as a substitute child care staff member is not required to meet the professional development requirements. When the substitute child care staff member is used more than ninety days annually between July first and June thirtieth, professional development requirements are to be met. The center is responsible for documenting the number of days the substitute child care staff member worked for a period of eighteen months.
- (C) What verification is needed on file at the center to document the completed training?
- (1) The health trainings shall be documented by one of the following:
- (a) Verification from the Ohio professional registry (OPR).
- (b) The JFS 01276 "Health Training Documentation for Child Care" ~~(12/2016)~~.

- (c) Training cards or certificates issued by ~~organizations approved by the ODJFS for first aid, CPR or prevention, recognition and management of communicable disease,~~ the training organization.
- (2) The on-going professional development shall be documented by one of the following:
- (a) Verification from the OPR.
 - (b) Transcript of completion of college courses from an accredited university, college, or technical college.
 - (i) One quarter credit hour equals ten clock hours of training.
 - (ii) One semester credit hour equals fifteen clock hours of training.
 - (c) The JFS 01307 "Professional Development Documentation for Child Care" ~~(rev. 12/2016).~~
 - (d) Certificates indicating continuing education units (CEU). One CEU equals ten clock hours of training.
 - (e) Certificates issued by Ohio child welfare training centers.
- (3) A child care center administrator or owner shall, within five business days, provide current staff with copies of their training documentation upon request or upon separation from employment for any records not verified in the OPR.

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Health Training Courses

Course Content for First Aid

1. May include cardiopulmonary resuscitation (CPR) training
2. Is valid for the number of years indicated on the JFS 01276 "Health Training Documentation for Child Care," card or certificate provided by the training organization
3. Covers the following topics:
 - Abrasions, lacerations and bleeding, including nosebleed
 - Burns
 - Fainting
 - Poisoning, including swallowed, skin or eye contact, and inhaled
 - Puncture wounds, including splinters
 - Injuries, including insect, animal, and human bites
 - Poison control
 - Shock
 - Seizure care
 - Musculoskeletal injury (such as sprains, fractures)
 - Dental and mouth injuries/trauma
 - Head injuries, including shaken baby syndrome/abusive head trauma
 - Allergic reactions
 - Asthmatic reactions
 - Eye injuries
 - Loss of consciousness
 - Electric shock
 - Drowning
 - Heat-related injuries, including heat exhaustion/heat stroke
 - Cold related injuries, including frostbite
 - Moving and positioning injured/ill persons
 - Illness-related emergencies (such as stiff neck, inexplicable confusion, sudden onset of blood-red or purple rash, severe pain, temperature and looking/acting severely ill)
 - Standard Precautions

Course Content for CPR

1. Follows a curriculum that is appropriate for the age and developmental levels of the children in care
2. Is valid for the number of years as indicated on the JFS 01276 "Health Training Documentation for Child Care," card or certificate provided by the training organization

Course Content for Management of Communicable Disease

1. Follows the curriculum prescribed by the Ohio Department of Job and Family Services (ODJFS)

2. Is valid for three years

Course Content for Child Abuse and Neglect Recognition and Prevention

1. The Ohio department of job and family services child abuse and neglect recognition and prevention training which is valid for two years, OR
2. Course created that covers all of the following topics which is valid for three years:
 - Ohio law and rules pertaining to child abuse and neglect, including definitions, reporting and confidentiality requirements and the requirement to report suspected abuse or neglect by child care staff members if observed or suspected
 - Physical and behavioral indicators of child abuse and neglect
 - Details on reporting, including penalty, immunity and how and to whom to report
 - Race, equity, and diversity including how implicit biases may impact reporting
 - The investigatory role of the children's protective services agency
 - The sharing of information and the role of law enforcement, licensing and the courts in reports of child abuse and neglect
 - Helping families who have occurrences of abuse or neglect
 - Prevention of child abuse and neglect in the center, including: staff supervision and training, policies and procedures and appropriate discipline

Health Training Approved Trainers

First Aid Trainers

1. Currently certified first aid trainer
2. Licensed physician, physician's assistant (PA), advanced practice registered nurse (APRN), certified nurse practitioner (CNP), or registered nurse (RN)
3. Emergency medical services instructor
4. Licensed athletic trainer

CPR Trainers

1. Currently certified CPR instructor
2. Emergency medical services instructor

Management of Communicable Disease Trainers

1. Licensed physician, PA, APRN, CNP, or RN
2. Emergency medical services instructor
3. Current trainer employed by local health department

