



October 29, 2021

Family Child Care Manual Transmittal Letter No. 22

TO: All Family Child Care Manual Holders

FROM: Matt Damschroder, Director

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

Background:

The Office of Family Assistance has completed a five-year review of family child care (FCC) 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. Additionally, rules were revised to meet federal requirements, remove duplicate requirements, clarify rule requirements, correct typographical errors in paragraph references, remove revision dates from form citations, update references to OCLQS and the Ohio Revised Code, and provide clarifications for family child care providers.

These rules are effective October 29, 2021.

Amended Rules:

5101:2-13-01 "Definitions for licensed family child care" has been amended with the following changes:

- Clarified definition of child care staff member to include that a substitute child care staff member may replace a child care staff member on a temporary basis
- Clarified definitions of moderate risk non-compliance and serious risk non-compliance
- Added definition of corrective action plan and resident

5101:2-13-02 "Application and amendments for a family child care provider license" has been amended with the following changes:

- Clarified the application process, including pre-licensing training requirements, application fee amount and requirements for voluntary withdraw of an application
- Clarified FCC license visibility to parents, issuance of license to an address that is currently licensed, and that the license is to be continuous unless the corporation or partnership no longer exists
- Clarified that if the owner of the type A home program is a corporation, the agent(s) of the corporation includes the provider
- Clarified requirements and procedures for permanent and temporary change of location amendments
- Removed requirement that the provider shall submit all required compliance materials prior to licensure at the new location as it is duplicative

- Clarified that the provider is to keep the name of the program, the Ohio secretary of state entity number, and private pay rates updated in OCLQS, if applicable
- Clarified procedures if the owner of the Type A home changes
- Clarified the procedures and timelines for county agencies to review documents submitted as part of the application and conduct the prelicensing visit
- Clarified that the deadline for approval or denial of a change of location or temporary closure status

Appendix A to Rule 5101:2-13-02:

- Added written disaster plan to list of documents required to be submitted with the application
- Removed the JFS 00598 form as it is to be completed/submitted in OCLQS
- Removed requirement to submit documentation of completed health and safety trainings and medical statement at the time of the first prelicensing visit as it is duplicative of 5101:2-13-07

Appendix B to Rule 5101:2-13-02

- Clarified the medical statement needs to include documentation of immunizations against tetanus, diphtheria, and pertussis (Tdap)
- Clarified exemptions to immunizations for religious or medical reasons

Appendix C to Rule 5101:2-13-02

- Created a new appendix listing the documents needed for a permanent change of location

5101:2-13-03 "Compliance inspection and complaint investigation of a licensed family child care provider" has been amended with the following changes:

- Clarified complaint and compliance inspection requirements
- Added that if children are enrolled, the inspection is to only be completed if at least one child for whom the provider is receiving compensation is present and if no children are enrolled, the inspection will still be completed, with an additional inspection when at least one child for whom the provider is receiving compensation is present
- Removed requirement for county agencies to complete JFS 01926, JFS 01526, JFS 01306, and JFS 01215 as this is all automated in OCLQS
- Clarified timelines for county agencies to provide copies of inspections reports
- Added clarification for county agencies when completing complaint investigations
- Clarified that if the county agency receives a report that an unlicensed home may be caring for too many children, the county agency is to refer the report to ODJFS for investigation, as the county agencies no longer conduct these investigations

Appendix A to Rule 5101:2-13-03

- Clarified the appendix title to reflect moderate and serious risk non-compliances, clarified language of existing non-compliances
- Reduced the number of points given for each non-compliance by combining them into one infraction
- Criteria for 5101:2-13-03 Serious risk Non-Compliance (6 points)
 - Added falsifying information to ODJFS or county agency
- Criteria for rule 5101:2-13-09 Moderate Risk Non-Compliance (3 points)
 - Clarified background check request not submitted or fingerprints not submitted

- or resident of the home turns 18 or moves into the home and background check request not submitted or fingerprints not submitted
- Added employee or child care staff member working in the home and preliminary approval not on file
- Added child care staff member alone with children and preliminary approval or JFS 01176 not on file
- Criteria for 5101:2-13-09 Serious risk Non-Compliance (6 points)
 - Added provider has an ineligible background check
 - Added provider refuses to submit a background check request or fingerprints
- Criteria for 5101:2-13-11 Moderate Risk Non-Compliance (3 points)
 - Added clarification to equipment to include used for climbing, swinging, balancing, and sliding
- Criteria for 5101:2-13-12 Serious Risk Non-Compliance (6 points)
 - Added a clarifier to when firearms, weapons, or ammunition is not secure
- Criteria for 5101:2-13-14 Moderate Risk Non-Compliance (3 points)
 - Added not adhering to Ohio's child restraint law
 - Added supplies required by the JFS 1236 not available on trip
- Criteria for 5101:2-13-14 Serious Risk Non-Compliance (6 points)
 - Added other substances which could impair driving
- Criteria for 5101:2-13-19 Serious Risk Non-Compliance (6 points)
 - Added "child completely left alone in home (no adults)"
 - Removed "physical abuse/neglect/endangerment by any child care staff member, employee, resident or provider" as this is duplicative
- Criteria for 5101:2-13-20 Moderate Risk Non-Compliance (3 points)
 - Clarified objects which pose suffocation or strangulation risks, cribs, and playpens
 - Added something other than a crib or playpen used for sleeping or napping
- Criteria for 5101:2-13-22 Moderate Risk Non-Compliance (3 points)
 - Added "supplemental food not onsite, meals or snacks provided do not meet the requirements of the rule"
- Criteria for 5101:2-13-25 Moderate Risk Non-Compliance (3 points)
 - Added JFS 01217 incomplete
 - Clarified "no current label or physician's instructions on prescription medication"

5101:2-13-04 "Building department inspection and fire inspection for a licensed family child care provider" has been amended with the following changes:

- Amended the question in paragraph (A) to state "What are the type A home requirements for building inspections?" as the building department does not approve a type A home
- Clarified type A home requirements for building and fire inspections
- Clarified type B home building requirements and procedures for approved spaces
- Clarified type B home fire safety requirements
- Removed written evacuation plan requirement as it is covered in rule 5101:2-13-16

Appendix A to Rule 5101:2-13-04

- Removed requirement that Type B home providers who are certified or licensed after September 1, 2008 shall not use any room or space higher than the second floor of the home for child as it was clarified in this rule

- Removed requirement that all stairways shall have lighting and a hand rail on at least one side if there are four or more stairs as lighting and safety is already covered in this appendix

Appendix B to Rule 5101:2-13-04

- Clarified procedures for storing flammable and combustible materials in type B homes

5101:2-13-05 "Denial, revocation and suspension of a family child care application or license" has been amended with the following changes:

- Clarified situations when an application may be denied or a license can be revoked
- Removed requirement that an application may be denied or a license revoked if the provider has accumulated eighteen or more points from moderate or serious risk non-compliances as the license can be denied or revoked for non-compliances with rules in this chapter
- Added that if the home provider has been issued a notice of intent to revoke the program's license, they are to notify the families of all enrolled children and post the notice of intent in a noticeable location within forty-eight hours of receipt of the notice
- Removed requirement that a provider shall not be licensed until five years have elapsed from the date the certification was revoked as this is already covered in this rule
- Clarified the conditions of licensing actions that are not subject to administrative hearings when the Type A home owner or provider has changed and when the provider does not have children in attendance at the end of the provisional period

5101:2-13-06 "Procedures for a family child care provider operating under a provisional license" has been amended with the following changes:

- Clarified that the provider is to have children, for whom the provider receives compensation, enrolled and attending the home
- Clarified that if the provider has not served any children during the provisional period, the provisional period will continue for up to twelve additional months or until children have been enrolled, whichever comes first

5101:2-13-07 "Provider responsibilities, requirements and qualifications for a licensed family child care provider" has been amended with the following changes:

- Relocated from appendix A of rule 5101:2-13-02, the requirement that the provider is to have written documentation on file of current immunization against tetanus, diphtheria and pertussis (Tdap) unless exempt
- Relocated that the provider is not to be involved in any activities that interfere with the care, safety, and health of the children
- Removed requirement that the provider shall not have had any child removed from his or her home due to abuse or neglect caused by the provider or have a prohibited offense as this is covered in 5101:2-13-09
- Clarified that the provider and anyone in the home, including any child care staff members is not to demonstrate physical or mental conditions potentially harmful to children or be under the influence of alcohol or other drugs while child care is being provided
- Clarified timelines for when the provider is to update household composition in OCLQS

- Clarified that the provider is responsible for all information provided to the county agency or ODJFS including information provided by a child care staff member, employee, administrator, or resident
- Relocated from rule 5101:2-13-08 the provider's Ohio Professional Registry (OPR) requirements and documentation and recordkeeping responsibilities
- Added the provider's OPR management requirements for residents who currently reside in the home and turned eighteen or for residents who are new to the home
- Added that the provider is to cooperate with other government agencies as necessary and ensure compliance with Chapter 5104 of the Revised Code and Chapter 5101:2-13 of the Administrative Code

Appendix A to Rule 5101:2-13-07

- Clarified requirements for verification of a high school education for home schooled or non-chartered non-public school students

Appendix C to Rule 5101:2-13-07

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

Appendix D to Rule 5101:2-13-07

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

5101:2-13-08 "Employees, child care staff members and substitute responsibilities and qualifications for a licensed family child care provider" has been rescinded and filed as a new rule with the following changes:

