



October 29, 2021

Family Child Care Manual Transmittal Letter No. 21

TO: All Family Child Care Manual Holders

FROM: Matt Damschroder, Director

SUBJECT: Family Child Care Licensing Rules Five Year Review (1)

Background:

The Office of Family Assistance has completed a five-year review of family child care 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 remove duplicate requirements, correct typographical errors, remove revision dates from form citations, and provide clarifications for family child care providers.

These rules are effective October 29, 2021.

Amended Rules:

5101:2-13-11 "Indoor and outdoor space requirements for a licensed family child care provider" has been amended with the following changes:

- Clarified language about outdoor space and give examples of a natural barrier
- Removed requirement about the accessibility of wading pools in paragraph (B) as it is already a requirement in rule 5101:2-13-24
- Clarified language about sandboxes

5101:2-13-12 "Safe equipment and environment for a licensed family child care provider" has been amended with the following change:

- Removed requirement that alcohol shall be out of sight of children

5101:2-13-13 "Sanitary equipment and environment for a licensed family child care provider" has been amended with the following changes:

- Clarified items that need to be provided in all bathrooms

- Removed requirement that equipment shall be kept clean and in good repair as this is already a requirement in rule 5101:2-13-12
- Clarified that accumulated trash and garbage are not to be stored in an area approved for child care
- Removed duplicate cleaning instructions for dishes
- Clarified handwashing sink requirements
- Added that commercially manufactured non-permanent sinks may be used for handwashing if fresh and waste water are inaccessible to children and disposed of in a sanitary manner
- Clarified toothbrush requirements

Appendix A to Rule 5101:2-13-13

- Clarified cleaning and sanitizing schedule for blankets, sheets, cots, pads, mats, and rinse buckets
- Added new cleaning schedule for reusable cloths

Appendix B to Rule 5101:2-13-13

- Removed requirement that handwashing shall occur in a sink that is not used for meal preparation or clean-up and is away from the food serving area so that there is no interruption of supervision of children
- Revised the requirement for child care staff members and employees to wash hands upon arrival for the day and prior to departure, to incorporate handwashing procedures enacted during the COVID-19 pandemic
- Revised the requirement for children to wash hands prior to departure to incorporate handwashing procedures enacted during the COVID-19 pandemic

5101:2-13-16 "Emergency and health-related plans for a licensed family child care provider" has been amended with the following changes:

- Clarified the requirement to post a weather alert plan that includes the details listed in paragraph (H) of this rule and that emergency/lockdown drills are to be conducted in each quarter of the calendar year
- Removed requirement that first aid supplies shall be replaced as they are used, expired, damaged or if sterile packages are opened because this is covered in appendix A to this rule
- Clarified language about the disposal of sharps items such as lancets for finger sticks or syringes in a sharps container
- Removed requirement that the provider shall decide if he or she will care for sick children as defined in appendix B to this rule as this is covered in paragraph (D)(1) of this rule
- Removed requirement that the provider shall inform parents of his or her decision to care for sick children as defined in appendix B to this rule as this is covered in appendix C to rule 5101:2-13-07
- Clarified requirements for the JFS 08087 "Communicable Disease Chart" to clarify size of chart and that it should be used to help identify and respond to communicable diseases
- Added that the provider is to report the communicable disease to ODJFS by the end of the next business day, if the communicable disease is required to be reported to the local health department in accordance with paragraph (G) of this rule

- Clarified that the provider is to complete the JFS 01299 if a child becomes ill or receives an injury which requires first aid treatment
- Clarified the definition of a serious incident
- Added that if a child is transported by anyone other than a parent for emergency treatment, the child's health and medical records are to accompany the child
- Removed the requirement of JFS 01156 "Serious Incident Reporting for Child Care," as serious incidents are required to be reported in the Ohio Child Licensing and Quality System (OCLQS) by the next business day
- Clarified training and other requirements for written disaster plans

Appendix A to Rule 5101:2-13-16

- Clarified that the first-aid kit is to contain unexpired items (where applicable)
- Removed the word "hypoallergenic" from the requirement for first-aid tape to provide more options

Appendix B to Rule 5101:2-13-16

- Clarified isolation, notification, and discharge procedures for sick children
- Removed requirement that the provider shall launder bedding and wash toys used by the sick child before use by another child as this is covered in appendix A to rule 5101:2-13-13

5101:2-13-17 "Programming and materials for a licensed family child care provider" has been amended with the following changes:

- Clarified that equipment, materials, and furnishings provided for both indoor and outdoor play are sufficient in quantity so that each child can be actively involved in an activity

5101:2-13-18 "Group size and ratios for a licensed family child care provider" has been amended with the following changes:

- Clarified circumstances when children count in group size
- Clarified that Ohio's automated child care system cannot be used to meet written documentation requirement of the child's arrival and departure times
- Clarified that for attendance records the original written documentation shall be kept for a period of one year

5101:2-13-19 "Supervision of children and child guidance for a licensed family child care provider" has been amended with the following changes:

- Added that the provider is to be familiar with the developmental and behavioral needs and parental preferences of each child in their care
- Removed word "approved" in reference to outdoor play space that school-age children can use
- Added that when a child is expelled from the family child care home for a behavioral reason, the expulsion is to be reported in OCLQS in accordance with paragraph (G) of rule 5101:2-13-16 of the Administrative Code

5101:2-13-20 "Sleeping and napping requirements for a licensed family child care provider" has been amended with the following changes:

- Removed requirement that each couch and bed used shall have clean bed linens changed at least weekly, and more often if necessary, as this is covered in appendix A to rule 5101:2-13-13
- Removed requirement that bed linens shall be laundered before another child uses them as this is covered in appendix A to rule 5101:2-13-13
- Removed references to revision date from the JFS 01235 "Sleep Position Waiver Statement for Child Care" and clarify that it is valid for one year

5101:2-13-21 "Evening and overnight care for a licensed family child care provider" has been amended with the following changes:

- Removed requirement that each child in care during evening and overnight hours shall be provided with an individual crib, playpen, cot, mattress, couch, or bed as this is addressed in rule 5101:2-13-20
- Clarified that bedtime routines are to be developed and followed
- Removed requirement that the provider shall have activities before bedtime as this is covered in paragraph (B)(6) of this rule
- Removed requirement that bed linens shall be changed at least weekly, when soiled and when assigned to a different child as this is covered in appendix A to rule 5101:2-13-13
- Clarified procedures if children have bedtime routines occurring at the program

5101:2-13-23 "Infant care and diaper care for a licensed family child care provider" has been amended with the following changes:

- Clarified that each non-crawling infant is provided the opportunity for tummy time, outside of their crib or playpen, each day
- Removed requirement that providers shall store, prepare and serve food, formula and breast milk in a safe and clean manner as this is covered in rule 5101:2-13-22
- Removed requirement that if an infant's diapers are to be changed in a crib, there shall be a separation material between the infant and the crib sheet and if the bedding becomes wet or soiled during the diaper change, it shall be replaced with clean bedding as this is covered in appendix A to rule 5101:2-13-13
- Added that if the provider uses gloves while diapering, the provider is to use non-latex gloves

5101:2-13-24 "Swimming and water safety requirements for a licensed family child care provider" has been amended with the following changes:

- Clarified when the provider is to have written permission from the parent for water activities

5101:2-13-26 "County agency responsibilities for licensed family child care providers" has been amended with the following changes:

- Moved requirement that the county agency is not to have additional requirements for licensing family child care providers from paragraph (C) to paragraph (A)
- Added that the county agency is to follow ODJFS policies and procedures for all responsibilities as assigned

- Clarified that the county agency is to enter complaint inspections within seven business days of inspection or the completion of a public children services agency (PCSA) investigation, if applicable in the Ohio child licensing and quality system (OCLQS)
- Added that the county is to keep valid copies of the JFS 01176 "Program Notification of Background Check Review for Child Care" on file if not in the OPR for all individuals associated with the FCC home
- Removed requirement in paragraph (C) that any additional requirements approved prior to the effective date of this rule shall no longer be permitted

JFS Forms Update:

The most recent version of all ODJFS forms referenced in these rules can be accessed through [Forms Central](#).

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.

5101:2-13-11

Indoor and outdoor space requirements for a licensed family child care provider.

(A) What are the indoor space requirements for a licensed family child care home?

- (1) There shall be at least thirty-five square feet of usable wall-to-wall indoor floor space per child for the total number of children who are present at one time.
- (2) Usable indoor floor space shall not include bathrooms, hallways, storage rooms or other areas not available or not used for child care.

(B) What are the outdoor space requirements for a licensed family child care home?

