

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

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

5101:2-12-03 Compliance inspection and complaint investigation of a licensed child care center**Serious Risk Non-Compliance (6 Points)**

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

5101:2-12-04 Building department, fire inspection and food service licensure for a licensed child care center**Moderate Risk Non-Compliance (3 Points)**

- Food Service License – Center unable to obtain or maintain license due to violations or is serving food with no license.
- Fire 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.

5101:2-12-09 Background check requirements for a licensed child care center**Moderate Risk Non-Compliance (3 Points)**

- Background check request not submitted, or fingerprints not submitted.
- Administrator, employee or child care staff member 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.

5101:2-12-11 Indoor and outdoor space requirements for a licensed child care center**Moderate Risk Non-Compliance (3 Points)**

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

5101:2-12-12 Safe equipment and environment for a licensed child care center**Moderate Risk Non-Compliance (3 Points)**

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

Serious Risk Non-Compliance (6 Points)

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

5101:2-12-14 Transportation and field trip safety for a licensed child care center**Moderate Risk Non-Compliance (3 Points)**

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

Appendix A to Rule 5101:2-12-03

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

Serious Risk Non-Compliance (6 Points)

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

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

Moderate Risk Non-Compliance (3 Points)

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

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

Moderate Risk Non-Compliance (3 Points)

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

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

Moderate Risk Non-Compliance (3 Points)

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

Serious Risk Non-Compliance (6 Points)

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

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

Moderate Risk Non-Compliance (3 Points)

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

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

Serious Risk Non-Compliance (6 Points)

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

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

Moderate Risk Non-Compliance (3 Points)

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

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

Moderate Risk Non-Compliance (3 Points)

Appendix A to Rule 5101:2-12-03

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

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

Serious Risk Non-Compliance (6 Points)

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

5101:2-12-25 Medication administration for a licensed child care center

Moderate Risk Non-Compliance (3 Points)

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

Serious Risk Non-Compliance (6 Points)

- Medication was administered to the wrong child.