- Revised title of rule to "Employees and child care staff members responsibilities and qualifications for a licensed family child care provider"
- Clarified entire rule to include substitute child care staff members where appropriate
- Clarified documentation that employees are to have on file
- Relocated from appendix A of rule 5101:2-13-02, that employees and child care staff members are to have written documentation on file of current immunization against tetanus, diphtheria and pertussis (Tdap), unless exempt
- Added that employees and child care staff members are to create and maintain their profile in the OPR
- Removed requirement that all child care staff members shall meet training requirements of rule 5101:2-13-10, as this is duplicative
- Moved documentation requirements to rule 5101:2-13-07 for child care staff members as this information is now required to be managed by the provider if not verified in the OPR
- Clarified employee and child care staff member whistleblower protection

Appendix A to Rule 5101:2-13-08

- Clarified that a child care staff member includes substitute child care staff members
- Clarified acceptable verification of high school education, diploma or equivalence diploma
- Removed requirement to meet eligibility for employment based on background check requirements as this is covered in rule 5101:2-13-09
- Removed requirement to provide a safe, healthy environment and to ensure that any individuals whose behavior or health endangers the health, safety and well-being of children are not present while child care is being provided as this is covered in 5101:2-13-12

Appendix B to Rule 5101:2-13-08

- Removed entire appendix from rule as substitute child care staff members are to meet the requirements in appendix A

5101:2-13-10 "Training and professional development requirements for a licensed family child care provider and child care staff members has been amended with the following changes:

- Clarified requirements for training in management of communicable disease and child abuse and neglect recognition and prevention
- Clarified that providers and child care staff members are to select one child abuse and neglect recognition and prevention training to complete
- Clarified that providers and child care staff members are to be current with either the ODJFS child abuse and neglect recognition and prevention training which is valid for two years or child abuse and neglect recognition and prevention training as described in appendix A to this rule, which is valid for three years
- Clarified that the child care staff members are to complete these trainings within ninety days of employment and cannot be left alone with children until completed
- Added that the child care staff member meeting trainer requirements in appendix A to this rule is considered to meet the training requirement for first aid, CPR, or management of communicable disease. Staff members are not exempt from completing child abuse and neglect recognition and prevention training
- Clarified trainer qualifications and audiovisual or electronic media requirements
- Added professional development and documentation requirements for substitute child care staff members used more than 90 days in a fiscal year
- Clarified health training documentation requirements

Appendix A to Rule 5101:2-13-10

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

Appendix B to Rule 5101:2-13-10

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

5101:2-13-14 "Transportation and field trip safety for a licensed family child care provider" has been amended with the following changes:

- Clarified that supplies and medications may need to be taken on trips
- Removed requirement that an adult must be present with the vehicle any time children are in the vehicle and at no time are children to be left unattended as this is duplicative of rule 5101:2-13-19
- Clarified requirements passengers and for employee or child care staff members who are drivers
- Clarified child care transportation training requirements
- Clarified driver requirements for public transportation drivers and contract drivers

Appendix A to Rule 5101:2-13-14

- Removed requirement that the provider shall secure written permission for all field trip(s) and shall inform the parent about each trip in advance as this is covered in the rule

Appendix B to Rule 5101:2-13-14

- Removed Type A home vehicle requirements that expired January 1, 2017
- Clarified that drivers are considered passengers

Appendix C to Rule 5101:2-13-14

- Clarified that drivers are considered passengers

5101:2-13-15 "Child record requirements for a licensed family child care provider" has been amended with the following changes:

- Clarified the requirement for medical statement dates and expiration dates
- Clarified provider and child care staff member responsibilities for the JFS 01236
- Clarified the accessibility of the JFS 01236 in the FCC home
- Added definition of medical foods
- Clarified training requirements for providers and staff members for each child's JFS 01236
- Added that each JFS 01305, JFS 01217, JFS 01234 and JFS 01236 as well as all written permission from parents or physicians is to be kept on file for twelve months from the date the form is signed or updated, whichever is later, even if the child no longer attends the program or the form is no longer required for the child

5101:2-13-22 "Meal preparation/nutritional requirements for a licensed family child care provider" has been amended with the following changes:

- Clarified requirements for fruit and vegetable juice if served to meet fruit and vegetable requirements or as a beverage alternative
- Added that the provider is to ensure supplemental food is onsite at the home and that no child goes more than four hours without at least a snack or meal, except when sleeping

- Moved all requirements for serving fluid milk in the FCC home into new appendix C to this rule
- Removed requirements for meals and snacks when parents provide the food as all supplemental food requirements are now addressed in paragraph (A) of this rule

Appendix A to Rule 5101:2-13-22

- Removed references to child care centers
- Revise the food content list to add "fluid" milk
- Revise fruit and vegetable requirements for meals. A vegetable may be used to meet the entire fruit requirement. When two vegetables are served at lunch or dinner, two different kinds of vegetables are to be served.

Appendix B to Rule 5101:2-13-22

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

Appendix C to Rule 5101:2-13-22

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

5101:2-13-25 "Medication administration for a licensed family child care provider" has been amended with the following changes:

- Revised title of rule to "Medication administration for a licensed family child care provider"
- Combined requirements for when a JFS 01217 "Request for Administration of Medication for Child Care" is needed into one place in rule for ease of use
- Clarified the requirements for administering and storing non-prescription medications, including household and child medications, medical foods, topical products, and lotions
- Removed references to food supplements
- Clarified that the documentation requirement for each administration of medication includes when school-age children administer their own medication
- Clarified requirements about the administration of medications on the JFS 01236 "Child Medical/Physical Care Plan for Child Care"

Amended Forms:

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

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

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

JFS 01250 "Plan of Operation for Child Care" has been revised to add a checkbox in the outdoor play space section for programs operating less than 4 consecutive daylight hours and will not be providing outdoor play and to clarify information required for vehicles to be used by the program, if applicable.

JFS 01276 "Health Training Documentation for Child Care" has been revised to clarify child abuse and neglect recognition and prevention trainings, require training-exempt individuals to show proof of certification that verifies trainer requirements have been met, make the email address contact information field for the trainer a required field, and to add rule 5101:2-18-08 to the form.

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

Implementation:

The requirements that all child care staff members complete first aid and CPR trainings within ninety days of hire will not be assessed during a six-month period to allow programs adequate time for implementation. The requirement that child care staff members not be alone with children until the training is completed remains in effect. ODJFS will begin assessing compliance for this requirement on May 1, 2022.

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

Questions:

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

5101:2-13-01

Definitions for licensed family child care.

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

- (5) By a provider required by Chapter 5104. of the Revised Code to be licensed or approved by the department of job and family services, certified by a county department of job and family services, or under contract with the department to provide publicly funded child care as described in section 5104.32 of the Revised Code.
- (H) "Child care staff member" means an employee of the family child care provider who is responsible for the care and supervision of children. A substitute child care staff member may replace a child care staff member on a temporary basis. The administrator, authorized representative, or owner may be a child care staff member when not involved in other duties.
- (I) "Corrective action plan" describes the action taken by the program to correct a non-compliance. This plan does not confirm the program is in compliance with the rule, or negate the non-compliance finding. Corrective action plans are submitted in the Ohio child licensing and quality system (OCLQS) and are to be completed in their entirety to be approved.
- ~~(H)~~(J) "Employee" means a person who either receives compensation for duties performed in a licensed family child care home or has assigned work hours or duties in a licensed family child care home.
- ~~(H)~~(K) "Family child care provider" is an Ohio department of job and family services (ODJFS) licensed type A home provider or an ODJFS licensed type B home provider.
- ~~(K)~~(L) "Field trips" means infrequent or irregularly scheduled excursions from the licensed family child care home.
- ~~(L)~~(M) "Food supplement" means a vitamin, mineral, or combination of one or more vitamins, minerals and/or energy-producing nutrients (carbohydrate, protein or fat) used in addition to meals or snacks.
- ~~(M)~~(N) "Infant" means a child who is under eighteen months of age.
- ~~(N)~~(O) "License capacity" is the maximum number of children who may be cared for in a family child care home at any one time. License capacity is indicated on the license. License capacity is not the same as the total number of children enrolled in the home or attending the home on any given day. Children away from the home on a field trip or a special outing, and under the supervision of a child care staff member, shall be included in the count for license capacity.
- ~~(O)~~(P) "Medication" means any substance or preparation of a substance which is used to prevent or treat a wound, injury, infection, infirmity, or disease. This includes medication that is over the counter, or prescribed or recommended by a physician or

advance practice nurse certified to prescribe medication, and permitted by the parent for administration or application.

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

~~(P)~~(R) "Modified diet" means any diet eliminating the use of any one or more of the four food groups or altering the amount of food required to be served to meet one-third of the recommended dietary allowance as required by rule 5101:2-13-22 of the Administrative Code.

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

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

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

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

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

~~(V)~~(X) "Provider" means the person responsible for the daily operation of the family child care home. The provider and the owner of the family child care home shall be the same person and the family child care home shall be the permanent residence. If the owner of the ~~home~~family child care program is a corporation, the agent(s) of the corporation shall include the provider. For a type A home, the provider is also the named administrator.