- (1) The home shall have an on-site outdoor space that:
 - (a) Provides at least sixty square feet of usable space per child using the area at one time.
 - (b) Is located away from traffic or protected from traffic by a continuous fence in good condition with functioning gates or a continuous natural barrier, or a combination of fence and natural barrier. The fence or natural barrier shall ~~assure~~ ensure that children are not able to leave the outdoor play area unsupervised and shall ~~assure~~ ensure that any hazards from the outside cannot enter the outdoor play area without the child care staff member or provider being aware of them. Examples of natural barriers include, but are not limited to space, dense hedges, walls, permanently anchored dividers or partitions.
 - (c) Is protected from animals.
 - (d) Provides access to bathroom facilities and drinking water during play times.
 - (e) Provides a shaded area. The shade may be naturally occurring from trees, building, or overhangs. Providers may also install lawn umbrellas that are securely anchored or other structures that provide shade in a safe manner.
- (2) The home shall not use outdoor porches above the first floor as play areas, unless the porches are fully enclosed and structurally sound.
- (3) Bodies of water (other than water tables designed for children to play in only with their hands) shall be separated from the play area by a fence or other physical barrier (the house door alone is not a sufficient barrier) that prevents children from accessing the water. ~~Wading pools shall only be accessible to children in accordance with rule 5101:2-13-24 of the Administrative Code.~~

(C) What are the exemptions from having an on-site outdoor space?

If an ~~onsite~~on-site play area is not available, a provider may use an off-site play area for daily use if it is determined, upon inspection by the provider and the county agency, that the area and its accessibility are safe. An off-site play area approved for regular use shall meet the same requirements as the ~~onsite~~on-site play areas listed in this rule.

(D) What are the requirements for outdoor equipment?

- (1) Outdoor equipment, whether stationary or portable, shall be safe and designed to meet the developmental needs of all of the age groups of children using the space.
- (2) Equipment such as, but not limited to, climbing gyms, swings, slides shall:
 - (a) Be placed out of the path of the area's main traffic pattern.
 - (b) Be anchored or stable and have all parts in good working order and securely fastened.
 - (c) Have all climbing ropes anchored at both ends and not capable of looping back on themselves creating a loop with an interior perimeter of five inches or greater.
 - (d) Have "S" hooks that are closed in order to prevent the chain from slipping off of the hook and to prevent strangulation, if they are used.
 - (e) Be free of rust, cracks, holes, splinters, sharp points or edges, chipped or peeling paint, lead hazards, toxic substances, protruding bolts or tripping hazards.
 - (f) Have no openings that are greater than three and one half inches, but less than nine inches to avoid entrapment of the head or other body parts.
 - (g) Have protective barriers on platforms that are thirty inches high or higher. A protective barrier means an enclosing device around an elevated platform that is intended to prevent both inadvertent and deliberate attempts to pass through the device.
 - (h) Be assembled, installed and utilized according to manufacturer's guidelines.

- (3) Sandboxes shall be covered with a lid or other covering when the program is closed they are not in use. For programs operating twenty-four hours per day, this means sandboxes are covered during non-daylight hours.

(E) What are the requirements for a fall zone?

Outdoor play equipment designated for climbing, swinging, balancing and sliding shall have a fall zone of protective resilient material on the ground under and around the equipment.

- (1) The material may be one of the following, but not limited to, washed pea gravel, mulch, sand, wood chips, or synthetic material such as rubber mats or tiles manufactured for this purpose.
- (2) Equipment shall not be placed directly over concrete, asphalt, blacktop, dirt, rocks, grass or any other hard surface.
- (3) Synthetic surfaces shall follow manufacturer's guidelines for depth.
- (4) All loose fill materials, such as mulch, sand, wood chips, washed pea gravel shall be raked, as needed to retain their proper distribution and depth. Foreign materials must are to be removed prior to use by children.

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5101:2-13-12

Safe equipment and environment for a licensed family child care provider.

(A) What are the safe equipment requirements for a licensed family child care provider?

- (1) Equipment, materials, and furniture shall be sturdy, safe and easy to clean and maintain. They shall also be free of sharp points or corners, splinters, or protruding nails; loose or rusty parts; peeling or chipping paint; or other hazardous features.
- (2) Furniture, equipment and materials which are not usable due to breakage or being a hazard, shall be removed immediately and stored away from children until repaired or replaced.
- (3) Air conditioners, heat pumps, electric fans and space heaters shall be mounted or placed out of the children's reach or have safeguards which prevent children from being injured.
- (4) Indoor swings, (excluding infant swings), slides, climbers and climbing apparatuses shall not be placed over carpet, concrete, tile, or any similarly hard surface. There shall be shock absorbent protective covering under and around this equipment. If climbing equipment is over three feet high, landing mats at least one and one half inches thick shall be used. The protective covering shall be used and placed according to manufacturer's guidelines.
- (5) All children's equipment shall be used in accordance with the manufacturer's guidelines.
- (6) Trampolines, ball pits, and inflatable play equipment intended for climbing and bouncing, including but not limited to slides and bounce houses shall not be permitted for use at the family child care home.

(B) What are the safe environment requirements for a licensed family child care provider?

- (1) Weapons, firearms and ammunition materials shall be kept inaccessible to children, out of sight of children and in locked storage areas. Weapons and firearms include air rifles, hunting slingshots and any other projectile weapon.
- (2) Each of the following groups will be permitted to have the following weapons unsecured in a family child care home, unless specifically not permitted by the family child care program owner. Although permitted to be in the home, the weapons shall not be accessible to children.
 - (a) Handguns may be carried by an individual with a valid concealed handgun license and ~~must~~are to be kept out of sight of the children.

- (b) Weapons may be carried by an active duty member of the U.S. armed forces if also carrying valid military identification and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of section 2923.125 of the Revised Code.
 - (c) Weapons may be carried by a law enforcement official who can document that his or her jurisdiction requires ready and immediate access to the weapon.
- (3) Illegal drugs or substances shall not be on the premises. Alcohol shall be kept inaccessible to children ~~and out of sight of children~~.
- (4) Type B homes are to have carbon monoxide detectors that meet the following requirements:
 - (a) In single family homes, there shall be at least one UL listed carbon monoxide detector located in the basement and on each level of the home in which child care is being provided.
 - (b) In multi-family buildings, there shall be at least one UL listed carbon monoxide detector located in the basement and on each level of the unit in which child care is being provided.
 - (c) The carbon monoxide detectors shall be placed, installed, tested and maintained in accordance with manufacturer's recommendations.
- (5) In accordance with section 2923.1212 of the Revised Code, the family child care provider shall post a sign that contains a statement in substantially the following form: "Unless otherwise authorized by law, pursuant to the Ohio Revised Code, no person shall knowingly possess, have under the person's control, convey or attempt to convey a deadly weapon or dangerous ~~ordnance~~ ordnance onto these premises."
- (6) The licensed family child care provider shall maintain an indoor temperature of at least sixty-five degrees Fahrenheit. If the homes indoor temperature exceeds eighty-five degrees Fahrenheit, ventilation that produces air movement or air conditioning shall be provided.
- (7) Children in care shall be protected from any items and conditions which threaten their health, safety, and well being, including but not limited to: stoves, bodies of water, window covering pull cords, telephone cords, electrical cords, extension cords, lead hazards, asbestos, wells, traffic, provider's, staff's or household member's personal belongings and other environmental hazards and

dangerous situations. If a potential lead hazard is identified, ODJFS will make a referral to the appropriate agency.

- (8) If area rugs are used, they shall have a nonskid backing and floor surfaces shall be maintained to not cause a tripping hazard.
- (9) Toys or other materials small enough to be swallowed shall be kept out of the reach of infants and toddlers.
- (10) Cleaning and sanitizing equipment and supplies shall be stored in a space that is inaccessible to children. Cleaning agents, aerosol cans and all other chemical substances shall be stored in a designated area in their original containers and/or clearly labeled.
- (11) Mercury thermometers shall not be used.
- (12) Electrical outlets, including surge protectors, within the reach of children shall have child proof receptacle covers when not in use unless designed with safety guards, except for homes which serve school-age children exclusively.
- (13) Renovations and remodeling to the home shall be conducted in a safe manner to ensure that lead poison hazards are not introduced into the environment as required by Chapter 3742. of the Revised Code.
- (14) Unless toilets and sinks are of suitable height for use by the children, the home shall provide a sturdy, nonslip platform on which the children may stand.
- (15) Lawnmowers, sharp tools, machinery and other equipment shall not be used or stored where children have access to them.
- (16) All areas used by children shall be ventilated and shall provide protection from rodents, insects and other hazards.
- (17) Aerosol spray products shall not be used in rooms where children are in attendance.
- (18) All utilities shall be operable.
- (19) The home shall contain a kitchen sink, refrigerator and stove or microwave oven in working condition.
- (20) If gates are used in the home, they shall be firmly anchored when in use. Gates at the top of stairs shall be wall mounted. Gates shall have no spaces where a child could become entrapped. Accordion style gates shall not be used.