Child Abuse and Neglect Recognition and Prevention Trainers

1. Authorized trainer for a public children services agency (PCSA)
2. Person with at least an associate's degree in social work, child development or related field from accredited college and two years of experience professionally assessing child abuse and neglect for a PCSA or an agency contracted by a PCSA or providing counseling to abused children or training others in child abuse prevention or the combination of experience and training
3. Licensed physician, PA, APRN, CNP, or RN with two years of experience professionally assessing child abuse and neglect or providing counseling to abused children or training others in child abuse prevention or the combination of experience and training

Professional Development Training Topics

Child Growth and Development

- Child nutrition
- Children with special needs
- National child care standards as published by the American academy of pediatrics and American public health association and state licensing requirements
- Brain development
- Benefits of outdoor play and gross motor activities
- Social/emotional development
- Challenging behaviors
- Cognitive development
- Health and wellness

Family/Community Relations

- Working with parents and families
- Community health, pediatrics or social services resources for children and families
- Transitioning
- Cultural diversity/awareness
- Disaster planning and preparedness
- Community needs assessment

Daily Planning, Child Observation & Assessments

- Planning and administering child care, recreational or educational programs and activities for children birth to fourteen
- Curriculum
- Approaches to learning
- Physical education
- Language and literacy
- After-school programming
- Assessment, screening and referrals

Career Development

- Ethics and professionalism in child care
- Stress management
- Assessment and observation of teachers
- Using child care tools
 - Ohio approved
 - Systems training
 - Provider portal/provider agreement/OCLQS/e-manuals/child care websites
- Individualized education plan/individualized family service plan.
- Strategic leadership and planning

Appendix B to Rule 5101:2-12-10

- Financial planning
- Marketing
- Business practices
- Publicly funded child care
- Confidentiality/ Health insurance portability and accountability act

Learning Environment and Experiences

- Developmentally appropriate equipment and classroom arrangement
- Guiding children's behavior/ developmentally appropriate child guidance and classroom management

Any "Ohio Approved" Training

Professional Development Approved Trainers

Approved Professional Development Trainers

1. Has two years' experience in the specific subject matter and meets one of the following:
 - a. Completed ninety quarter credit hours or sixty semester credit hours from an accredited college, university, or technical college. The coursework is to include at least thirty-six quarter credit hours or twenty-four semester credit hours in courses in child development or courses related to the subject of the training.
 - b. Has a currently valid CDA
 - c. Preprimary credential from the Association Montessori Internationale or the American Montessori Society
 - d. Licensed physician or registered nurse
 - e. Currently serves in a professional capacity, for at least two years, that directly relates to the subject of the training as it pertains to his or her professional role and is to only train within the jurisdiction of his or her job

5101:2-12-14**Transportation and field trip safety for a licensed child care center.**

(A) What is to be available on all trips, including routine walking trips?

The center is to:

- (1) Have written and signed permission from the parent before transporting or escorting a child away from the center for field trips and routine trips as detailed in appendix A to this rule. The permission slips are to be kept on file at the center for one year from the date of the trip.
- (2) Attach to each child on a routine or field trip, except children being transported only to and from school or to and from home, identification containing the center's name, address, and a telephone number to contact in the event the child becomes lost.
- (3) Have a completed copy of the JFS 01234 "Child Enrollment and Health Information for Child Care" for each child on the trip, except routine walks.
- (4) Have first aid supplies as required by rule 5101:2-12-16 of the Administrative Code.
- (5) Have the completed JFS 01236 "Child Medical/Physical Care Plan for Child Care" for any child who has a health condition which could need medication, special procedures or precautions during the course of the trip. The center is also to take supplies needed to provide such treatment and medications that may need to be administered during the trip.
- (6) Have a working cellular phone or other means of immediate communication. Cellular phones are not to be used by a driver while the vehicle is in motion.
- (7) Ensure that the child care staff member responsible for each child on the field trip maintains a written record of which vehicle each child is being transported in and the cellular phone number of the adult in that vehicle who could be contacted in an emergency.
- (8) Ensure that a person trained in cardiopulmonary resuscitation (CPR), first aid and management of communicable disease in accordance with rule 5101:2-12-10 of the Administrative Code is present in the vehicle for routine trips and field trips and at the destination on all field trips. More than one person may be used to meet this requirement.
- (9) Ensure that if the vehicle used to transport children is manufactured with seat belts, they are to be utilized by adults and children, no more than one person

may be strapped in each seat belt. Children or adults are not to be permitted to stand in a moving vehicle, sit on the floor or ride in a vehicle where all seats are not securely anchored.

(10) Not leave children in the vehicle when it is being refueled except when a trip is of such a length as to need refueling after starting with a full tank.

(B) What are the ratio and supervision requirements for trips, including routine walking trips?