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

~~(X)~~(Z) "Related to the provider" means any of the following persons when determining group size in a family child care home: grandchildren, daughters, sons, step daughters, step sons, sisters, brothers, step sisters, step brothers, nieces, nephews, half brothers, half sisters, or first cousins who are related to the provider by blood, marriage or adoption. Children receiving foster care from the provider are not considered to be related to the provider.

(AA) "Resident" means a person who lives in the family child care home for more than ten consecutive calendar days and is included in the household composition.

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

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

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

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

~~(CC)~~(FF) "Specialized foster home" means a medically fragile foster home or a treatment foster home.

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

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

~~(FF)~~(HH) "Treatment foster care" means foster caregiver-based treatment services for children whose special or exceptional needs cannot be met in their own homes. Treatment foster care focuses on providing rehabilitative services to children with special or exceptional needs and their families with the primary location of treatment being in the treatment foster home.

~~(GG)~~(II) "Type A home" means the permanent residence of the provider in which child care is provided for seven to twelve children at one time.

~~(HH)~~(JJ) "Type B home" means the permanent residence of the provider in which child care is provided for one to six children at one time and no more than three children are under two years of age.

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

Effective: 10/29/2021

Five Year Review (FYR) Dates: 7/29/2021 and 10/29/2026

CERTIFIED ELECTRONICALLY

Certification

10/14/2021

Date

Promulgated Under: 119.03
Statutory Authority: 5104.017, 5104.018
Rule Amplifies: 5104.01
Prior Effective Dates: 09/05/1986, 07/01/2003, 09/01/2007, 09/29/2011,
09/28/2015, 12/31/2016, 10/29/2017, 12/01/2019

5101:2-13-02 **Application and amendments for a family child care provider license.**

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

A resident of Ohio who wishes to become a licensed family child care provider ~~shall~~is to:

(1) Complete a professional registry profile for the family child care applicant through the Ohio professional registry (OPR) at <https://ocrra.org/opr>.

(2) Register online through the OPR and complete the required ~~orientation~~family child care prelicensing training. The ~~orientation~~prelicensing training shall have been taken within the ~~two~~five years prior to application for a license.

(3) Complete an application online in the Ohio child licensing and quality system (OCLQS) at <https://oclqs.force.com> and submit the fee of ~~two hundred fifty~~twenty-five dollars to the Ohio department of job and family services (ODJFS).

(a) The application fee submitted with an application is nonrefundable and shall not be credited or transferred to any other application.

(b) The application is considered filed with the ODJFS as of the date it is received electronically and the payment has cleared.

(c) The application will be deleted from the system after one hundred twenty days if the fee payment is not received.

(d) Any application submitted without complete and accurate information will need to be amended with complete and accurate information before being licensed.

(e) The application will be deleted and the fee forfeited if the home is not ready to be licensed after twelve months.

(4) Notify in OCLQS if the provider wants to voluntarily withdraw the application. This results in a forfeiture of the application fee.

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

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

(C) Does the family child care provider license need to be ~~posted and where should it be posted~~ visible?

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

~~(1) The family child care license shall be posted.~~

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

(D) Can a family child care license be issued to an address that is currently licensed ~~Can more than one child care provider license be issued for an address?~~

(1) Only one family child care provider license shall be issued for each address.

(2) A family child care provider license shall not be issued to any address that is currently licensed as a child care center.

(E) Can someone be both a licensed family child care provider and be certified to provide foster care pursuant to Chapter 5103. of the Revised Code?

(1) A licensed type A provider shall not be certified to provide foster care.

(2) A licensed type B provider may be certified for foster care but shall be not certified as a specialized or treatment foster care home pursuant to Chapter 5103. of the Revised Code. A licensed type B provider who was initially certified as a type B provider prior to August 14, 2008 with no break in certification or licensure is exempt from this requirement.

(F) Will the license be a continuous license?

The license shall be a continuous license unless:

(1) The family child care provider is in the provisional period pursuant to rule 5101:2-13-06 of the Administrative Code.

(2) The family child care provider moves to a new address and does not propose a change of location amendment pursuant to paragraph (G) of this rule.

(3) The owner of the type A home program, which can be a corporation or partnership, provider changes and a new application for licensure is not submitted pursuant to paragraph (A) of this rule. This includes if the corporation or partnership no longer exists.

(4) The family child care provider voluntarily surrenders the license by notifying the county agency in OCLQS, in writing.

(5) It is revoked pursuant to rule 5101:2-13-05 of the Administrative Code.

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

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

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

(a) License capacity.

(b) Change of location of the program.

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

(a) For a change in capacity, the provider shall request and be approved for the amendment prior to serving additional children. This includes submitting all corrective action plans required pursuant to rule 5101:2-13-03 of the Administrative Code.

(b) For a change in location, the provider shall request the amendment at least thirty days prior to the last day at the current location. Failure to request within thirty days may result in a gap of care. Care shall not begin until the license has been transferred to the new location.

(4) Can a family child care home request a change in administrator?

Only a type A home provider may change an administrator if all of the following are met:

(a) ~~The home is owned by a corporation.~~ If the owner of the type A home program is a corporation, the agent(s) of the corporation is to include the provider.

(b) The proposed administrator is a resident of the home and agent of the corporation and meets the requirements of a provider pursuant to rule 5101:2-13-07 of the Administrative Code.

(c) The provider ~~logs onto <https://oclos.force.com> and~~ submits a request and all applicable documents to the county agency in OCLQS.

(5) What are the requirements if a family child care provider wants to permanently move to a different location?

The provider ~~shall~~ is to:

- (a) Comply with paragraph (G)(3)(b) of this rule.
 - (b) Submit all required documents listed in appendix C to this rule prior to licensure at the new location.
 - ~~(b)(c)~~ (c) Submit a fee of ~~one hundred~~ twenty-five dollars in OCLQS thirty days prior to the proposed move.
 - ~~(e)(d)~~ (d) Comply with an inspection at the new location and any applicable determinations of license capacity for the new location.
 - ~~(d) Submit all required compliance materials prior to licensure at the new location.~~
 - (e) Cease child care operation at the original location at the time the license is issued for the new address.
 - (f) If care ceases at the old location before the new location is ready to be licensed, the program may be temporarily closed pursuant to paragraph (I) of this rule.
 - (g) If the new location is unable to be licensed within ninety days after the request, the request for amendment will be closed which results in forfeiture of the application fee.
- (6) What are the requirements if a family child care provider needs to temporarily provide care in a different location?
- (a) If the family child care provider is temporarily unable to provide care in the licensed location because the physical location has been deemed unsafe for care of children by the building department, fire department, local health department or local law enforcement, the provider may request to temporarily provide care in a new location.
 - (i) The family child care provider shall send a written request to the county agency and comply with an inspection of the temporary location prior to providing care at the temporary location.
 - (ii) The written request shall include written documentation from the government agency that deemed the location to be unsafe for care of children and shall include the plan and timeline for addressing the needs of the licensed location.

(iii) Prior to resuming care at the licensed location, the family child care provider shall provide written approval to the county agency from the government agency that has deemed the location safe to resume care of children.

(b) If the family child care provider is unable to return to the licensed location within ~~ninety~~ one hundred eighty days, the provider shall follow the process for a permanent change of location pursuant to paragraph ~~(G)(4)~~ (G)(5) of this rule. There are no extensions for a temporary change of location.

(H) When shall an initial application and fee be required from a type A home provider?

An initial application and fee are required for any change in ownership which is defined as a sale of a child care program in its entirety or a transfer of control and administration by the owner(s) of a child care program to a new controlling entity.

(I) How shall a family child care provider request a voluntary temporary closure status for a licensed family child care home?

(1) The provider shall request ~~in writing to ODJFS~~ the temporary closure status in OCLQS.

(2) The temporary closure status shall not exceed twelve months.

(3) The provider shall not serve any children during the temporary closure status.

(4) The provider shall comply with an inspection prior to the end of the temporary closure status and serving children again.

(5) If at the end of the twelve months, the family child care provider has not requested ~~in writing~~ OCLQS to reinstate the license or is not able to be re-opened, the ODJFS may close the license without hearing rights in accordance with the requirements of Chapter 119. of the Revised Code.

(J) What information ~~shall~~ will the provider keep current in OCLQS?

(1) Mailing address.

(2) Telephone number.

(3) Email address.

(4) Days and hours of operation.

(5) Services offered.

(6) Name of program, if applicable. ~~(if applicable) for type A homes only.~~

(7) Ohio secretary of state entity number, if applicable.

(8) Private pay rates.

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

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

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

The provider shall ~~complete an updated JFS 00598~~ log into OCLQS to complete and submit the information to ODJFS within thirty days of the change, for type A homes only.

~~(M)~~~~(L)~~ What is the county agency's responsibility for the application and issuance of a license for a family child care provider?

The county agency ~~shall~~ is to:

(1) Begin to review documents submitted as part of the application within ten business days of receiving the documents in OCLQS.

~~(1)~~~~(2)~~ Recommend the application for approval or denial to the ODJFS within ninety days of receiving a completed application. The completed application includes all of the requirements in appendix A to this rule with the exception of the completed background check pursuant to rule 5101:2-13-09 of the Administrative Code. The completed application also indicates that the provider is ready for the prelicensing inspection.

(3) Complete the prelicensing inspection within ten business days after the application is complete and all documents have been approved.