- (21) Handles of pots and pans placed on top of a stove or oven shall be directed inward so they are not easily accessible to children.
 - (22) The home shall have both hot and cold running water. The temperature of the hot water shall not exceed one hundred twenty degrees Fahrenheit unless the provider demonstrates that the hot water faucet can be made inaccessible or inoperable when children are in care.
- (C) What are the regulations for having pets in a licensed family child care home?
- (1) Pets and animals shall be permitted if they present no apparent threat to the safety or health of the children.
 - (2) All pets shall be properly housed, cared for, licensed and inoculated. All local and state ordinances governing the keeping of animals (exotic or domesticated) shall be followed and updated as required. Verification of license and compliance with local and state requirements and inoculations, for each pet requiring such license or inoculations, or regulated by local or state government shall be on file at the family child care provider's home.
 - (3) Children shall not be directly exposed to animal urine or feces inside the home or in the outdoor play area.

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5101:2-13-13

Sanitary equipment and environment for a licensed family child care provider.

(A) What are the requirements to provide and maintain a clean environment, furniture, materials and equipment in a licensed family child care home?

- (1) Toilet tissue, liquid soap, running water, and individually assigned towels or disposable towels shall be provided in all bathrooms. Toilets and bathroom sinks shall be in good working condition. Toilets shall be flushed after each use.
- (2) Equipment, furnishings, and materials shall be constructed of materials to facilitate cleaning ~~and shall be kept clean and in good repair.~~
- (3) Accumulated trash and garbage ~~shall~~ are not to be stored in an area that has been approved for child care ~~outside of the outdoor or indoor play area and shall not be accessible to the children.~~
- (4) The home shall be cleaned daily and kept in a sanitary condition at all times. Cleaning and sanitizing shall not take place while rooms are occupied by children, except for general cleanup activities such as sweeping and vacuuming, and wiping off tables which are part of the daily routine. The cleaning and sanitizing schedule contained in appendix A to this rule shall be followed.
- (5) The premises shall be kept clean to prevent an infestation by insects or rodents.
- (6) If the home's water is not publicly supplied, the provider shall contact the Ohio environmental protection agency (EPA) to determine if it qualifies as a public water system.
 - (a) If the water supply qualifies as a public water system, the provider shall comply with the Ohio EPA requirements.
 - (b) If the water supply does not qualify as a public water system, the provider shall contact the local health department to have the water tested and follow any additional requirements requested by the health department. The provider shall retain a copy of the water test in the home and make it available upon request.
- (7) On-site sewage disposal systems shall not present a public health hazard.
- ~~(8) Dishes, cups, containers and silverware sent by the parent shall be cleaned and sanitized according to appendix A to this rule if not sent home daily for cleaning.~~

(B) What are the handwashing requirements for a licensed family child care home?

(1) Handwashing shall occur in a handwashing sink ~~which is a permanent fixture with running water and which conforms to the Ohio plumbing standards of division 4101:3 of the Administrative Code.~~

(2) Commercially manufactured non-permanent sinks may be used if fresh and waste water are inaccessible to children and disposed of in a sanitary manner.

~~(2)~~(3) Handwashing requirements for the family child care provider, child care staff members, employees, residents, and children are detailed in appendix B to this rule.

(C) What are the requirements for a smoke free environment in a licensed family child care home?

The provider shall provide a smoke free environment for the children during the hours that child care is being provided as detailed in appendix C to this rule.

(D) What are the requirements for toothbrushing in a licensed family child care home?

Licensed family child care providers who provide toothbrushing shall:

(1) Label each toothbrush with child's name and store with bristles to air dry in such a way that the toothbrushes cannot contact or drip on each other and the bristles are not in contact with any surface.

(2) Ensure that when a single tube of toothpaste is used for more than one child a pea sized amount shall be dispensed onto a clean piece of paper or paper product for each child.

(3) Discard and replace toothbrushes every three months or if the toothbrush becomes contaminated, ~~one of the following occur:~~

~~(a) Contamination through contact with another brush or after illness.~~

~~(b) A toothbrush is used by another child.~~

~~(c) A toothbrush comes in contact with the toilet or toileting area.~~

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Appendix A to Rule 5101:2-13-13

Schedule for Cleaning and Sanitizing Items

To **clean**: Wash the surface or item with a detergent solution or other appropriate commercial product used for cleaning purposes. Questions about products are to be directed to the manufacturer of the product. Follow the manufacturer's instructions exactly.

To **sanitize**: Family child care providers are to use a commercial product registered by the United States Environmental Protection Agency (US EPA) as a sanitizer that has directions for use that are appropriate for the surface or item you are sanitizing. Questions regarding commercial products are to be directed to the manufacturer of the product or the US EPA. Follow manufacturer's instructions exactly when using any product to sanitize.

All bottles of cleaners and sanitizers are to be labeled with the contents.

Area/Object	Clean	Sanitize	Frequency Requirements
Any item soiled with blood or bodily fluids	X	X	Immediately
Blankets/sheets	X		Weekly, when soiled and before another child uses.
Bottles, bottle caps, nipples and other equipment used for bottle feeding	X	X	Clean and sanitize by washing in a dishwasher or by washing, rinsing and boiling them for one minute, before it can be reused.
Carpets	X		Vacuum weekly or when soiled. Clean when soiled.
Changing table/pad	X	X	Clean when visibly soiled and sanitize after each use.
Reusable cloths	X		Wash daily and when visibly soiled.
Cots/Pads/Mats	X	X	Before assigning to a different child, and when used by a sick child, when soiled, and at least every 3 months.
Cribs	X	X	Monthly, when soiled, and before another child uses.
Diaper receptacles	X	X	Daily or more frequently as needed to eliminate odor.
Dishes/Cups/Silverware/ Water Containers	X	X	Clean after each use. Water containers that are labeled with the child's name can be used all day, but are to be cleaned and sanitized before used again on another day.
Dress up clothes and hats (Dramatic Play)	X		Monthly and when soiled.
Floors	X		Weekly and when soiled.

Area/Object	Clean	Sanitize	Frequency Requirements
Food prep area, including sink	X	X	Before and after preparing food (including bottle preparation) and between preparing raw or cooked food.
Potty chairs	X	X	After each use, empty contents into toilet, rinse with water, clean and sanitize.
Tables (food)/High chair trays	X	X	Before and after each use.
Tables (play)	X	X	Clean when visibly soiled. Sanitize daily.
Toilet bowls	X	X	Clean when visibly soiled. Sanitize weekly.
Toilet seats, handles and hand washing sinks	X	X	Clean when visibly soiled. Sanitize daily.
Toys that go into the mouth	X	X	After each child's use.
Toys – other than those going into mouth	X		Monthly and when visibly soiled.
Washable furniture (including fabrics on infant equipment)	X		Weekly and when soiled: upholstered furniture is to be steam cleaned when soiled, if not covered by a washable slipcover. Slipcovers are to be washed at least every six months and when soiled.
Wastebaskets/ Rinse Buckets including lids	X	X	Empty daily and more frequently as needed. Clean and sanitize when visibly soiled.

Appendix B to Rule 5101:2-13-13

Handwashing

The family child care provider, child care staff members, employees, and residents shall wash hands, defined as using soap and water or using hand sanitizer, at the following times:

- Upon arrival for the day, after breaks and upon returning from outside.
- After toileting or assisting a child with toileting.
- After each diaper change or pull-up change.
- After contact with bodily fluids or cleaning up spills or objects contaminated with bodily fluids.
- After cleaning or sanitizing or using any chemical products.
- After handling pets, pet cages or other pet objects that have come in contact with the pet.
- Before eating, serving or preparing food or bottles or feeding a child.
- Before and after completing a medical procedure or administering medication.
- When visibly soiled (use soap and water).

Children shall wash hands, defined as using soap and water or using hand sanitizer (if 24 months or older), at the following times:

- Upon arrival for the day and prior to departure.
- After toileting/diaper change.
- After contact with bodily fluids.
- After returning inside after outdoor play.
- After handling pets, pet cages or other pet objects that have come in contact with the pet before moving on to another activity.
- Before eating or assisting with food preparation.
- After water activities.
- When visibly soiled (use soap and water).

Children who are unable to stand by themselves may be given wet paper towels and soap to wash and rinse their hands.