(1) The staff/child ratio requirements of rule 5101:2-12-18 of the Administrative Code are to be met on field trips and routine trips. Children are to be assigned to specific child care staff members for all field trips.

(2) Parents, guardians or adults authorized by the center may be drivers on field trips as long as staff/child ratio requirements are met at the destination.

(3) One additional adult is to be present in the vehicle whenever five or more children are being transported and one or more of the children are infants.

(4) One additional adult is to be present in the vehicle when there are seven or more children being transported and no infants are present.

(5) One additional adult is to be present in the vehicle when there are ten or more school-age children, or the driver is to have a means of immediate communication, such as a cellular phone, to summon an additional adult when only school-age children are transported in one vehicle.

(6) The additional adult in the vehicle may be the driver, parent or volunteer.

(7) The vehicle is to be checked at completion of each trip to ensure that no child has been left on the vehicle.

(8) During routine walking trips or walking field trips, one additional adult is to be present when there are five or more infants or a combination of seven or more toddlers, preschool and school-age children or for ten or more school-age children if the group of children on the walking trip includes only school-age children.

(9) While children are being transported from their homes or schools directly to the center or from the center directly to their homes or schools, the children are not to count in the center's capacity.

(C) What are the driver requirements for employees and child care staff members of the center?

(1) The employee or child care staff member driver is to:

- (a) Be at least eighteen years old.
- (b) Hold a currently valid driver's license required for the type of vehicle driven in accordance with Ohio law.
 - (i) A copy of each driver's current driver's license is to be kept on file at the center.
 - (ii) The center is responsible for ensuring that the copy of the driver's license on file is kept current.
- (c) Be free from the influence of any substance which could impair driving abilities.
- (d) Ensure that all passengers, which includes the driver, adhere to the state of Ohio's child restraint law found in section 4511.81 of the Revised Code when transporting children in care.
- (e) Not allow children under twelve years of age to ride in the front seat of any vehicle.
- (f) See that each child safely boards and exits the vehicle from the curb side of the street whenever physically possible and out of the path of moving vehicles. Drop off or pick up at which it is not possible to board and exit from the curb side is to be conducted in a safe manner and with close supervision by the child care staff member responsible for the children.
- (g) Complete the Ohio department of job and family services (ODJFS) child care transportation training in the Ohio professional registry (OPR).
 - (i) A trained child care staff member is not required in the vehicle on field trips when parents are providing the transportation.
 - (ii) A trained child care staff member is not required when public transportation is being utilized or if the school district is providing transportation to or from the center .
- (h) Practice the emergency exiting procedures.

- (i) The emergency exiting procedures are to be practiced with the children on a monthly basis.
 - (ii) This practice is to occur during months that the vehicle is used for transporting children and is to take place on the center's premises or another safe location that is protected from traffic and other hazards to ensure the safety of the children involved.
 - (iii) A written record is to be kept of the dates when the emergency exiting procedure was practiced and the staff that were involved.
- (2) Parents, who are not employed by the center, who use their vehicles for transportation to occasional field trips do not have to meet the requirements of paragraph (C) of this rule. For the purposes of this rule, "occasional" means three or fewer times per calendar year.
 - (3) The requirements outlined in paragraph (C) of this rule do not apply to public transportation drivers or companies contracted by the program and who are not employees or child care staff members.
 - (4) Training for transportation is to be documented in the OPR or kept on file at the center in the employee's or child care staff member's file for review by the ODJFS.

(D) What are the vehicle requirements for the center?

- (1) Any vehicle operated by the center or driven by an employee or child care staff member to transport children for routine trips or field trips is to be mechanically safe at all times.
- (2) Requirements for center vehicles used for transportation of children are listed in appendix B to this rule.
- (3) The personal vehicles driven by parents who are not employed by the center are not required to meet the requirements of paragraph (E) of this rule.

(E) When are vehicles used for transporting children to be inspected?

The vehicles used for transporting children are to be inspected weekly by child care center staff and annually by an automotive service excellence (ASE) certified mechanic, federal motor carrier safety administration (FMCSA) safety inspector, or the Ohio state highway patrol.

- (1) The center is to maintain documentation that staff have performed weekly inspections followed by any necessary repairs or other appropriate actions, for the following items:
 - (a) A visual inspection of the vehicle's tires for wear and adequate pressure.
 - (b) A visual inspection for working headlights and taillights, signals, mirrors, wiper blades and dash gauges.
 - (c) An inspection for properly functioning child and driver restraints.
 - (d) An inspection for properly functioning doors and windows.
 - (e) An inspection for, and cleaning of, debris from the vehicle's interior.