~~(2)~~~~(4)~~ Recommend the approval or denial of the request for change of location, move to a temporary location or a voluntary temporary closure status to ODJFS within five business days of receiving the request and all required written documentation.

- ~~(3)~~(5) Provide the applicant with the JFS 08087 "Ohio Communicable Disease Chart" ~~(rev. 12/2016)~~ when a recommendation is made to ODJFS to license the applicant.
- ~~(4)~~(6) Request from the current county agency any documentation not captured in OCLQS within ten business days if a provider proposes a change of location into the county.
- ~~(5)~~(7) Provide the new county agency with any documentation not captured in OCLQS within ten business days if a provider proposes a change of location to another county.

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Required Documents During the Application Process

The following documents shall be submitted at the time of application for a licensed family child care provider.

- Verification of completion of a high school education, as required in rule 5101:2-13-07 of the Administrative Code.
- A medical statement for the family child care provider applicant that meets the requirements detailed in appendix B to this rule.
- JFS 01250 "Plan of Operation for Child Care" and any necessary attachments.
- Written information for parents and employees as required in rule 5101:2-13-07 of the Administrative Code.
- JFS 01174 "Adjudicated a Delinquent Child Statement."
- Documentation of building inspection pursuant to rule 5101:2-13-04 of the Administrative Code, for type A home providers.
- Fire inspection approval type A home providers issued pursuant to rule 5101:2-13-04 of the Administrative Code.
- Articles of incorporation, if applicable, for type A home providers.
- Written zoning approval, for type A home providers.
- Written disaster plan as required in rule 5101:2-13-16 of the Administrative Code.

Note: Requests for background checks in the Ohio Professional Registry (OPR) and fingerprints for the bureau of criminal investigation (BCI) and federal bureau of investigation (FBI) criminal records checks for the provider and any resident of the home, age 18 or older, shall be submitted at the time of application in accordance with rule 5101:2-13-09 of the Administrative Code.

Medical Statement Requirements for Family Child Care Providers, Employees, Child Care Staff Members and Substitute Child Care Staff Members in a Licensed Family Child Care Home

The following shall be contained in a medical statement:

- The date of the examination (within the previous twelve months).
- The signature, business address, telephone number of the licensed physician as defined in Chapter 4731. of the Revised Code, physician's assistant, advanced practice registered nurse, certified nurse midwife or certified nurse practitioner who completed the examination.
- A statement that verifies the person is:
 - Physically fit for employment in a family child care home caring for children.
 - Immunized against measles, mumps and rubella (MMR), except that for persons born on or before December 31, 1956, a history of measles or mumps disease may be substituted for the vaccine. A history of rubella disease shall not be substituted for rubella vaccine. Only a laboratory test demonstrating detectable rubella antibodies shall be accepted in lieu of rubella vaccine.
 - Immunized against tetanus, diphtheria and pertussis (Tdap) from a licensed physician as defined in Chapter 4731. of the Revised Code, physician's assistant, advanced practice registered nurse, certified nurse midwife, certified nurse practitioner or licensed pharmacist.
 - The person may be exempt from the immunization requirement for religious reasons with written documentation signed by the individual, and for medical reasons with written documentation signed by a licensed physician.
- An additional report or examination by a licensed physician or mental health professional may be required when there is concern about a person's ability to perform required duties.

Appendix C to Rule 5101:2-13-02

Required Documents for a Permanent Change of Location

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

- JFS 01250 "Plan of Operation for Child Care" and any necessary attachments.
- Documentation of building inspection pursuant to rule 5101:2-13-04 of the Administrative Code, for type A home providers.
- Fire inspection approval issued pursuant to rule 5101:2-13-04 of the Administrative Code, for type A home providers.
- Written zoning approval, for type A home providers.

5101:2-13-03

Compliance inspection and complaint investigation of a licensed family child care provider.

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

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

(B) Will inspections be announced or unannounced?

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

(C) What is required of a licensed family child care provider for an inspection and/or complaint investigation?

The family child care provider shall allow the county agency and the Ohio department of job and family services (ODJFS) to:

- (1) Complete an inspection of all areas of the family child care home where child care is provided, children have access to, and all areas used to verify compliance with Chapter 5101:2-13 of the Administrative Code and Chapter 5104. of the Revised Code.
- (2) Review required records and documentation.
- (3) Interview or take statements from anyone pertinent to the investigation which may include any of the following:
 - (a) Building ~~inspectors~~officials, fire department inspectors, sanitarians, public health or other state or local officials.
 - (b) Neighbors.
 - (c) Parents and relatives of children in care.
 - (d) Residents of the home.
 - (e) Staff of the public children services agency (PCSA).

- (f) Staff of the county agency and the ODJFS.
- (g) Anyone mentioned by the complainant.
- (h) Law enforcement personnel.
- (i) Current and past family child care staff employees.
- (j) Other witnesses.

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

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

The family child care provider shall:

- (1) ~~Provide written materials to the county agency~~ Complete and submit a corrective action plan in the Ohio child licensing and quality system (OCLQS) addressing the non-compliances detailed in the inspection report within the time frame requested in the inspection report.
- (2) Not misrepresent, falsify or withhold information from the county agency or ODJFS.

(E) Will a licensed family child care provider have additional inspections based on non-compliances found?

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

(F) What if a licensed family child care provider does not agree with the licensing findings?

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

- (1) ~~Complete and submit a JFS 01155 "Request for Review for Licensing and Step Up To Quality" (12/2016) with any applicable documentation.~~
- (2) ~~Submit the request and documentation within seven business days from the receipt of the inspection report.~~

(G) What are the county agency requirements for compliance inspection and complaint investigation of a family child care provider?

~~(1) The county agency shall inspect each family child care home according to the schedule as determined by ODJFS and released via a procedure letter.~~

~~(2)(1) All inspections shall~~are to be completed during the operating hours of the family child care home even if children are not currently enrolled.

(a) The county agency is to complete at least one of the two unannounced annual inspections when a child(ren) for whom the provider is receiving compensation is present.

(b) If no child(ren) is enrolled, the inspection will still be completed. When at least one child for whom the provider is receiving compensation is present, a monitoring inspection is to be completed.

~~(3)(2)~~ For each inspection, the county agency shall:

~~(a) Complete the JFS 01926 "Inspection Report for Family Child Care" (rev. 10/2017), the JFS 01306 "Employee Record Chart for Child Care" (rev. 10/2017) and the JFS 01215 "Children's Record Review for Child Care" (rev. 12/2016) or system-generated equivalents~~inspection report in OCLQS the Ohio child licensing and quality system (OCLQS).

~~(i) If OCLQS is not utilized on-site, the county agency shall enter the data from the JFS 01926, JFS 01306 and JFS 01215 into the system within the timeline specified in rule 5101:2-13-26 of the Administrative Code.~~

~~(ii) If additional information is added to the report or it is revised in any way, the county agency shall send a copy of the report to the provider within five business days of the date of the addition or revision.~~

(b) Provide a hard copy or electronic copy of the inspection report and supporting documents to the provider by close of business the next business day, and within five business days of the date of the addition or revision, if additional information is added to the report or it is revised in any way.

~~(4)(3)~~ The county agency shall investigate any complaints alleging rule noncompliance against a provider. The county agency may inspect the family child care home as part of the complaint investigation.

- (a) Investigations of all complaints shall begin within five business days of the receipt of a complaint by the county agency.
- (b) If the complaint alleges an immediate risk to children, the county agency shall begin the investigation by the next business day of receipt of the complaint.
- (c) For each investigation, the county agency ~~shall~~ is to:
 - (i) Document the complaint in OCLQS.
 - (ii) Send to the provider a copy of the OCLQS inspection and/or complaint report within ten business days of the completion of the investigation, and within five business days of the date of the addition or revision, if additional information is added to the report or it is revised in any way.
 - ~~(ii) Complete the JFS 01526 "Complaint Investigation Receipt for Child Care" (rev. 12/2016) and furnish one copy to the family child care provider before the county agency staff leaves the provider's home. This form is not required for any portion of the investigation completed by telephone pursuant to paragraph (G)(4)(d) of this rule.~~
- ~~(d) If a JFS 01926 is completed as part of an investigation conducted by telephone, the county agency shall send a copy of the report to the provider within five business days of the initial telephone contact. If additional information is added to the report or it is revised in any way, the county agency shall send a copy of the report to the provider within five business days of the date of the addition or revision.~~
- (4) The county agency is to take the following action when a serious incident is reported in OCLQS as required in paragraph (G) of rule 5101:2-13-16 of the Administrative Code:
 - (a) When a complaint is received on the same non-compliance, complete a complaint investigation pursuant to paragraphs (G)(3) and (H) of this rule.
 - (b) When a complaint is not received, issue an inspection within ten days for the non-compliances reported.
- ~~(5) Each JFS 01926 shall include:~~
 - ~~(a) A statement of the specific non-compliance findings.~~

~~(b) A statement of what must be done to correct the noncompliance.~~

~~(c) The date, not to exceed thirty business days, by which the correction must be completed.~~

~~(6)~~(5) The county agency shall provide a copy of the ~~JFS 01926 or its system generated equivalent~~ inspection report to anyone who submits a request to the county agency. The county agency shall remove all confidential information prior to providing a copy of the ~~JFS 01926~~.