Appendix C to Rule 5101:2-13-13

Smoke Free Environment

- Smoking on the property during the hours that child care is being provided shall be permitted only if all of the following requirements are met:
 - Smoking shall not occur within the home or attached building and garage areas.
 - The area where smoking is occurring is so far removed from the children being cared for that the children cannot inhale any smoke.
 - Smoking cannot be seen by children, including any outside area.
- The provider shall not expose the children to cigarette, cigar or pipe butts or ashes.
- If smoking is permitted in the home or in vehicles used for transporting children during hours that the provider is not providing child care, the provider shall provide to the parent of each child enrolled a written notice that smoking occurs at the home or in the vehicle outside of operation hours.
- The provider shall not permit any person to smoke in a vehicle while it is occupied by children in the provider's care.
- The provider shall post in a noticeable place at the main entrance of the home, a notice stating that smoking is prohibited.

Note: The above requirements also include smokeless tobacco, electronic cigarettes, vaporizers, chewing tobacco and their byproducts.

5101:2-13-16

Emergency and health-related plans for a licensed family child care provider.

(A) What are the medical, dental and general emergency requirements for a licensed family child care provider?

The family child care provider shall:

- (1) Have a written plan for medical or dental emergencies on the JFS 01242 "Medical, Dental and General Emergency Plan for Child Care," ~~(rev. 12/2016)~~. The plan shall be completed, implemented when necessary, and shall be posted in a noticeable location on each level of the home in use for child care.
- (2) Complete the JFS 01201 "Dental First Aid" ~~(rev. 12/2016)~~ and post in a location readily available to parents, child care staff members and substitutes.
- (3) Post a ~~fire and~~ weather alert plan that includes the details listed in paragraph (H) of this rule and a fire plan in each space used by the children. The plan shall include a diagram indicating evacuation routes.
- (4) Conduct monthly fire drills at varying times. Written documentation of these drills shall be kept on-site.
- (5) Conduct monthly weather emergency drills in the months March through September. Written documentation of these drills shall be kept on-site.
- (6) Conduct ~~quarterly~~ emergency/lockdown drills in each quarter of the calendar year. Written documentation of these drills shall be kept on-site.

(B) What are the first aid kit requirements for a licensed family child care provider?

- (1) An unlocked, closed first-aid container shall be on the premises and readily available to the provider but shall be kept out of reach of children.
- (2) The first-aid container shall contain all of the items listed in appendix A to this rule.
- ~~(3) First aid supplies shall be replaced as they are used, expired, damaged or if sterile packages are opened.~~

(C) What are the specific procedures the licensed family child care provider needs to follow for standard precautions?

- (1) Blood spills shall be treated cautiously and decontaminated promptly. Disposable vinyl gloves shall be worn during contact with blood or bodily fluids which contain blood, such as vomit or feces in which blood can be seen.
 - (2) Surfaces contaminated with blood or bodily fluids containing blood shall first be cleaned with hot, soapy water and then sanitized with an appropriate bleach solution which is prepared on a daily basis, according to product guidelines or other acceptable disinfectant solution which is environmental protection agency (EPA) rated as hospital disinfectant with a label claim for mycobactericidal activity.
 - (3) Disposal of materials that contain blood requires a sealable, leak-proof plastic bag or double bagging in plastic bags that are securely tied.
 - (4) Non-disposable items, such as clothing that contain blood, shall be placed in a sealable, leakproof plastic bag or double bagged in plastic bags that are securely tied and sent home with the child.
 - (5) Sharp items used for procedures on children with special care needs, such as lancets for finger sticks or syringes, require a disposable container called a "sharps container." This is a container made of durable, rigid material which safely stores the lancets or needles until they are disposed of properly~~the parent can take them home for disposal~~. Sharps containers shall be stored out of the reach of children.
- (D) What are the communicable disease requirements for a licensed family child care provider?
- ~~(1) The provider shall decide if he or she will care for sick children as defined in appendix B to this rule, and shall inform parents of his or her decision.~~
 - ~~(2)~~(1) If the provider cares for sick children, the provider shall follow the guidelines detailed in appendix B to this rule.
 - ~~(3)~~(2) The JFS 08087 "Communicable Disease Chart" ~~(rev. 12/2016)~~ shall be posted in a location readily available to parents, child care staff members, employees, and residents~~substitutes for use in identifying and responding to~~. The chart is to be displayed in the size available in the Ohio department of job and family services (ODJFS) forms central in order for individuals to easily read, identify and respond to communicable diseases.
 - (a) The provider is to follow the reporting requirements listed on the JFS 08087.

(b) If the communicable disease is required to be reported to the local health department, the provider is to report the communicable disease to the Ohio department of job and family services (ODJFS) in accordance with paragraph (G) of this rule by the end of the next business day.

~~(4)~~(3) No later than the end of the next business day, the provider shall notify parents when their child has been exposed to a communicable disease listed on the JFS 08087.

~~(5)~~(4) All the requirements of this rule shall apply if the provider's own child is sick.

~~(6)~~(5) The provider shall release employees and child care staff members who have a communicable disease or who are unable to perform their duties due to illness.

(E) When shall a family child care provider complete the JFS 01299 "Incident/Injury Report for Child Care" ~~(rev. 12/2016)~~?

(1) The family child care provider shall complete the JFS 01299 and provide a copy to the child's parent or the person picking up the child on the day of the incident or injury if:

(a) A child becomes ill ~~and requires first aid~~ or receives an injury which requires first aid treatment.

(b) A child is transported in accordance with this rule to a source of emergency assistance.

(c) A child receives a bump or blow to the head.

(d) An unusual or unexpected incident occurs which jeopardizes the safety of a child or provider, such as a child leaving the home unattended, a vehicle accident with or without injuries or exposure of children to a threatening person or situation.

(2) Copies of the JFS 01299 shall be kept on file at the home for least one year and shall be available for review by ~~the Ohio department of job and family services~~(ODJFS) or the county agency.

(F) What is a serious incident?

(1) Death of a child at the home.

~~(2) A child receives a bump or blow to the head that requires first aid or medical attention.~~

- ~~(3)~~(2) An incident, injury, or illness that requires a child to be removed by the parent or emergency services from the home for professional medical consultation or treatment, professional consultation for a child or transportation for emergency treatment.
- ~~(4)~~(3) An unusual or unexpected incident which jeopardizes the safety of a child, resident, child care staff member or employee of a family child care home.
- ~~(5)~~(4) An incident defined as a serious risk ~~non-compliance~~non-compliance in appendix A to rule 5101:2-13-03 of the Administrative Code.

(G) What does the licensed family child care provider do if there is a serious incident?

- (1) The licensed family child care provider shall log in to <http://oclqs.force.com> by the next business day to report the incident, as defined in paragraph (F) of this rule; ~~and complete the JFS 01156 "Serious Incident Reporting for Child Care" (rev. 10/2017).~~
- (2) This notification does not replace reporting to the public children's services agency if there are concerns of child abuse or neglect as required by rule 5101:2-13-19 of the Administrative Code.
- (3) The provider may print the completed serious incident report in OCLQS~~JFS 01156~~ and give to the parent to meet the parent notification requirements of paragraph (E) of this rule.
- (4) If a child is transported by anyone other than a parent for emergency treatment, the child's health and medical records required by rule 5101:2-13-15 of the Administrative Code are to accompany the child.

(H) What are the disaster plan requirements for a licensed family child care provider?

~~The licensed family child care provider shall develop a written disaster plan and make it available to all child care staff members and employees.~~ The licensed family child care provider is to develop a written disaster plan and train child care staff members and employees on the plan annually. Written documentation of this training is to be kept on-site.

- (1) The plan shall include procedures that will be used to prepare for and respond to the following types of emergency or disaster situations:
- (a) Weather emergencies and natural disasters which include severe thunderstorms, tornadoes, flash flooding, major snowfall, blizzards, ice storms or earthquakes.

- (b) Emergency outdoor or indoor lockdown or evacuation due to threats of violence which includes active shooter, bioterrorism or terrorism.
- (c) Emergency or disaster evacuations due to hazardous materials and spills, gas leaks or bomb threats.
- (d) Outbreaks, epidemics or other infectious disease emergencies.
- (e) Loss of power, water or heat.
- (f) Other threatening situations that may pose a health or safety hazard to the children in the home.

(2) The disaster plan ~~shall~~ is to include details for:

- (a) Shelter in place or evacuation, how the home will care for and account for the children until they can be reunited with the parent.
- (b) Assisting infants and children with special needs and/or health conditions.
- (c) Reunification with parents.
 - (i) Emergency contact information for the parents and the provider.
 - (ii) Procedures for notifying and communicating with parents regarding the location of the children if evacuated.
 - (iii) Procedures for communicating with parents during loss of communications, no phone or internet service available.
- (d) The location of supplies and procedures for gathering necessary supplies for staff and children if required to shelter in place.
- (e) What to do if a disaster occurs during the transport of children or when on a field trip or routine trip.
- (f) Making the plan available to all child care staff members and employees.
- ~~(f)~~(g) Training of staff or reassignment of staff duties as appropriate.
- ~~(g)~~(h) Updating the plan on a yearly basis.
- ~~(h)~~(i) Contact with local emergency management officials.