- (2) The annual safety check is to be completed and approved prior to the use of any vehicle for transporting children, except that a new vehicle purchased directly from the dealer is to have the safety check completed before one year from the date of purchase. The bill of sale from the vehicle purchase is to be maintained on file at the center to verify compliance.
 - (a) Verification of the safety check is to be documented on the JFS 01230 "Vehicle Inspection Report for Child Care" and include notation and correction of any safety violation, and is to be maintained on file at the center for review by the ODJFS.
 - (b) A vehicle sticker issued from the Ohio state highway patrol indicating the vehicle has passed a school bus or personal vehicle inspection may be used to meet the annual safety check requirement.
 - (c) School buses and multifunction school activity buses which are inspected and licensed by the Ohio state highway patrol are exempt from the annual safety check required in this rule. The center is to prepare the buses before each trip following the Ohio department of education's operational and safety rules of Chapter 3301-83 of the Administrative Code.

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09/29/2011, 11/22/2015, 12/31/2016, 10/29/2017

Appendix A to Rule 5101:2-12-14

Written Permission When Children Are Transported

Routine Trips

Written permission from the parent shall include:

- The child's name.
- The destination(s) of the trip(s).
- The signature of the parent.
- The date on which the permission was signed.
- A statement notifying parents how their child will be transported.

The written permission shall be valid for the routine trip(s) for one year or until withdrawn by the parent.

Field Trips

Written permission from the parent shall include:

- The child's name.
- The date(s) and destination(s) of the trip(s).
- The departure and return time(s) of the trip(s).
- The signature of the parent.
- The date on which the permission was signed.
- A statement notifying parents how their child will be transported.

Appendix B to Rule 5101:2-12-14

Licensed Center Vehicle Requirements

- A. Centers may use any of the following vehicles to transport children:
1. School buses as defined in section 4511.01 ORC.
 2. Multi-function school-activity buses.
 3. Vehicles designed by the manufacturer to carry nine or fewer passengers.
- B. No program shall transport children in converted cargo vans or passenger vans designed by the manufacturer to carry ten or more passengers.
- C. Vehicles used for transporting children which are purchased or leased after September 1, 2008 and are required by the United States department of transportation to be equipped with seat belts at the time of manufacturing or assembly, shall have factory installed passenger restraint anchorages and passenger restraints that are suitable for the use in transporting children of any age. "Factory installed" means installed by the manufacturer or retrofitting that is accompanied by a certification document from the manufacturer. Add-on restraints such as infant carriers, car seats or booster seats are designed to be installed by the end user and are not subject to these requirements.
- D. The driver is considered to be a passenger of any vehicle approved for use in this appendix.

5101:2-12-15

Child record requirements for a licensed child care center.

- (A) What are the requirements for the JFS 01234 "Child Enrollment and Health Information" (~~rev. 12/2016~~) for a licensed child care center?

The center shall:

- (1) Have a completed JFS 01234 on file for each child ~~attending the center~~ by the first day of attendance.
- (2) Ensure the JFS 01234 is reviewed at least annually by the parent and updated as needed when information changes. The parent and administrator shall initial and date the form when the information is reviewed or updated.
- (3) Send the child's JFS 01234 with any child who is being transported for emergency assistance.
- (4) Maintain a current copy of the completed JFS 01234 for each child in care in a location that can be easily and quickly accessed and removed from the center if there is an emergency that requires the children to be moved to another location.

- (B) What are the child medical statement requirements ~~for the children's medical statement~~ for a licensed child care center?

- (1) The center shall secure and have on file verification of a medical examination for each child ~~enrolled~~. Children who attend a grade of kindergarten and above in an elementary school are exempt from this requirement.
- (2) The medical statement shall be on file at the center within thirty days of the child's first day of attendance and updated every thirteen months thereafter from the date of the examination.
- (3) The medical statement shall contain the following information:
 - (a) The child's name and birth date.
 - (b) The date of the medical examination, which is to be no more than thirteen months prior to the date the form is signed.
 - (c) A statement that the child has been examined and is in suitable condition for participation in group care.
 - (d) The signature, business address and telephone number of the physician, as defined in Chapter 4731. of the Revised Code, physician's assistant (PA),

advanced practice registered nurse (APRN) or certified nurse practitioner (CNP) who examined the child.

- (e) A record of the immunizations that the child has had, specifying the month, day and year of each immunization. This record may be an attachment to the medical statement.
- (f) A statement from the physician, PA, APRN, or CNP that the child has been immunized or is in the process of being immunized against the diseases required by division 5104.014 of the Revised Code and found in appendix A to this rule or a statement that the child meets one of the following:
 - (i) A statement from a physician, PA, APRN, or CNP that an immunization against the disease is medically contraindicated for the child.
 - (ii) A statement from a physician, PA, APRN, or CNP that an immunization against the disease is not medically appropriate for the child's age.
 - (iii) A statement from the child's parent that he or she has declined to have the child immunized against the disease for reasons of conscience, including religious convictions.