~~(7)~~(6) The county agency shall provide technical assistance for complying with the requirements of Chapter 5104. of the Revised Code and Chapter 5101:2-13 of the Administrative Code.

(H) What other requirements shall the county agency follow for complaints?

(1) If the complaint alleges child abuse or neglect, the county agency shall report the complaint within the same business day to the public children services agency (PCSA). The oral report shall be followed with a written report to the PCSA, if requested by the PCSA. The written report shall contain the following:

(a) A summary of allegations.

(b) The name of the reporter, unless anonymity is requested.

(c) A summary of actions taken by the county agency or plans to initiate an investigation of non-compliance with the regulations contained in Chapter 5101:2-13 of the Administrative Code.

(d) A request for clarification of joint or parallel investigatory roles.

(2) A PCSA investigation does not relieve the county agency of its responsibility to investigate provider non-compliance with regulations contained in Chapter 5101:2-13 of the Administrative Code unless the PCSA indicates that the county agency complaint investigation would interfere with the PCSA's investigation of the case.

(3) If the county agency receives a report that an unlicensed home may be caring for too many children in violation of section 5104.02 of the Revised Code, the county agency shall refer the report to ~~the appropriate ODJFS child care licensing office~~ for investigation. ~~If the home is licensed, the county agency shall conduct an investigation according to procedures contained in this rule.~~

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

- (1) Inspections may be viewed at <http://childcaresearch.ohio.gov/>.
- (2) An individual may submit a written request to ODJFS for a copy of the family child care home licensing record.

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Moderate and Serious Risk Non-compliances and Point Values for Family Child Care

<p>All non-compliances not identified as a moderate risk or serious risk below are valued as 1 point.</p>
<p>5101:2-13-03 Compliance inspection and complaint investigation of a licensed family child care provider</p> <p>Serious Risk Non-Compliance (6 Points)</p> <ul style="list-style-type: none"> • Provider, resident, child care staff member or employee refuses Ohio Department of Job and Family Services (ODJFS) or county agency access to program. • Provider falsifies information to ODJFS or county agency.
<p>5101:2-13-04 Building department inspection and fire inspection for a licensed family child care provider</p> <p>Moderate Risk Non-Compliance (3 Points)</p> <ul style="list-style-type: none"> • Care is provided for children on an unapproved floor or in an unapproved area of the home (Type A and Type B); room/building occupancy is exceeded (Type A only); children are cared for in room not approved for age group (Type A only). • Fire Approval – Unable to obtain approval due to violations or update not requested at least 30 days prior to expiration (Type A only). • Flammable or combustible materials and substances are store neared heaters, furnaces, water heaters or gas appliances (Type B only). • The home’s primary or alternate escape route is blocked or inaccessible (Type B only).
<p>5101:2-13-09 Background check requirements for a licensed family child care provider</p> <p>Moderate Risk Non-Compliance (3 Points)</p> <ul style="list-style-type: none"> • Background check request not submitted or fingerprints not submitted or resident of the home turns 18 or moves into the home and background check request not submitted or fingerprints not submitted. • Employee or child care staff member working in the home and preliminary approval is not on file or in the Ohio professional registry (OPR). • Child care staff member left alone with child(ren) and preliminary approval or JFS 01176 is not on file or in the OPR. • Background check is expired and not updated. <p>Serious Risk Non-Compliance (6 Points)</p> <ul style="list-style-type: none"> • Provider has an ineligible background check. • Resident, employee or child care staff member is not eligible for employment or residency and remains employed or residing in the home. • Provider, resident, employee or child care staff member refuses to submit information for a background check request or refuses to submit fingerprints.
<p>5101:2-13-11 Indoor and outdoor space requirements for a licensed family child care provider</p> <p>Moderate Risk Non-Compliance (3 Points)</p> <ul style="list-style-type: none"> • "S" hooks not closed appropriately, equipment and/or ropes not securely anchored or entrapment hazards exist. • Protective surfacing is required but is inadequate or missing under equipment used for climbing, swinging, balancing, and sliding. • Fence or barrier missing or inadequate. • Unsafe route used to off-site space.

5101:2-13-12 Safe equipment and environment for a licensed family child care provider

Moderate Risk Non-Compliance (3 Points)

- Chemicals or unsafe equipment (lawnmowers, power tools accessible, etc.) are accessible while a child(ren) is present.
- Child(ren) present is not protected from unsafe items, conditions or situations.
- No mats under indoor climbing equipment.
- Home does not have required or working carbon monoxide detector (Type B only).

Serious Risk Non-Compliance (6 Points)

- Firearms, weapons or ammunition materials are not secure and there's no valid exemption, or are carried by someone with a valid exemption but are accessible while child(ren) is present.
- Illegal drugs on premises or alcohol accessible while child(ren) is present.

5101:2-13-14 Transportation and field trip safety for a licensed family child care provider

Moderate Risk Non-Compliance (3 Points)

- Driving a vehicle without correcting the noted violations, vehicle type not permitted to be used.
- 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.

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.

5101:2-13-15 Child record requirements for a licensed family child care provider

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.

5101:2-13-18 Group size and ratios for a licensed family child care provider.

Moderate Risk Non-Compliance (3 Points)

- Program is out of ratio.
- Program exceeds license capacity.

5101:2-13-19 Supervision of children and child guidance for a licensed family child care provider

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 off-site.
- Child completely left alone in home (no adults).

- Child unattended outside (not school-age).
- Provider fails to report suspected abuse/neglect/endangerment.
- Provider uses prohibited disciplinary techniques.
- Substantiated public children's services agency finding of abuse, neglect or endangerment by any child care staff member, employee, resident or provider.
- Child not protected from harm which resulted in a serious incident or injury.

5101:2-13-20 Sleeping and napping requirements for a licensed family child care provider

Moderate Risk Non-Compliance (3 Points)

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

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

Moderate Risk Non-Compliance (3 Points)

- Provider or child care staff member are asleep before all children are asleep.
- Children under 5 are not on the same floor as the provider or child care staff member.
- Child(ren) asleep on unapproved floor of home.

5101:2-13-22 Meal preparation/nutritional requirements for a licensed family child care provider.

Moderate Risk Non-Compliance (3 Points)

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

5101:2-13-23 Infant care and diaper care for a licensed family child care provider

Moderate Risk Non-Compliance (3 Points)

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

5101:2-13-24 Swimming and water safety requirements for a licensed family child care provider

Serious Risk Non-Compliance (6 Points)

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

5101:2-13-25 Medication administration, food supplements and medical foods for a licensed family child care provider

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 child.

Serious Risk Non-Compliance (6 Points)

- Medication was administered to the wrong child.

5101:2-13-04

Building department inspection and fire inspection for a licensed family child care provider.

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

- (1) Licensed type A homes shall be inspected by the local building department having jurisdiction. Building inspections shall be obtained:
 - (a) At the time of application for a child care license.
 - (b) At the time ~~of~~ a type A home requests a license amendment for a change of location, including a temporary change of location.
 - (c) Prior to the use of any areas of the structure not previously inspected ~~and approved~~ for child care use.
 - (d) At the time of any major repair, modification, or alteration of any existing structure presently being used for a type A home but prior to the continued use of modified or altered parts of the structure. A major repair, modification or alteration includes:
 - (i) Cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support or the removal or change of any required means of escape, or rearrangement of parts of the structure affecting the exit requirements.
 - (ii) Addition to, alteration of, replacement or relocation of any gas, oil, water, soil, waste or vent piping, electrical wiring or heating, ventilating or air-conditioning equipment.
 - (iii) Any modification ~~requiring a new certificate of occupancy that would otherwise need a plan approval~~ as required by the rules of the Ohio board of building standards ~~Ohio department of commerce or local certified building authority.~~
- (2) The licensed type A home provider shall abide by any stipulations or limitations that are noted on the building inspection report.
- (3) The building department inspection shall be documented on a form set forth by the ~~bureau~~ board of building standards and be available on-site for review.
- (4) The licensed type A home provider shall provide documentation that the type A home license is not prohibited by the local zoning board.

(B) What are the type A home requirements for a fire inspection and approval?

- (1) Licensed type A homes shall secure a fire inspection and written approval from the state fire marshal or the local fire safety inspector for the municipality or township having jurisdiction. The type A home shall abide by any stipulations or limitations set forth in the written documentation by the state fire marshal or the local fire safety inspector.
- (2) The fire inspection and approval needs to be obtained for a licensed type A home:
 - (a) At the time of initial application for a family child care license.
 - (b) At the time of a family child care license amendment when requesting a change of location, including a temporary change of location.
 - (c) At least once annually within each twelve months from the date of the last fire approval report.
 - (d) Prior to the use of any areas of the structure not previously inspected and approved for use for type A home care.
 - (e) Prior to caring for infants and non-ambulatory children of any age other than on the first floor of the type A home.

(C) What are the type B home building requirements?

- (1) Space is to be approved by the county agency prior to the use of any area of the structure not previously inspected and approved for use.
- (2) The type B home provider is to notify the county agency in OCLQS, if the provider wants to utilize or structurally modify any space not previously inspected and approved for use.
- (3) Rooms or spaces higher than the second floor of the structure are not to be used for child care.

~~(C)~~ (D) What requirements does a licensed type B home provider need to ensure fire safety?