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Appendix A to Rule 5101:2-13-16

First-Aid Kit Contents

The first-aid kit shall contain unexpired items (where applicable) and include at least all of the following:

- One roll of first-aid tape.
- Individually wrapped sterile gauze squares in assorted sizes.
- Sterile adhesive bandages in assorted sizes.
- Tweezers.
- Gauze rolled bandage.
- Triangular bandage.
- Rounded end scissors.
- Tooth preservation system or fresh chilled liquid milk in which to transport a lost permanent tooth (for homes serving school age children only), including a written reference indicating location of the refrigerator/freezer where milk is stored if a tooth preservation system is not part of the first aid kit.
- A working digital thermometer.
- Disposable non-latex gloves.
- A working flashlight.
- An instant cold pack that has not been activated or ice, including a written reference indicating location of the refrigerator/freezer where the ice is stored if an instant cold pack is not part of the first aid kit.
- Sealable leak-proof plastic bags in assorted sizes or double bagged plastic bags that can be securely tied for materials soiled with blood or bodily fluids.
- Pocket mask or face shield, appropriate for all ages of children in care, for cardiopulmonary resuscitation (CPR) administration.

In addition to the above items, on field trips or when transporting away from the home, the following items are required:

- Soap or waterless sanitizer.
- Bottled water.

Appendix B to Rule 5101:2-13-16

Caring for Sick Children

A child is considered to be sick when demonstrating any of the following symptoms:

- Temperature of at least one hundred and one degrees Fahrenheit (one hundred degrees Fahrenheit if taken axillary) when in combination with any other sign or symptom of illness.
- Diarrhea (three or more abnormally, unexpectedly or unexplained loose stools within a twenty-four hour period).
- Severe coughing, causing the child to become red or blue in the face or to make a whooping sound.
- Difficult or rapid breathing.
- Yellowish skin or eyes.
- Redness of the eye or eyelid, thick and purulent (pus) eye discharge, matted eye lashes, burning itching or eye pain.
- Untreated infected skin patches, unusual spots or rashes.
- Unusually dark urine and /or gray or white stool.
- Stiff neck with elevated temperature.
- Evidence of untreated lice, scabies or other parasitic infestations.
- Sore throat or difficulty in swallowing.
- Vomiting more than one time or when accompanied by any other sign or symptom of illness.

When caring for sick children, the provider shall:

- Isolate the sick child away from other children in another room or portion of a room, but within sight or hearing at all times.
- Provide the sick child with a cot or bed or the sick infant with a crib, if necessary, and make comfortable.
- Notify the child's parents immediately to arrange discharge and if the child's condition worsens during isolation.
- Sanitize the thermometer after each use.

5101:2-13-17

Programming and materials for a licensed family child care provider.

(A) What are the programming requirements for a licensed family child care provider?

The requirements include:

- (1) Posting the daily schedule in a visible place in the home.
- (2) Providing opportunities for both quiet and active play suitable to the developmental levels and abilities of each child in care.
- (3) Providing activities to promote the children's physical, social-emotional, cognitive and language development.
- (4) Providing opportunities for periods of child initiated activities such as, imaginative play, language development and creative activities.
- (5) Providing outdoor play in suitable weather. Suitable weather is at a minimum twenty-five to ninety degrees Fahrenheit.
 - (a) For any infant over twelve months of age, toddler, preschool and school-age child in attendance four or more consecutive daylight hours.
 - (b) If only one staff member is present and there is an infant under twelve months of age in care, the provider is exempt from this requirement.
- (6) Indoor gross motor play such as, climbing, jumping, running, riding wheel toys, yoga, other physical fitness or music and movement on days when outdoor play is not provided.

(B) What materials and equipment are required for a licensed family child care provider?

The family child care provider shall:

- (1) Provide durable furniture such as tables and chairs. This furniture shall be child sized or safely adapted for use by children.
- (2) Provide developmentally appropriate play materials to be used as part of the daily schedule. These materials shall be readily accessible and arranged in an orderly manner so that children have opportunities to select, remove and replace play materials with minimal assistance during the day.
 - (a) The family child care provider shall have materials from each category in appendix A to this rule for infants, toddlers and preschool-age children.

- (b) The family child care provider shall have materials from at least five of the nine categories in appendix A to this rule for school-age children.
- (3) Ensure that equipment, materials, and furnishings provided for both indoor and outdoor play are:
 - (a) Varied and adequate to meet the developmental needs of the children.
 - (b) Sufficient in quantity that each child can be actively involved in an activity.
- (4) Designate an area where children can individually store their personal belongings. This area shall not block walkways or evacuation routes.

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Categories of Developmentally Appropriate Equipment and Materials.

Infant

- Pretend or dramatic play materials.
- Manipulative materials and equipment.
- Large blocks.
- Language arts and auditory materials and equipment.
- Music equipment.
- Transportation materials and equipment.
- Gross motor activities, materials and equipment.
- Sensory perceptual motor materials.

Toddler and Preschool

- Art supplies.
- Manipulative materials and equipment.
- Blocks.
- Science-nature equipment.
- Language arts and auditory materials and equipment.
- Pretend or dramatic play materials.
- Music equipment.
- Transportation materials and equipment.
- Gross motor equipment.
- Sensory motor equipment.

School-Age

- Art supplies.
- Manipulative materials and equipment.
- Blocks.
- Science-nature materials.
- Language arts materials and equipment.
- Pretend or dramatic play materials.
- Music equipment.
- Transportation materials and equipment.
- Sports and gross motor equipment.

5101:2-13-18

Group size and ratios for a licensed family child care provider.

(A) What are the requirements for staff/child ratios and maximum group size for a licensed family child care provider?

- (1) Each child care staff member shall care for no more than six children at any one time. No more than three of those children may be under two years of age.
- (2) The family child care provider shall not exceed the license capacity at any time when caring for children during the provider's hours of operation.
- (3) The family child care provider shall ensure that the required staff/child ratios are maintained at all times including during routine trips and field trips.

(B) What children in the home are counted in ratio and group size?

- (1) Any child present at the home who meets any of the following shall be counted in the group size:
 - (a) All children under six years old, including those related to the provider, the provider's own children and residents of the family child care home.
 - (b) Children six years old through fourteen years old who are not related to the provider.
 - (c) Children six years old up to fifteen years old who are related to the provider and for whom care is privately or publicly funded.
 - (d) Children fifteen years old through seventeen years old who are authorized to the provider for publicly funded child care pursuant to Chapter 5101:2-16 of the Administrative Code.
 - (e) Foster children shall be counted as a child not related to the provider.
- (2) If the parent of a child is also present and caring for the child, the child does not count in group size, unless the parent is the licensed family child care provider, a resident of the family child care home, an employee, or a child care staff member ~~or a substitute~~.

(C) What are the requirements for providers to keep an attendance record?

- (1) The provider shall have written documentation of the following for each child:
 - (a) The name and birth date of the child.

- (b) The assigned group for the child.
 - (c) The child's weekly schedule.
 - (d) The time (hours and minutes) of the child's arrival and departure to the program, including transportation by the program. ~~The Ohio electronic child care (Ohio ECC) provider website (Pweb)~~Ohio's automated child care system cannot be used to meet this written documentation requirement.
 - (e) The original written documentation shall be kept for a period of one year. Attendance documentation shall remain at the home at all times.
- (2) Each group shall have a method for tracking the children in the group. This tracking method shall include the child's name and date of birth and shall remain with the group at all times throughout the day including outdoor play, emergency evacuations and when groups are combined. The tracking shall be updated throughout the day as children enter or leave the group.

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5101:2-13-19

Supervision of children and child guidance for a licensed family child care provider.

(A) What are the requirements for supervision for a licensed family child care provider and child care staff members?