(C) What are the health care plan requirements for caring for children with a specific health condition in a licensed child care center?

- (1) The JFS 01236 "Medical/Physical Care Plan for Child Care" (~~rev. 12/2016~~) shall ~~is~~ be used for children with a condition or diagnosis that require the following:
 - (a) Monitoring the child for symptoms which require the staff to take action.
 - (b) Ongoing administration of medication or medical foods. Medical food means food that is formulated to be consumed under the supervision of a physician, PA, APRN, or CNP and which is intended for the specific dietary management of a disease or condition.
 - ~~(b)~~(c) Administering procedures which require staff to be trained on those procedures.
 - ~~(e)~~(d) Avoiding specific food(s), environmental conditions or activities.
 - ~~(d)~~(e) A school-age child to carry and administer their own emergency medication.

~~(e)~~(2) The center shall is to:

~~(i)~~(a) ~~Ensure the parent completes and signs a JFS 01236 that there is a completed JFS 01236 for each condition per child.~~

~~(b) Ensure that all child care staff members who are trained to perform the medical procedure have signed the JFS 01236.~~

~~(c) Ensure that there is at least one child care staff member caring for the child at all times who has signed the JFS 01236 on the child's condition. This includes on-site at field trips.~~

~~(ii) Review the JFS 01236 for completeness and ensure the form is signed by the administrator or designee.~~

~~(iii)~~(d) Implement and follow all requirements of each child's JFS 01236.

~~(iv) Update the JFS 01236 as needed and at least annually.~~

~~(v) Ensure the JFS 01236 is signed by any trained child care staff member who is providing care to the child.~~

~~(vi) Keep the completed JFS 01236 on file at the center for at least one year.~~

~~(vii)~~(e) ~~Maintain a current JFS 01236 for any child who requires one.~~ Keep each JFS 01236 in a location that can be easily and quickly accessed, and including being removed from the center if there is an emergency that requires the children to be moved to another location.

~~(2)~~(3) The ~~plan~~ JFS 01236 shall be reviewed by the parent at least annually and updated as needed, including an updated list of trained staff members, if applicable. The parent and administrator shall initial and date the form when the information is reviewed or updated.

~~(3)~~(4) The ~~plan~~ JFS 01236 shall be on file with the center by the first day of attendance or upon confirmation of a health condition.

~~(4)~~(5) If the center suspects that a child has a health condition, the center may require a physician's statement within a designated timeframe.

~~(5)~~(6) Only staff members trained ~~by the parent or a certified professional~~ on the child's needs and required procedures shall be permitted to perform medical procedures or other action needed for a health condition or special need.

~~(6) There shall be a trained child care staff member on-site at all times whenever a child who has a health condition is present.~~

(D) What information regarding children's records can be shared?

Children's records shall be confidential but shall be available to the Ohio department of job and family services for the purpose of administering Chapter 5104. of the Revised Code and Chapter 5101:2-12 of the Administrative Code. The immunization records shall be subject to review by the Ohio department of health (ODH) for disease outbreak control and for immunization level assessment purposes.

(E) How long are child records to be kept on file at the center?

All child medical statements, JFS 01217 "Request for Administration of Medication for Child Care," JFS 01234 and JFS 01236 as well as all written permission from parents or physicians are to be kept on file for twelve months from the date the form is signed or updated, whichever is later, even if the child no longer attends the program or the form is no longer required for the child.

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Diseases for Immunizations

1. Chicken pox.
2. Diphtheria.
3. Haemophilus influenzae type b.
4. Hepatitis A.
5. Hepatitis B.
6. Influenza (if seasonal vaccine is available).
7. Measles.
8. Mumps.
9. Pertussis.
10. Pneumococcal disease.
11. Poliomyelitis.
12. Rotavirus.
13. Rubella.
14. Tetanus.

5101:2-12-22

Meal preparation/nutritional requirements for a licensed child care center.

(A) What are the requirements for meals and snacks in a licensed child care center?