A licensed type B home shall have:

- (1) The emergency exit features and operational conditions listed in appendix A to this rule.
- (2) At least one underwriters laboratories (UL) or factory mutual laboratories (FM) smoke ~~detector~~ alarm located in the basement and on each level of the licensed type B home. The licensed type B home provider shall place, install,

test and maintain smoke ~~detectors~~alarms in accordance with manufacturer's recommendations.

- (3) At least one working UL or FM portable fire extinguisher, not expired, in the licensed type B home which shall have a minimum rating of 1A:10BC. ~~At least one fire extinguisher shall be located in the kitchen where food is provided for child care or cooking area.~~
- (4) All electrical connections made in junction boxes properly covered. Electrical extension cords shall not be used as permanent wiring.
- (5) ~~A written evacuation plan that identifies the primary escape route and alternate escape route to a designated meeting place outside of the home. A copy of the plan shall be posted on each level of the home on which care is provided.~~

~~(D)~~(E) What are the requirements for flammable and combustible materials and substances on-site at the licensed type B home?

If a licensed type B home provider has items such as, but not limited to, gasoline, kerosene, propane and other fuels, the materials shall be stored in accordance with the storage requirements listed in appendix B to this rule.

~~(E)~~(F) Can a licensed type B home provider use heaters?

If vented gas, oil, or wood-fired heaters are used, a nonflammable guard shall be provided for each heater, stove or fireplace to protect the children from hot surfaces and open flames.

- (1) No unprotected open flame, such as fireplaces, oil lamps or candles, shall be allowed to burn in the home while care is being provided.
- (2) Unvented fuel-fired heaters shall not be used while child care is being provided.

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Fire Safety Requirements for a Licensed Type B Home Provider

Emergency Exit and Operational Conditions

(1) All levels used for child care shall have a primary escape route which provides a safe exit to the outside of the home. If the level is above or below ground level, the primary escape route shall be an interior stairway or an exterior stairway.

(2) In addition to the primary escape route, each level used for child care, including for napping and sleeping purposes, shall have an alternate means of escape. The alternate escape route shall not use the same stairway as the primary escape route. This alternate escape route shall include either of the following:

- A door or stairway providing an unobstructed exit to the outside of the home at ground level.
- A window at least twenty inches in width that opens without the use of tools to the outside. The interior window opening shall be at least 5.7 square feet in area. If the window is more than forty-four inches above the floor, there shall be a platform or stairs under the window. The platform or stairs shall be firmly attached to the floor or wall.

(3) No room or space that is accessible only by a ladder, folding stairs, or through a trapdoor shall be used for child care.

(4) All hallways, corridors, ramps and passageways leading to an exit shall be adequately lighted by natural or artificial light using at least a 60 watt light bulb or comparable compact fluorescent light (CFL) bulb.

(5) Doorways, corridors, and stairways which are part of the primary or alternate escape route shall be kept clear of obstructions such as toys, clothing, snow, ice, accumulated trash and assorted debris.

Flammable and Combustible Material Storage for a Type B Home Provider

1. No gasoline, kerosene, propane or other fuels shall be stored in the space approved for care in the licensed type B home.

2. Flammable and combustible materials and substances shall be:

- Stored in their original containers.
- Kept in closed storage.
- Stored out of the reach of children.
- Stored away from heaters, furnaces, water heaters and gas appliances.

5101:2-13-05

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

(1) For the purposes of paragraphs (C) and (E) of this rule, "owner" is as defined in rule 5101:2-13-01 of the Administrative Code, except that "owner" also includes a firm, organization, institution, or agency, as well as any individual governing board members, partners, or authorized representatives of the owner as defined in section 5104.03 of the Revised Code.

(2) For all other paragraphs of this rule, "owner" is as defined in rule 5101:2-13-01 of the Administrative Code.

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

(1) The family child care provider is not in compliance with Chapter 5101:2-13 of the Administrative Code or Chapter 5104. of the Revised Code.

(2) The family child care provider or a household member has been determined not eligible ~~for employment or residence~~to own a child care program or to be employed or reside in a licensed family child care home as a result of the background check requirements pursuant to rule 5101:2-13-09 of the Administrative Code.

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

(4) The family child care provider, resident, employee or child care staff member has refused to allow ODJFS or the county agency staff access onto its premises or to any area used for child care during operating hours.

(5) The family child care provider has furnished or made misleading or false statements or reports to ODJFS or the county agency.

~~(6) The family child care provider has accumulated eighteen or more points from moderate or serious risk non-compliances in accordance with appendix A to rule 5101:2-13-03 of the Administrative Code, during the provisional license period.~~

~~(7)~~(6) Failure of any person, firm, partnership, organization, institution, or agency to cooperate with ODJFS or any state or local official when performing duties

required by Chapter 5104. of the Revised Code and Chapter 5101:2-13 of the Administrative Code.

~~(8)~~(7) Someone under the age of eighteen who resides in the home has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code or an offense of any other state or the United States that is substantially equivalent and the records of the adjudication or conviction have not been sealed or expunged pursuant to sections 2151.355 to 2151.38 or sections 2953.31 to 2953.38 of the Revised Code.

~~(9)~~(8) It has been determined through the results of the child abuse and neglect report or any other means pursuant to rule 5101:2-13-09 of the Administrative Code that there is an individual, of any age, who resides in the home and whose behavior or health may endanger the health, safety, or well-being of children.

~~(10)~~(9) The family child care provider fails to cooperate with the county agency or ODJFS in the licensing process or complaint investigation including, but not limited to, consistently being unavailable for unannounced inspections conducted by the county agency or the ODJFS.

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

(1) If an application for a child care center, type A home or type B home has been issued a notice of intent to deny, no new application for a type A home license or type B home license shall be processed for the owner until after the completion of the denial process.

(2) If a provisional or continuous license for a child care center, type A home or type B home has been issued a notice of intent to revoke, no new application for a type A home license or type B home license shall be processed for the same owner until after the completion of the revocation process.

(3) If the family child care provider has been issued a notice of intent to revoke the program's license, the family child care provider is to notify the families of all enrolled children and post the notice of intent in a noticeable location in the family child care home within forty-eight hours of receipt of the notice.

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

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

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

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

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

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

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

~~(E)~~(F) Which licensing actions by ODJFS gives the family child care provider rights to a prior adjudicatory hearing in accordance with the requirements of Chapter 119. of the Revised Code?

(1) Denial of an application.

(2) Revocation of an existing license, either provisional or continuous.

(3) The finding of jurisdiction in accordance with rule 5101:2-13-01 of the Administrative Code.

(4) Issuance of a license with authorization for license capacity which does not agree with the authorization sought by the provider.

(5) Denial of a continuous license at the expiration of the family child care provider's provisional license.

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

ODJFS may immediately suspend the license of a family child care provider if ODJFS determines that any of the following have occurred:

(1) A child dies or suffers a serious injury while receiving child care by the family child care provider.

- (2) A public children services agency (PCSA) accepts a complaint of abuse or neglect pursuant to section 2151.421 of the Revised Code on any of the following people:
- (a) The owner or owner's representative of the family child care home.
 - (b) The administrator of the type A home, if not the owner or owner's representative and if the administrator has not been released from employment or put on administrative leave.
 - (c) An employee of the family child care home, if the employee has not been immediately released from employment or put on administrative leave.
 - (d) A resident of the family child care home.
- (3) Any of the following people have been charged by indictment, information, or complaint with an offense relating to the abuse or neglect of a child:
- (a) The owner or owner's representative of the family child care home.
 - (b) The administrator of the type A home, if not the owner or owner's representative and if the administrator has not been released from employment or put on administrative leave.
 - (c) An employee of the family child care home, if the employee has not been released from employment or put on administrative leave.
 - (d) A resident of the family child care home.
- (4) ODJFS or a county agency determines that the licensed family child care provider created a serious risk to the health or safety of a child receiving child care in the family child care home that resulted in or could have resulted in a child's death or injury.
- (5) ODJFS determines that the family child care provider does not meet the requirements of section 5104.013 of the Revised Code.

~~(G)~~(H) What happens if a family child care provider's license is suspended?

- (1) Upon receipt of a written suspension order from ODJFS, delivered either by certified mail or in person, the family child care provider shall:
- (a) Immediately stop providing care to all children.

(b) Provide written notification of the suspension to the parents of all children enrolled in the home.

(2) Refusal of delivery by personal service or by mail is not failure of delivery and service shall be deemed to be complete.

~~(H)~~(I) Can the family child care provider request a review of the decision to suspend the license?

The family child care provider may request an adjudicatory hearing before the department pursuant to sections 119.06 to 119.12 of the Revised Code.

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

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

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

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

- (1) Rejection by ODJFS of any application for a license for procedural reasons, such as but not limited to, improper fee payment, incomplete submission of required materials or use of invalid forms.
- (2) Denial of an application pursuant to paragraph ~~(D)~~(E) of this rule.
- (3) Closing a license that has been in a temporary closure for more than twelve months pursuant to rule 5101:2-13-02 of the Administrative Code.
- (4) Closing a license if the family child care provider is no longer located at the address on the license and the owner has not requested a change of location or closure pursuant to rule 5101:2-13-02 of the Administrative Code.
- (5) Closing a license if the type A home owner or provider has changed.
- (6) Closing a license if the family child care provider does not have children, excluding the provider's own children, enrolled and attending at the end

of the extended provisional period pursuant to rule 5101:2-13-06 of the Administrative Code.