The family child care provider and each child care staff member shall:

- (1) Leave no child unsupervised. Supervision means the provider or child care staff member has knowledge of a child's needs and accountability for his or her care at all times, including but not limited to, developmental and behavioral needs and parental preferences. Supervision includes awareness of and responsibility for the activity of each child and being near enough to respond and reach children immediately, including responding to the child's basic needs and protecting them from harm.
- (2) Ensure all children in care are within sight or hearing of the provider or child care staff member at all times. Within sight or hearing means without the use of mechanical devices such as baby monitors, video cameras or walkie talkies. The use of mirrors to view children in another room does not meet the supervision requirements of this rule.
- (3) Not be under the influence of any substance that impairs the provider or child care staff member's ability to supervise children and/or perform duties.
- (4) Always have immediate access to a working telephone on the premises which is available and capable of making outgoing calls and receiving incoming calls.
- (5) Only release a child to the parent or to a person who has been previously approved by the parent.
- (6) Not permit children to be exposed to inappropriate language or media.
- (7) Supervise outdoor play.
 - (a) The provider or child care staff member shall remain outdoors with infants, toddlers and preschoolers at all times.
 - (b) School-age children may be permitted in the ~~approved~~ outdoor play space without the provider or child care staff as long as the children remain within sight and hearing of the provider or child care staff if both of the following occur:

(i) The children are not engaged in higher risk activities such as but not limited to swimming, activities with animals or using equipment with motors or moving parts.

(ii) The provider or child care staff member are always able to intervene if needed.

(c) When the outdoor play space is not on the premises, the provider or child care staff member shall accompany and supervise all children in transit and at the outdoor play space.

(B) What are the requirements for supervision of school-age children?

(1) With written parent permission, school-age children may leave the provider's home for specific activities, including:

(a) Walking to and from the provider's home or school.

(b) Walking home or to another destination.

(2) The written permission shall specify:

(a) Child's name.

(b) Location of the activity.

(c) Arrangements for going to and from the activity.

(d) Start and end time of the activity.

(e) Time period for when the permission is given.

(f) Parent's signature and date.

(C) What are the child guidance techniques ~~shall~~to be used in the licensed family child care home?

(1) The provider, child care staff members and substitutes shall follow appendix A to this rule regarding guidance techniques to be used with children.

(2) The provider shall communicate and consult with the parent prior to implementing a specific behavior management plan. This plan shall be in writing, signed by the parent and shall be consistent with the requirements of this rule.

(3) When a child is expelled from the family child care home for a behavioral reason, the expulsion is to be reported in the Ohio child licensing and quality system (OCLQS) in accordance with paragraph (G) of rule 5101:2-13-16 of the Administrative Code.

(D) What are the child abuse and/or neglect reporting requirements?

If the provider, employee or child care staff member suspects that a child has been abused or neglected, he or she shall immediately notify the public children services agency (PCSA).

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Appendix A to Rule 5101:2-13-19

Allowable Discipline Techniques

The following techniques or practices may be used by all child care staff members and employees of a family child care provider as a means to guide or discipline children. Any technique or practice used shall be developmentally appropriate, consistent and shall occur at the time of the incident.

1. Setting clear limits.
2. Redirecting to an appropriate activity.
3. Showing positive alternatives.
4. Modeling the desired behavior.
5. Reinforcing appropriate behavior.
6. Encouraging children to control their own behavior, cooperate with others and solve problems by talking.
7. Separation from the situation, if used, shall last no more than one minute per each year of the child's age and shall not be used with infants. Upon the child's return to the activity, the provider shall review the reason for the separation and discuss the expected behavior with the child.
8. Holding a child for a short period of time, such as in a protective hug, so that the child may regain self-control.

Prohibited Discipline Techniques

The following techniques or practices shall not be used by any child care staff member or employee of a licensed child care center as a means to control or discipline children:

1. Abuse, endanger or neglect of children, including shaking a baby.
2. Utilize cruel, harsh, unusual, or extreme techniques.
3. Utilize any form of corporal punishment.
4. Delegate children to manage or discipline other children.
5. Use physical restraints on a child.
6. Restrain a child by any means other than holding children for a short period of time, such as in a protective hug, so that the children may regain control.
 - Prone restraint of a child is prohibited. Prone restraint is defined as all items or measures used to limit or control the movement or normal functioning of any portion, or all, of a child's body while the child is in a face-down position.
 - Prone restraint includes physical or mechanical restraint.
7. Place children in a locked room or confine children in any enclosed area.
8. Confine children to equipment such as cribs or high chairs.
9. Humiliate, threaten or frighten children.
10. Subject children to profane language or verbal abuse.
11. Make derogatory or sarcastic remarks about children or their families including but not limited to cultures, nationalities, race, religion, or beliefs.

12. Punish children for failure to eat or sleep or for toileting accidents.
13. Withhold any food (including snacks and treats), beverages or water, rest or toilet use.
14. Punish an entire group of children due to the unacceptable behavior of one or a few.
15. Isolate and restrict children from any or all activities for an extended period of time.

5101:2-13-20

Sleeping and napping requirements for a licensed family child care provider.

(A) What are the sleep and nap requirements for a licensed family child care provider?

- (1) The family child care provider shall provide a quiet space for children who want to rest, nap or sleep, including provider's own children.
- (2) Nap and rest time shall be in accordance with the developmental needs of the child.
- (3) Rest or nap areas shall be lighted to allow for visual supervision of all children at all times.
- (4) Any child who does not fall asleep during a designated nap time shall have the opportunity to engage in quiet activities.
- (5) Evacuation routes shall not be blocked by resting or napping children. Each child shall have a free and direct means of escape, and the provider shall have a clear path to each resting child.

(B) Where may children nap or rest at the home?

- (1) The family child care provider may assign cribs, playpens, beds, couches, cots or mats to individual children.
- (2) An air mattress designed for overnight sleeping may be used. All manufacturer's warnings must be followed. Air mattresses designed for use as flotation devices shall not be used for napping or sleeping.
- ~~(3) Each couch and bed used shall have clean bed linens changed at least weekly, and more often if necessary.~~
- ~~(4) Bed linens shall be laundered before another child uses them pursuant to rule 5101:2-13-13 of the Administrative Code.~~
- ~~(5)~~(3) A mat is a pad that is at least one inch thick and at least as wide and long as the child using the mat.
- ~~(6)~~(4) A cot shall stand at least three inches and not more than eighteen inches off the floor. The cot shall be firm enough to support the child, but shall be resilient under pressure. Each cot shall be at least thirty-six inches in length and at least as long as the child assigned to the cot is tall.
- ~~(7)~~(5) No child shall be permitted to rest, nap or sleep on the floor without a mat, pad or cot.

(C) What are the crib and playpen requirements for a licensed family child care provider?

- (1) Unless the infant meets the requirements of paragraph (D) of this rule, each infant in attendance shall have a separate crib or playpen that meets the following requirements:
 - (a) Any crib manufactured before June 28, 2011 shall have a certificate of compliance (COC) on file. The provider may have to contact the manufacturer of the crib to receive a COC if they do not request one from the retailer when they purchase the crib.
 - (b) Cribs with a documented manufacture date after June 28, 2011 have to meet the new federal standards to be sold, so they do not require a COC. The date of manufacture ~~must~~is to be attached to the crib.
 - (c) Cribs and playpens shall be used according to manufacturer's instructions.
 - (d) Each crib and playpen shall be of sturdy construction and have:
 - (i) Closely spaced bars with corner posts that do not exceed one sixteenth of an inch above the top of the end panel.
 - (ii) Spaces between the bars of the crib or playpen and between the bars and end panels of the crib or playpen shall not exceed two and three-eighths inches.
 - (iii) Playpen mesh openings shall be less than one quarter inch.
 - (e) Cribs and playpens shall be used with the mattress supports in their lowest positions and the sides in the highest positions.
 - (f) Each crib shall have a firm mattress that is at least one and one half inches thick.
 - (g) Each playpen shall have a firm mattress or pad that does not exceed one inch in thickness.
 - (h) The space between the mattress and the side or end panels of the crib or playpen shall not exceed one and one-half inches.
 - (i) Each mattress shall be securely covered with a waterproof material which can be thoroughly sanitized and is not dangerous to children. The waterproof cover shall be free of rips or tears.

- (j) Each mattress shall have a properly fitted clean sheet that is changed at least weekly, when soiled and before another child uses the mattress.
- (2) Stacked cribs are prohibited.
 - (3) Bumper pads shall not be used.
 - (4) Nothing shall be placed or hung over the side that obstructs the provider's view of the infant.
 - (5) Infants shall not be placed in cribs with bibs or any other items which could pose a strangulation or suffocation risk.
 - (6) No blankets shall be in the crib or playpen for infants under twelve months old. A one-piece sleeper or wearable blanket is permitted. Only children who are not yet able to roll-over are permitted to be swaddled using a wearable swaddling blanket.
 - (7) The cribs or playpens may be placed in storage on the premises if not currently assigned to an infant.
 - (8) Infants shall be placed in their cribs or playpens for sleeping, and shall not be allowed to sleep in bassinets, swings, car seats or other equipment. If a medical condition exists where a child needs to sleep in equipment other than a crib or playpen, written permission shall be obtained from a physician and shall be on file.
 - (9) Infants under twelve months old shall be placed on their backs to sleep unless the parent provides written authorization on the JFS 01235 "Sleep Position Waiver Statement for Child Care" (~~rev. 12/2016~~) signed by the child's physician. The JFS 01235 shall be maintained on file for review and is valid for one year. Infants who are able to roll from back to front and front to back shall be placed initially on their back for sleeping but allowed to remain in a position they prefer.
 - (10) Cribs or playpens assigned to a child shall not be used for storage of toys and other materials.
- (D) When shall children stop using cribs or playpens?
- (1) When the child is able to climb out of the crib or playpen.
 - (2) When the child reaches the height of thirty-five inches.