The center ~~shall~~ is to:

- (1) Serve varied, nutritious, and appropriately timed meals and snacks as described in appendix A to this rule.
- (2) Follow the portion sizes and nutritional requirements for meals and snacks described in appendix B to this rule.
- (3) Serve food that is not a choking hazard, and that is developmentally appropriate in size, amount and texture.
- (4) Provide meals and snacks according to the posted current weekly menu, and spaced no more than four hours apart.
 - (a) The menus shall be posted in a visible place readily accessible to parents.
 - (b) The menus shall include all meals and snacks being served by the center, any substitutions shall be noted at the time of the change.
- (5) Serve only one hundred per cent, undiluted fruit or vegetable juice, if used to meet the fruit or vegetable requirement for meals and snacks. Other fruit or vegetable juice is permitted as a beverage alternative. This may be used to meet the fruit or vegetable requirement for meals or snacks.
- (6) Ensure that supplemental food is on-site at the center and that no child goes more than four hours without at least a snack or meal, except when sleeping.
- ~~(6)~~(7) Obtain a physician's written instructions if administering a medical food supplement to any child or if an entire food group is eliminated. When special diets are required for cultural or religious reasons, the center shall obtain written, dated and signed instructions from the child's parent unless the special diet is part of a center program.
- ~~(7)~~(8) Set its own policy regarding the accommodation of a parent's alternate diet for a child when the center provides the meal. The center shall ~~assure~~ ensure that any alternate diet, except those required for religious, cultural, or medical reasons as specified in paragraph (A)~~(6)~~(7) of this rule, include items from each of the following ~~categories~~ food groups: meat or meat alternative, grain, fruit/vegetable, ~~dairy~~ and fluid milk.

~~(8)~~(9) Provide for the safe storage of all food, including milk (formula and breast milk for infants). If safe storage of milk is not available on routine trips or field trips, milk may be served at snack instead of at the meal.

(10) Have provisions for safe storage of parent provided food.

~~(9)~~(11) Have drinking water freely available to children. If drinking fountains are used, there shall be sufficient water pressure so that the child's mouth does not come in contact with the water dispensing mechanism.

~~(10)~~(12) Ensure that individual servings or individual packages of food or drink that have been served to a child are discarded or sent home with the child if not consumed during meal or snack time. Food or drink that is individually packaged and the package has not been opened may be stored at the center to be served again or sent home.

~~(11)~~(13) Not have screens (television, computer, etc.) on during meals and snacks.

~~(B) What are the requirements for serving fluid milk in a licensed child care center?~~

~~Unless the parent provides written instructions by a physician, physician's assistant or certified nurse practitioner (CNP), the center:~~

~~(1) Shall use formula or breast milk for children under twelve months of age.~~

~~(2) Shall provide and use whole homogenized vitamin D fortified cow's milk for children twelve months of age through twenty-four months of age.~~

~~(3) Shall provide one per cent or skim milk that is vitamin A and D fortified for children older than twenty-four months of age.~~

~~(4) May serve breast milk at parent request to a child over twelve months of age without written instructions from a physician, physician's assistant or CNP.~~

~~(5) May serve non-cow milk substitutions to a child over twelve months of age, with written parental consent.~~

~~(6) Shall not use reconstituted dry powdered milk as a beverage.~~

~~(C) What are the requirements for meals and snacks when parents provide the food?~~

~~The center shall:~~

~~(1) Have provisions for safe storage of parent provided food.~~

~~(2) Provide all parents or guardians and staff written nutritional information regarding meeting one-third of the child's recommended daily dietary allowance. A copy of this written nutritional information shall be on file at the center.~~

~~(3) Ensure that no child goes more than four hours without at least a snack if his or her parent fails to send food for the day.~~

~~(D)~~(B) What requirements shall a center implement for safe, independent self-feeding-food handling?

The center shall ensure that:

- (1) Food is not served on bare tables. Food for infants may be placed directly on an individual highchair tray if the tray is removed, washed and sanitized in accordance with appendix A to rule 5101:2-12-13 of the Administrative Code.
- (2) Eating utensils and dishes are suitable for the age and developmental level of the children.

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Meal and Snack Requirements

The number of meals, snacks and/or breakfast provided by a licensed child care center is to be available as follows:

| Center Hours of Operation | Meals and Snacks Available |
|---|--|
| 4 to 8 hours per day | One of the following: <ul style="list-style-type: none"> • 1 meal and 1 snack • 1 meal and breakfast |
| More than 8 hours and fewer than 14 hours per day | One of the following: <ul style="list-style-type: none"> • 1 meal and 2 snacks • 1 meal and breakfast • 1 meal and 1 snack • 2 meals and 1 snack |
| More than 14 hours or overnight | breakfast, 2 meals and 2 snacks |
| After school for school children | 1 snack |

The content of meals, snacks and breakfast is to be selected from the following four basic food groups:

1. Meat or meat alternative
2. Breads and grains
3. Fruits and vegetables (juices may be used if 100% and undiluted)
4. Fluid Milk (see appendix C to rule 5101:2-12-22)

Meal, snack and breakfast food group requirements:

| Type of Feeding | Food Group |
|--|--|
| Meal (provide 1/3 of the recommended daily dietary allowances as specified by the United States Department of Agriculture USDA) | All of the following: <ul style="list-style-type: none"> • 1 serving of fluid milk • 1 serving of meat or meat alternative • 1 serving of fruit* • 1 serving of vegetables* • 1 serving of bread and grains |
| Breakfast | 1 serving each from 3 of the 4 basic food groups |
| Snack | 1 serving each from 2 of the 4 basic food groups |

*A vegetable may be used to meet the entire fruit requirement. When two vegetables are served at lunch or dinner, two different kinds of vegetables are to be served.

Portion Sizes for Meals

| Meal | Component | Minimum Serving | | |
|-----------|--------------------------------------|------------------------------|------------------------------|------------------------------|
| | Age of Child | 1 & 2 years | 3-5 years | 6-12 years |
| Breakfast | Meat or Meat Alternative (optional) | ½ oz. | ½ oz. | 1 oz. |
| | Fluid Milk | ½ cup | ¾ cup | 1 cup |
| | Juice/Fruit or Vegetable | ¼ cup | ½ cup | ½ cup |
| | Grains/Breads/Dry Cereal | ½ slice ¼ cup or ⅓ oz. | ½ slice ⅓ cup or ½ oz. | ½ slice ¾ cup or 1 oz. |
| Meal | Meat or Meat Alternative | 1 oz | 1 ½ oz. | 2 oz. |
| | Fruit Or Vegetable | ¼ cup | ½ cup | ¾ cup |
| | Grains/Breads/Pasta/Noodles (cooked) | ½ slice ¼ cup | ½ slice ¼ cup | 1 slice ½ cup |
| | Fluid Milk | ½ cup | ¾ cup | 1 cup |
| Snack | Meat or Meat Alternative | ½ oz. | ½ oz. | 1 oz. |
| | Fruit Or Vegetable | ½ cup | ½ cup | ¾ cup |
| | Grains/Breads/Pasta/Noodles (cooked) | ½ slice ¼ cup or ⅓ oz. | ½ slice ¼ cup or ⅓ oz. | ½ slice ¼ cup or ⅓ oz. |
| | Fluid Milk | ½ cup | ½ cup | 1 cup |

Additional information on meal preparation and nutrition may be found at:
http://www.fns.usda.gov/cnd/care/ProgramBasics/Meals/Meal_Patterns.htm

Fluid Milk Requirements for Children by Age

The licensed child care center is to ensure that children are served fluid milk unless the parent provides written instructions by a licensed physician, physician's assistant (PA), advanced practice registered nurse (APRN) or certified nurse practitioner (CNP). Below is a list of age-appropriate fluid milk selections that meet the Ohio department of job and family services (ODJFS) requirement for centers.

| Age | Fluid Milk Requirement |
|---|--|
| Infants up to twelve months of age | <ul style="list-style-type: none"> • Formula • Breast milk |
| Infants and toddlers twelve months of age up to twenty-four months of age | <ul style="list-style-type: none"> • Unflavored whole homogenized vitamin D fortified cow's milk • Breast milk at parent's request, without written instructions from a licensed physician, PA or CNP • Non-cow milk substitutions that are nutritionally equivalent to milk, with written parental consent |
| Toddlers and children twenty-four months of age and older | <ul style="list-style-type: none"> • Unflavored one per cent milk that is vitamin A and D fortified • Unflavored fat free or skim milk that is vitamin A and D fortified • Non-cow milk substitutions that are nutritionally equivalent to milk, with written parental consent |

The center is not to use reconstituted dry powdered milk as a beverage unless the parent provides written instructions by a licensed physician, PA, APRN or CNP.

5101:2-12-25

**Medication administration, food supplements and medical foods
for a licensed child care center.**

(A) When is a JFS 01217 "Request for Administration of Medication for Child Care" required?

(1) The JFS 01217 is required for all prescription and non-prescription medication, including sample medication.

(2) The JFS 01217 is not required for a medication or medical food required by a JFS 01236 "Child Medical/Physical Care Plan for Child Care" pursuant to rule 5101:2-12-15 of the Administrative Code.

(3) The JFS 01217 is not required for non-prescription topical lotions or products.

~~(A)~~(B) What are the requirements for prescription medications, ~~non~~non-prescription medicines containing codeine or aspirin, or ~~non~~non-prescription medication to be given longer than three consecutive days in a fourteen day period?