~~(K)~~(L) Can the county agency recommend denial of an application, suspension of a license or revocation of a license to ODJFS?

- (1) The county agency may recommend the denial of an application or revocation of a license for any of the reasons detailed in paragraph ~~(A)~~(B) of this rule.
- (2) The county agency may recommend the suspension of a license for any of the reasons detailed in paragraph ~~(E)~~(F) of this rule.
- (3) The county agency shall provide any requested documents to ODJFS.
- (4) If a license is revoked, the county agency shall contact any parents who are receiving publicly funded child care services from the provider by telephone with follow up written notification to inform the parent of the following:
 - (a) The provider's license has been revoked.
 - (b) The availability of alternate child care services.

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

- ~~(1) For the purposes of paragraphs (B) and (D) of this rule, "owner" is as defined in rule 5101:2-13-01 of the Administrative Code, except that "owner" also includes a firm, organization, institution, or agency, as well as any individual governing board members, partners, or authorized representatives of the owner.~~
- ~~(2) For all other paragraphs of this rule, "owner" is as defined in rule 5101:2-13-01 of the Administrative Code.~~

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5101:2-13-06

Procedures for a family child care provider operating under a provisional license.

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

A provisional license for a newly licensed family child care provider is valid for at least twelve months and until the continuous license is issued, unless revoked pursuant to rule 5101:2-13-05 of the Administrative Code.

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

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

- (1) Be in compliance with Chapter 5101:2-13 of the Administrative Code.
- (2) Have children for whom the provider receives compensation, enrolled and attending the home.
 - (a) If the provider has not served any children during the provisional period, the provisional period shall continue for up to twelve additional months or until children have been enrolled, whichever comes first.
 - (b) The county agency shall complete an inspection with children in attendance prior to recommending a continuous license.

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Provider responsibilities, requirements and qualifications for a licensed family child care provider.

(A) What are the requirements to be a licensed family child care provider?

~~The family child care provider shall:~~

(1) The family child care provider is to:

~~(1)(a)~~ (a) Be at least eighteen years old, and for those type B certified or licensed after April 1, 2003, have completed a high school education. Verification of high school education is detailed in appendix A to this rule.

~~(2)(b)~~ (b) Meet the training or education requirements detailed in appendix B to this rule.

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

~~(3)(d)~~ (d) Reside in the home where the care is being provided.

(e) Provide a safe, healthy environment when child care services are being provided.

(f) Not be involved in any activities that interfere with the care of the children. This includes not being involved in other employment during the operating hours of the family child care home.

~~(4) Not have had any child removed from his or her home due to abuse or neglect caused by the provider pursuant to section 2151.353 of the Revised Code.~~

~~(5) Not have a prohibited offense as required by rule 5101:2-13-09 of the Administrative Code.~~

~~(6) Provide a safe, healthy environment when child care services are being provided. The provider or anyone in the family child care home including any child care staff members shall not:~~

~~(a) Demonstrate physical or mental conditions potentially harmful to children.~~

~~(b) Be under the influence of alcohol or other drugs while child care is being provided.~~

(2) The provider and anyone in the family child care home, including any child care staff members is not to:

(a) Demonstrate physical or mental conditions potentially harmful to children.

(b) Be under the influence of alcohol or other drugs while child care is being provided.

~~(7) Not be involved in any activities which interfere with the care of the children. This includes not being involved in other employment during the operating hours of the family child care home.~~

~~(8)~~(3) The provider is to complete only one of the following:

(a) Obtain and maintain liability insurance that insures the family child care provider against liability arising out of, or in connection with, the operation of the family child care home.

(i) The liability insurance shall cover any cause for which the family child care home would be liable, in the amount of at least one hundred thousand dollars per occurrence and three hundred thousand dollars in the aggregate.

(ii) Proof of insurance shall be maintained at the home.

(iii) If the family child care provider is not the owner of the home where the family child care home is located and the provider obtains liability insurance described in this rule, the provider shall name the owner of the property as an additional insured party on the liability insurance policy if all of the following apply:

(a) The owner requests the provider in writing to add the owner to the liability insurance policy as an additional insured party.

(b) The addition of the owner does not result in cancellation or nonrenewal of the insurance policy.

(c) The owner pays any additional premium assessed for coverage of the owner.

(b) Complete the JFS 01933 "Liability Insurance Statement for Family Child Care Providers" (~~rev. 12/2016~~) if the family child care provider is not obtaining liability insurance and shall provide the JFS 01933 to the parent of each child receiving care in the home. The JFS 01933 shall be signed and dated by the parent and on file by the child's first day of attendance.

(i) If the family child care provider is not the owner of the home where the family child care home is in operation, the statement shall also include that the owner of the home may not provide coverage of any liability arising out of, or in connection with, the operation of the family child care home.

(ii) The JFS 01933 shall be kept on file at the home.

(B) What are the responsibilities of the on-going requirements to be a licensed family child care provider?

The family child care provider ~~shall~~ is to:

- (1) Be ~~onsite~~ on-site a minimum of seventy-five per cent of the operating hours per week. The provider may request a short-term exemption from this requirement from the county agency.
- (2) Post the provider's scheduled hours of availability to meet with parents in a noticeable location ~~place for parents~~.
- (3) Make available the current licensing rules to all staff and parents. The rules may be made available via paper copy or electronically.
- (4) Upon request, provide a parent with any information necessary for the parent to compile child care related expenses for income tax preparation, including tax identification numbers.
- (5) Be responsible for the creation, maintenance and implementation of the policies and procedures detailed in appendix C to this rule. A copy of these policies and procedures shall be available on-site at the home. Nothing in these policies is to conflict with Chapter 5104. of the Revised Code or Chapter 5101:2-13 of the Administrative Code, and if applicable, Chapter 5101:2-16 or 5101:2-17 of the Administrative Code.
- (6) Provide the parent and all employees with the policies and practices in appendix C to this rule.

- (7) Provide a copy of appendix D to this rule to the parents of children enrolled in the home.
- (8) ~~Notify the county agency~~ Update in the Ohio child licensing and quality system (OCLQS) no later than the next business day ~~five calendar days~~ of any change in the household composition including someone joining the household or leaving the household as well as anyone staying in the home for more than ten consecutive calendar days.
- ~~(9) Notify the county agency no later than the next business day of anyone temporarily staying in the home for more than five consecutive calendar days.~~
- ~~(10)~~ (9) Be responsible for all information provided to the county agency or the Ohio department of job and family services (ODJFS) including information provided by a substitute, child care staff member, employee, administrator or resident of the home.
- ~~(11) Have available on-site a written list of all employees including their dates of hire, positions and scheduled hours.~~
- (10) Cooperate with other government agencies as necessary to maintain compliance with Chapter 5101:2-13 of the Administrative Code.
- ~~(12)~~ (11) Submit to the county agency an updated JFS 01174 "Adjudicated a delinquent child statement" (rev. 10/2017) within ten business days if a child residing in the home is adjudicated a delinquent child.
- ~~(13)~~ (12) Ensure that no employee, licensee or child care staff member discriminates in the enrollment of children upon the basis of race, color, religion, sex, disability, or national origin.
- (13) Ensure compliance with Chapter 5104. of the Revised Code and Chapter 5101:2-13 of the Administrative Code.
- (C) What are the Ohio professional registry (OPR) and documentation responsibilities for the licensed family child care provider?
- The family child care provider is to:
- (1) Create or update their individual profile in the OPR.
 - (2) Create or update the program's organization dashboard in the OPR.

- (3) Ensure that all employees and child care staff members complete the following in the OPR:
- (a) Create or update their individual profile in the OPR.
 - (b) Create an employment record in the OPR for the program on or before their first day of employment, including date of hire.
 - (c) Update changes to positions or roles in the OPR within five calendar days of a change.
- (4) Update the program's organization dashboard in the OPR within five calendar days of a change for employees and child care staff members of the program, including:
- (a) Scheduled days and hours.
 - (b) Group assignments, if applicable.
 - (c) The end date of employment.
- (5) Maintain records for each current employee and child care staff member as required in Chapter 5101:2-13 of the Administrative Code on file at the home, if not yet verified in the OPR.
- (a) Make employment records available upon request by the county agency or by ODJFS for at least three years after each person's departure, if not yet verified in the OPR.
 - (b) Keep employment records confidential, except when made available to the county agency or ODJFS for the purpose of administering Chapter 5104. of the Revised Code and Chapter 5101:2-13 of the Administrative Code.
- (6) Ensure that all residents over the age of eighteen create a profile in the OPR and that the residents complete an employment record for the family child care provider within five days of becoming a resident or turning eighteen.
- (7) Within five calendar days of a change in residency, update the program's organization dashboard in the OPR for residents over the age of eighteen, if applicable.

~~(D)~~ (D) What if the type B home provider is a foster parent?

The type B home provider shall:

- (1) Notify the county agency and all parents.
- (2) Notify the county agency of all children receiving care within one business day of when the type B home provider is to begin caring for additional foster children.
- (3) Maintain a written record documenting the date and how the county agency and parents were notified about foster children in care.