- (3) An infant twelve months or older may use a cot, pad or mat with written permission from the parent.
- (4) If the use of a crib or playpen is considered hazardous for a child, regardless of age, the infant may use a cot or mat with written permission from the parent.

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5101:2-13-21 **Evening and overnight care for a licensed family child care provider.**

- (A) When is a licensed family child care provider considered to be providing evening and overnight care?

Evening or overnight care is when children are in attendance any time between the hours of seven p.m. and six a.m.

- (B) What is required when evening and overnight care is provided?

If the licensed family child care provider has evening or overnight care, the following are required:

- (1) The provider and/or child care staff member shall remain awake until all children are asleep. When children sleep in the evening or overnight, the provider shall have a monitoring device that ensures sight or hearing at all times.
- (2) Children under the age of five shall sleep on the same floor as the provider and/or child care staff member.
- (3) The home shall provide adequate lighting indoors in all areas, including bathrooms, hallways and sleeping rooms to ensure that children can be seen by the provider.
- (4) When parents arrive or depart after daylight hours, the provider shall assure that outdoor walkways and entrances to be used are adequately lighted for safety and security.
- (5) Children shall only sleep during evening and overnight care in areas that have been approved for sleeping.
- ~~(6) Each child in care during evening and overnight hours shall be provided with an individual crib, playpen, cot, mattress, couch or bed in accordance with rule 5101:2-13-20 of the Administrative Code.~~
- ~~(7)~~(6) Bedtime routines shall be developed and followed in consultation with the parents of the children.
- ~~(8) The provider shall have activities before bedtime which allows for children's individual choices and needs. Activities may include meals, play, homework, relaxation, personal grooming and outdoor play during daylight hours.~~

- (C) What sanitary environment and additional hygiene stipulations shall be followed by the provider or child care staff member?

The provider or child care staff member shall:

- (1) Ensure that each child who sleeps at the home for four or more hours has clean, comfortable sleeping clothes.
- (2) Assist children during washing and changing clothes according to children's developmental needs.
- (3) Separate school-age boys from school-age girls during washing and while changing clothes to ensure privacy.
- ~~(4) Change bed linens at least weekly, when soiled and when assigned to a different child.~~
- ~~(5)~~(4) ~~If the child has a bedtime routine occurring at the program, ensure~~ Ensure that each child has a clean, individual washcloth, towel and toothbrush, as appropriate for the age of the child, and labeled with the child's name ~~and stored in a sanitary manner.~~
- ~~(6)~~(5) Provide children access to running water, liquid soap and toothpaste.
- ~~(7)~~(6) Ensure bathtubs and showers are equipped to prevent slipping, if the home provides bathing. The provider shall also have written permission from the parent prior to allowing the child to bathe.
- ~~(8)~~(7) Ensure bath tubs and showers are cleaned and sanitized after each use. The tub or showers do not have to be sanitized between uses if the children are siblings and the parent has provided written consent. All children shall bathe separately unless the children are siblings and the parent has provided written consent that the children can be bathed together.

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5101:2-13-23

Infant care and diaper care for a licensed family child care provider.

(A) What are the requirements for infant daily care?

(1) The licensed family child care provider shall:

- (a) Allow infants to safely and comfortably sit, crawl, toddle, walk and play according to the infant's stage of development.
- (b) Remove each infant from the crib, swing, infant seat, exercise seat or other equipment throughout the day for individual attention.
- (c) Provide each non-crawling infant the opportunity for tummy time, outside of their crib or playpen, each day.
- (d) Maintain a daily written record for each infant that is provided to the infant's parent or person picking up the infant on a daily basis. The record shall include the following information:
 - (i) Food intake.
 - (ii) Sleeping patterns.
 - (iii) Times and results of diaper changes.
 - (iv) Information about daily activities.

(2) Each infant shall be removed from his or her crib or playpen for all feedings. Infants shall be held or fed sitting up for bottled feedings. At no time shall a bottle be propped for an infant.

(B) What are the requirements for infant bottle and food preparation?

The family child care provider shall:

- (1) Prepare and serve infant food in a manner appropriate to the developmental needs of each child. The family child care provider shall introduce new foods only after consultation with the parent. The provider shall comply with written feeding instructions from the infant's parent, physician, physician's assistant or certified nurse practitioner (CNP), which shall include the following:
 - (a) Type of food and/or formula/breast milk.
 - (b) Amount of food and/or formula/breast milk.

- (c) Feeding times or frequency of feedings.
- (2) Require the parent to update the written feeding instructions as needed.
 - (3) Not feed any foods, other than formula or breast milk, to infants under four months of age, unless there is written documentation on file from a physician, physician's assistant or CNP.
 - (4) Ensure that formula, breast milk, or other liquids in a bottle are not heated in a microwave oven.
 - (a) If formula or breast milk is to be warmed, bottles shall be placed in a container of water not hotter than one hundred twenty degrees or be placed in a commercial bottle warmer. The container of water shall be kept out of reach of children and shall be emptied and cleaned each day. The bottle shall be shaken well, and the formula or breast milk temperature tested before feeding.
 - (b) Frozen breast milk shall be thawed under cold running water or in the refrigerator.
 - (5) Ensure that the unused portion of formula, breast milk or food remaining in a container from which the infant has been directly fed shall not be reheated or served again.
 - ~~(6) Store, prepare and serve food, formula and breast milk in a safe and clean manner.~~
 - ~~(7)~~(6) If the provider prepares infant formula they shall do so according to the manufacturer's instructions or instructions from the infant's physician, physician assistant or CNP.
 - ~~(8)~~(7) Ensure that open containers of ready-to-feed and concentrated formula shall be covered, dated and refrigerated according to the manufacturer's instructions. Prepared formula and food shall be discarded or sent home daily if not used.
 - ~~(9)~~(8) Label all bottles or prepared food with the infant's name and date of preparation. All formula shall be refrigerated immediately after preparation or upon arrival if the formula is prepared by the parent. All commercially prepared food shall be stored according to manufacturer's instructions and not served after the expiration date.
 - ~~(10)~~(9) Ensure that if breast milk is provided by the parent, it shall be labeled with the infant's name, the date pumped, and the date the bottle was prepared. Providers shall follow the chart in appendix A to this rule for storing breast milk.

(C) What are the requirements for diapering?

- (1) The family child care provider shall change a child's diaper immediately when wet or soiled.
- (2) Clothing shall be changed immediately when wet or soiled.
- (3) When changing diapers the provider ~~shall~~is to comply with the following:
 - (a) The provider shall wash all soiled areas of the child's body with either a wash cloth which is then appropriately sanitized, or a disposable wipe.
 - (b) If a diaper-changing surface is used to change more than one child, the provider shall place a disposable separation material between the child and the changing surface. A different separation material shall be used for each diaper change.
 - ~~(c) If an infant's diapers are to be changed in a crib, there shall be a separation material between the infant and the crib sheet. If the bedding becomes wet or soiled during the diaper change, it shall be replaced with clean bedding.~~
 - ~~(d)~~(c) If a diapering product is used on more than one child:
 - (i) The container shall not touch the child to avoid cross contamination.
 - (ii) The product shall be administered to avoid cross contamination.
 - ~~(e)~~(d) No child shall be left unattended on the diaper changing table.
 - (e) If using gloves while diapering, the provider is to use non-latex gloves.
- (4) The family child care provider shall store and launder soiled diapers or clothing as follows:
 - (a) If soiled diapers or clothing are to be sent home with a parent, the provider shall store the diapers or clothing for no longer than one day in an individual covered container or plastic bag away from the child's belongings and out of the reach of children.
 - (b) The provider shall store soiled diapers and diapering washcloths, which are to be laundered in the provider's home, in a covered container with sanitizing solution.
 - (c) If soiled diapers are to be commercially laundered, the provider shall hold them for laundering pickup for no longer than seven days.

