## 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.

**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 Inspection – Unable to complete inspection with no 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.

### 5101:2-12-04 Building department, fire inspection and food service licensure 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 engaged in assigned duties or near children and preliminary approval not on file or in the Ohio professional registry (OPR).
- Child care staff member left alone with a child(ren) and 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.

### 5101:2-12-09 Background check 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.

### 5101:2-12-11 Indoor and outdoor space requirements 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.

### 5101:2-12-12 Safe equipment and environment 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.

**Serious Risk Non-Compliance (6 Points)**
- Illegal drugs on premises or alcohol accessible in area used for child care.
Appendix A to Rule 5101:2-12-03

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<th>Description</th>
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<td>Child record requirements for a licensed child care center</td>
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<td>5101:2-12-23</td>
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**Serious Risk Non-Compliance (6 Points)**
- 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.

**Moderate Risk Non-Compliance (3 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.
- 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.
- Program is out of ratio.
- Program exceeds license capacity.
- Additional employee or child care staff member required but not present.
- 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.
- Child placed in crib with object which poses suffocation/strangulation risk (bib, 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.
- Staff responsible for supervising children are asleep.
- Child(ren) are asleep on unapproved floor of the building.
- Supplemental food not onsite, meals or snacks provided do not meet the requirements of the rule.

**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.
Appendix A to Rule 5101:2-12-03

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

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<th>5101:2-12-24 Swimming and water safety requirements for a licensed child care center</th>
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<tr>
<td><strong>Serious Risk Non-Compliance (6 Points)</strong></td>
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<tr>
<td>- No lifeguard present during water activity or lifeguard is used to meet ratio.</td>
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<td>- Staff not actively supervising.</td>
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<td>- Swimming site accessible to child(ren) without staff supervision when not in use.</td>
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<td>- Child(ren) swimming in lakes, ponds, rivers, etc.</td>
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<th>5101:2-12-25 Medication administration for a licensed child care center</th>
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<tr>
<td>- JFS 01217 incomplete, not on file or not followed, no current label or physician's instructions on prescription medication, medication not in original container.</td>
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<td>- Medication accessible to child(ren).</td>
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<td>- Medication instructions not followed, or the wrong dosage was administered to the child.</td>
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<tr>
<td>- Medication was administered to the wrong child.</td>
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