(1) The center shall ensure that the parent completes and signs box one of the JFS 01217 "~~Request for Administration of Medication~~" (rev. 12/2016).

(2) The center shall ensure that the instructions in box two of the JFS 01217 are completed and signed by a licensed physician, as defined in Chapter 4731. of the Revised Code, licensed dentist, advanced practice registered nurse or certified physician's assistant.

(3) Box two of the JFS 01217 does not need to be completed if the medication is stored in the original container with prescription label that includes the child's full name, a current dispensing date within the previous twelve months, exact dosage and directions for use, ~~box two of the JFS 01217 does not need to be completed.~~

~~(B)~~(C) What are the requirements for ~~non~~non-prescription medications, ~~food supplements or medical foods?~~

The center shall:

(1) Ensure that the parent completes and signs box one of the JFS 01217.

(2) Ensure that one of the following is met:

(a) ~~The medication or product~~ is stored in the original container with a manufacturer's label containing directions based on the age and/or weight of the child.

- (b) The instructions in box two of the JFS 01217 are completed and signed by a licensed physician as defined in Chapter 4731. of the Revised Code, licensed dentist, advanced practice registered nurse, or certified physician's assistant, this excludes topical preventative products and lotions unless the instructions exceed or do not match the manufacturer's instructions or ~~use~~ the non-prescription medication is not stored in original container.

~~(C)~~(D) What are the requirements for topical products and lotions?

Written parental permission is not required for lip balm use or for using hand sanitizer with children older than twenty-four months.

~~The~~For all other topical products and lotions, the center shall:

- (1) Ensure that the product is stored in the original container with a manufacturer's label that includes directions based on the age and/or weight of the child.
- (2) Ensure that the parent ~~completes and signs box one of the JFS 01217~~ provides signed written permission to administer that topical product or lotion.
- (3) Apply the ~~non~~non-prescription topical products and lotions according to the manufacturer's ~~instruction~~ instructions. Documentation is not required by the staff.
- ~~(4) A JFS 01217 is not required for hand sanitizer or lip balm.~~

~~(D)~~(E) What are the requirements for a licensed child care center ~~who chooses~~ to administer medications, ~~food supplements~~, medical foods or topical products in a licensed child care center?

The center shall:

- (1) Not administer any medication, ~~food supplement~~, medical food, or topical product until after the child has received the first dose or application at least once prior to the center administering a dose or applying the product, to avoid unexpected reactions. Emergency medications ~~that are listed on a completed JFS 01236 "Child Medical/Physical Care Plan for Child Care" (rev. 10/2016)~~ for the child are exempt from this requirement.
- (2) Not administer any medication, ~~food supplement~~, medical food or topical product for any period of time beyond the date indicated by the physician, physician's assistant, advanced practice registered nurse certified to prescribe medication,

or licensed dentist, on the prescription label, for twelve months from the date of the form, or after the expiration date on the medication, whichever comes first.

- (3) Document each administration or application on the JFS 01217 immediately after administering, including when school-age children administer their own medication. This excludes items in paragraph ~~(D)(C)(3)~~ of this rule.
 - (4) ~~Follow~~ Nonprescription medication dosages administered shall not exceed prescribed dosages or the manufacturer's recommended dosages for administering non-prescription medication.
 - (5) ~~A~~ Complete a separate JFS 01217 shall be used for each medication, food supplement, medical food or topical product to be administered for each child, excluding items in paragraph (D). Each JFS 01217 is valid for the time period listed on the form, not to exceed twelve months from the date of signature.
 - ~~(6) Each JFS 01217 is valid for the time period listed on the form not to exceed twelve months from the date of signature.~~
 - ~~(7) Retain each JFS 01217 on file at the center for at least one year following the last administration of the medication or product.~~
- ~~(E)~~ (F) What are the requirements for storing medication, food supplements topical products and medical foods in a licensed child care center?

The center shall:

- (1) Safely store all medication, ~~food supplements, and~~ medical foods, and topical products immediately upon arrival at the center. Ensure the medication, medical food, or topical product is stored per the requirements on the label in the original container with the child's name affixed.
- (2) Keep medication, medical foods, and topical products out of the reach of children, unless a school-age child is permitted to carry their own emergency medication and a JFS 01236 is completed and on file at the center.
- (3) ~~School-age children are permitted~~ Permit school-age children to carry and use their own topical products.
- (4) Refrigerate, in a separate container, medications, medical foods, or topical products immediately upon arrival at the center if needed.
- (5) Ensure that medications, medical foods, and topical products are accessible to employees at all times.

- (6) Ensure that medications, medical foods, and topical products are removed from the center when no longer needed or expired.

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