- (d) The provider shall store soiled disposable diapers in a plastic-lined covered container that prevents hand contamination and is not easily accessible to children and discard diapers daily or more frequently as needed to eliminate odor.
 - (e) If the provider is laundering diapers, the provider shall follow the manufacturer's guidelines.
- (5) Toilet training shall occur based on a child's readiness and consultation with the parent regarding practices in the child's home. The provider shall ensure that toilet training is never forced.

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Appendix A to Rule 5101:2-13-23

Breast Milk Storage

If the breast milk is stored:	Then keep it as long as:
At room temperature (up to 78 degrees Fahrenheit)	6 to 8 hours
In the refrigerator (39 degrees Fahrenheit or lower)	Up to 5 days counted from the day the breast milk was pumped
In a freezer compartment inside a refrigerator (5 degrees Fahrenheit)	2 weeks
In a freezer compartment of a refrigerator with separate doors (0 degrees Fahrenheit)	3 to 6 months
Chest or upright deep freezer (-4 degrees Fahrenheit)	6 to 12 months

5101:2-13-24

Swimming and water safety requirements for a licensed family child care provider.

(A) Are on-site pools allowed to be used at a licensed family child care home?

(1) If the family child care provider has a swimming pool located on the premises, the provider shall make the pool inaccessible to children who are in care by a fence or other physical barrier (the locked house door is not a sufficient barrier) that prevents children from accessing the water. A pool shall meet at least one of the following barrier options:

(a) For in-ground or at ground level pool:

(i) A barrier that prevents a child from going around, under or through to access the pool water and the means of access to the pool (i.e. ladder, gate to deck) is secured, locked or removed to prevent access to pool water.

(ii) A fence that is at least four feet tall that separates the pool from the play area.

(iii) A secure cover that meets the following standards:

(a) Inhibits access to the pool water.

(b) Demonstrates an opening is sufficiently small and strong enough to prevent an infant from passing through.

(c) Is able to hold a weight of at least four hundred eighty-five pounds.

(d) Has manufacture safety label attached.

(e) Prevents water collecting on the cover surface.

(b) For an above ground or above ground level pool:

(i) A minimum of four feet walls (four feet above ground level) that are non-climbable and non-inflatable and the means of access to the pool (i.e. ladder, gate to deck) is secured, locked or removed to prevent access to pool water.

(ii) A fence that is at least four feet tall that separates the pool from the play area.

(iii) A secure cover that meets the following standards:

- (a) Inhibits access to the pool water.
- (b) Demonstrates an opening is sufficiently small and strong enough to prevent an infant from passing through.
- (c) Is able to hold a weight of at least four hundred eighty-five pounds.
- (d) Has manufacture safety label attached.
- (e) Prevents water collecting on the cover surface.

(2) The provider shall not permit use of the pool by children in care.

(B) What are the requirements for swimming sites for licensed family child care?

- (1) Approved off-site swimming sites shall meet all state and local guidelines for environmental health inspections. Activities in bodies of water more than eighteen inches in depth shall be supervised by people who are currently certified as lifeguards or water safety instructors by the "American Red Cross" or an equivalent water safety program, as determined by the Ohio department of job and family services (ODJFS). If the lifeguard is a child care staff member, they shall not be counted as a child care staff member in the staff/child ratio.
- (2) Pursuant to rule 5101:2-13-19 of the Administrative Code, the provider shall actively supervise children and shall be able to clearly see all parts of the swimming area, including the bottom of the pool. The provider shall not serve as the life guard.
- (3) The use of saunas, hot tubs and spas by children is prohibited and these items shall be inaccessible to them.
- (4) Swimming in lakes, rivers, ponds, creeks or other similar bodies of water is prohibited.
- (5) The provider may use wading pools less than eighteen inches in wall height regardless of the amount of water put into it.
 - (a) Wading pools shall be filtered or emptied daily, and portable wading pools shall be disinfected daily or more often if needed.

(b) The provider shall supervise children at all times while a wading pool is in use and shall be able to clearly see all parts of the wading area.

(C) What are the requirements for parental permission for water and swimming activities?

(1) The provider shall have written ~~parental~~ permission from the parent when water is directly accessible to children and for the following activities:

(a) Before the child swims or plays in water eighteen inches or more in depth.

(b) Before the child participates in activities ~~near~~, in or on water eighteen inches or more in depth.

(c) Before infants and toddlers use wading pools.

(2) Written parental permission shall be on file for one year at the home. Written permission for on-going activities such as the wading pools shall be updated annually.

(D) What shall be included in the written parental permission?

(1) Child's name and date of birth.

(2) Statement indicating whether the child is a ~~non-swimmer~~ non-swimmer or capable of swimming.

(3) Location of the water activities or swimming site by water of eighteen or more inches in depth.

(4) A statement of whether or not the provider is providing additional adults or child care staff members above the licensing ratio requirements for this activity.

(5) A signature and date from the parent indicating permission for the activity.

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5101:2-13-26

County agency responsibilities for licensed family child care providers.

(A) What are the responsibilities of the county agency staff for licensed family child care providers?

- (1) The county agency shall comply with all requirements set forth in Chapter 5104. of the Revised Code and Chapter 5101:2-13 of the Administrative Code.
- (2) The county agency ~~shall~~ is to train anyone employed by the county agency to inspect or investigate licensed family child care homes using the curriculum provided by the Ohio department of job and family services (ODJFS).
 - (a) The training shall be documented using the form included with the curriculum. Documentation shall be maintained on file at the county agency. The documentation shall remain on file for at least three years after the person is no longer conducting inspections or investigations of licensed family child care homes.
 - (b) The training shall be completed prior to the person conducting inspections or investigations.
 - (c) If the curriculum is revised, the county agency shall document that anyone conducting inspections or investigations has reviewed the revised materials or has completed the training again.
 - (d) The county agency is not to have additional requirements for licensing family child care providers.
- (3) The county agency is to follow ODJFS policies and procedures for all responsibilities as assigned.

(B) What documentation shall be maintained by the county and what can be shared?

- (1) The county agency shall enter all child care licensing information required in the Ohio child licensing and quality system (OCLQS).
 - (a) Full inspections within seven business days of inspection.
 - (b) Revised inspections within seven business days of revision.
 - (c) Complaint intake data within five business days of receipt of complaint.

- (d) Complaint inspections within seven business days of inspection or the completion of a public children services agency (PCSA) investigation, if applicable.
 - (e) Review of compliance materials within twenty business days of submission.
- (2) The county agency shall maintain a case file on all licensed family child care providers. The following certification and licensing documents ~~shall~~ are to be included in each provider's file using the following retention schedule:
- (a) The initial application and all supporting documentation (for the life of the license), unless the information is in OCLQS.
 - (b) Inspection reports not documented in OCLQS (for five years from the date of the report).
 - (c) All correspondence with the family child care provider or regarding the license (for five years from the date of the correspondence).
 - (d) Compliance materials (for five years from the date of the materials).
 - (e) Copies of all written notices to the provider (for five years from the date of the notices).
 - (f) Valid copies of the JFS 01176 "Program Notification of Background Check Review for Child Care" for the provider, child care staff members, employees, and residents, (replace after expiration for the life of the license), if not in the Ohio professional registry (OPR).
- (3) The files required in paragraph (B)(2) of this rule shall be maintained according to the retention schedule for all open licenses. If a license is closed or revoked, the county agency shall maintain the provider file for two years after the date the license is closed or revoked.
- (4) The county agency shall not disseminate the following confidential information:
- (a) The identity of an information source or witness to whom confidentiality has been reasonably promised, or the identity of a complainant for whom confidentiality is required.
 - (b) Any information, when such information would disclose the identity of one to whom such confidentiality has been reasonably promised.

- (c) Provider medical records pertaining to the medical history, diagnosis, prognosis or medical condition of the provider, which are generated and maintained in the process of medical treatment, except as authorized by section 1347.08 of the Revised Code if requested by the subject of the report.
 - (5) As needed, the county agency shall share information with the PCSA or a law enforcement agency concerning an investigation of alleged child abuse or neglect or criminal activity.
 - (6) A provider shall have the right to access, review and make copies of any information in the county agency or ODJFS files of the provider, except information prohibited by state or federal law. The provider may be accompanied by a representative or other legal representation for this purpose and/or may authorize a legal representative to access such information.
 - (7) The county agency is responsible for sharing all provider, client and fiscal information with ODJFS during the course of a monitoring review of its licensing program or if ODJFS is investigating a complaint involving the county agency.
 - (8) ODJFS shall have access to all information in the provider's file.
- ~~(C) May the county agency have additional requirements that exceed the family child care licensing standards in Chapter 5101:2-13 of the Administrative Code?~~
- ~~(1) The county agency shall not have additional requirements for licensing family child care providers.~~
 - ~~(2) Any additional requirements approved prior to the effective date of this rule shall no longer be permitted.~~

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