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08/03/2013, 01/01/2014, 12/31/2016, 10/29/2017,
12/01/2019

Verification of High School Education

Verification of a high school education shall be one of the following:

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

Appendix B to Rule 5101:2-13-07

Education and Training Requirements for Family Child Care Providers

A family child care provider shall have one of the following:

1. At least thirty clock hours of documented training in early childhood education or related field.
2. Two years of college training verified by a transcript including two courses in child development. Two years of training shall be sixty semester or ninety quarter hours from an accredited college, university or technical college. Two courses shall be six semester hours or nine quarter hours from an accredited college, university or technical college.
3. A currently valid child development associate (CDA) credential issued by the national child development associate credentialing commission. In order to remain as the licensed provider, the CDA credential needs to be currently valid. Additional information on the CDA process may be obtained at <http://www.cdacouncil.org/>.
4. Completion of a two year vocational child care training program approved by the state board of education verified by a transcript or diploma.
5. A pre-kindergarten associate certificate that is issued by the state board of education.
6. A Montessori preprimary/early childhood credential from the American Montessori society, association of Montessori international, national center for Montessori education, or other Montessori program accredited by the Montessori accreditation council for teacher education.
7. At least twelve months experience in caring for children twelve years or younger. Parenthood may be used to meet this requirement.
8. Designation as a career pathways level one.

Written Information for Parents and Employees

Written information shall be developed and provided to parents and employees that include policies and procedures of the family child care home containing, at a minimum, the following:

General Information

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

Policies and Procedures

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

Appendix C to Rule 5101:2-13-07

- Symptoms for discharge and return.
 - Notification of parent of ill child.
 - Whether or not the provider will care for sick children.
11. Summary of procedures taken in the event of an emergency, serious illness or injury.
 12. Administration of medication and topical products policy:
 - Medical foods.
 - Modified diets.
 - Whether school age children are permitted to carry their own medication and ointments.
 13. Transportation policy for:
 - Field trips.
 - Routine walking trips, if applicable.
 - Emergencies, including if the provider will provide child care services to children whose parents refuse to grant consent for transportation to the source of emergency treatment.
 14. Water activities/swimming.
 15. Infant care, if applicable, including:
 - Feeding.
 - Frequency of diaper checks.
 - Information about daily activities.
 16. Sleeping, napping, and resting.
 17. Evening and overnight care, if applicable.
 18. Policy on Hours of Operation
 - Closing due to weather.
 - School delays or closings.
 - Any other factors.
 19. Use of a substitute child care staff member or child care staff member pursuant to 5101:2-13-08 of the Administrative Code for sick days, vacations, or other time off.
 20. Situations that may require disenrollment of a child, if applicable.
 21. Problem or issue resolution for parents or employees to follow when needing assistance in resolving problems related to the family child care home.
 22. Formal screenings and assessments conducted on enrolled children and if the program reports child level data to ODJFS pursuant to Chapter 5101:2-17 of the Administrative Code.

Family Child Care Parent Information

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

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

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

The provider's hours of availability are posted in a noticeable place in the home for review.

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

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

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

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

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

5101:2-13-08**Employees and child care staff members responsibilities and qualifications for a licensed family child care provider.****(A) What are the requirements for an employee of a family child care provider?**Employees are to:

- (1) Have on file, on or before the employee's first day of employment, a completed medical statement that meets the requirements of appendix B to rule 5101:2-13-02 of the Administrative Code.
- (2) Have written documentation on file of current immunization against tetanus, diphtheria and pertussis (Tdap) from a licensed physician as defined in Chapter 4731. of the Revised Code, physician's assistant, advanced practice registered nurse, certified nurse midwife, certified nurse practitioner or licensed pharmacist. The employee may be exempt from the immunization requirement for religious reasons with written documentation signed by the individual and for medical reasons with written documentation signed by a licensed physician.

(B) What are the requirements for a child care staff member of a family child care provider?Child care staff members, including substitute child care staff members:

- (1) Are to meet all of the requirements detailed in appendix A to this rule.
- (2) Are to have on file, on or before the child care staff member's first day of employment, a completed medical statement that meets the requirements of appendix B to rule 5101:2-13-02 of the Administrative Code.
- (3) Are to have written documentation on file of current immunization against tetanus, diphtheria and pertussis (Tdap) from a licensed physician as defined in Chapter 4731. of the Revised Code, physician's assistant, advanced practice registered nurse, certified nurse midwife, certified nurse practitioner or licensed pharmacist. The child care staff member may be exempt from the immunization requirement for religious reasons with written documentation signed by the individual and for medical reasons with written documentation signed by a licensed physician.
- (4) Are to complete the family child care staff orientation training as prescribed by the Ohio department of job and family services (ODJFS) within thirty days of starting employment unless the child care staff member has documentation of completion of the training after December 31, 2016. Completion of the training is to be documented with verification from the OPR.

(5) May be used to meet group size and supervision requirements but are not to be left alone with the children until the orientation training is completed.

(6) May act in the provider's place during an inspection if the provider is not present.

(C) What are the OPR and documentation requirements for employees and child care staff members in a family child care home?

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

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

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

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

(a) Contact information.

(b) Positions or roles, and related dates.

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

Yes, an employer is not to discharge, demote, suspend or threaten to discharge, demote, suspend or in any manner discriminate against any employee or child care staff member based solely on the employee or child care staff member taking any of the following actions:

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

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

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

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

Replaces: 5101:2-13-08
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Five Year Review (FYR) Dates: 10/29/2026

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07/01/2011, 12/01/2011, 01/01/2014, 12/31/2016,
10/29/2017

Family Child Care Staff Member

A child care staff member, including substitute child care staff members, in a family child care home are to meet the following requirements prior to caring for children:

1. Be at least eighteen years of age.
2. Provide verification of a high school education, a high school diploma or Ohio high school equivalence diploma in accordance with the guidelines in appendix A to rule 5101:2-13-07 of the Administrative Code.
3. Provide a medical statement that meets the requirements detailed in appendix B to rule 5101:2-13-02.

5101:2-13-10

Training and professional development requirements for a licensed family child care provider and child care staff members.

(A) What health training is required for a licensed family child care provider prior to licensure?

The family child care provider ~~shall~~is to complete the following:

- (1) ~~Have a current~~Current certification in first aid and cardiopulmonary resuscitation (CPR). Training shall be appropriate for all of the ages and developmental levels of children in care.
- (2) ~~Have a current~~Current training in management of communicable disease ~~and the six-hour child abuse recognition and prevention.~~
- (3) Current training in one of the following child abuse and neglect recognition and prevention trainings:
 - (a) Ohio department of job and family services (ODJFS) child abuse and neglect recognition and prevention training.
 - (b) Child abuse and neglect recognition and prevention training as described in appendix A to this rule.

(B) What health training is required for a licensed family child care provider once licensed?

- (1) Maintain current certification in first aid and ~~infant and child~~ CPR. The training shall be appropriate for all of the ages and developmental levels of children in care.
- (2) Maintain current training in management of communicable disease and child abuse and neglect recognition and prevention.
- (3) Audiovisual or electronic media training shall not be used to meet the CPR training requirement pursuant to paragraphs (A)(1) and (B)(1) of this rule unless there is also an in-person component of the training.

(C) What health training is required for a ~~licensed~~ family child care staff member and a substitute child care staff member?

- (1) Prior to being left alone with children, but within the first ninety days of hire, all child care staff member~~members~~ shall complete and ~~be~~remain current in the following:
 - (a) CPR.

- (b) First aid.
- (c) Management of communicable disease.
- (d) ~~ODJFS prescribed one-hour child abuse overview which is valid for two years.~~ One of the following child abuse and neglect recognition and prevention trainings:
 - (i) ODJFS child abuse and neglect recognition and prevention training.
 - (ii) Child abuse and neglect recognition and prevention training as described in appendix A to this rule.

~~(2) Trainings shall meet course and trainer requirements in appendix A to this rule.~~

~~(3) Audiovisual or electronic media training shall not be used to meet the CPR training requirement pursuant to paragraph (C)(1) of this rule unless there is also an in-person component of the training.~~

(D) What are the requirements for the health trainings pursuant to paragraphs (A), (B) and (C) of this rule?

(1) The trainings are to meet course and trainer requirements in appendix A to this rule.

(2) Audiovisual or electronic media training is not to be used to meet the CPR training requirement pursuant to paragraphs (A)(1) and (B)(1) of this rule unless there is also an in-person component of the training.

(3) If the child care staff member meets the trainer requirements in appendix A to this rule for a health training, that person is considered to meet the training requirement for first aid, CPR, or management of communicable disease.

~~(D)~~(E) What are the on-going professional development requirements for the licensed family child care provider and child care staff members?

(1) Complete a minimum of six clock hours of training annually in any of the categories listed in appendix B to this rule each fiscal year. The fiscal year is defined as July first through June thirtieth.

(2) A family child care provider licensed between January first and June thirtieth of each year is not required to complete the professional development requirements until the following fiscal year.

- (3) A child care staff member hired between January first and June thirtieth of each year is not required to complete the professional development requirements until the following fiscal year.
- (4) Health trainings taken pursuant to paragraph (A), (B), or (C) of this rule may not be used to meet the professional development training requirements.
- (5) Audiovisual or electronic media training may be used to meet the required six hours of annual training.
- (6) A person designated and employed as a substitute child care staff member is not required to meet the professional development requirements. When the substitute child care staff member is used more than ninety days in a fiscal year, professional development requirements are to be met. The family child care provider is responsible for documenting the number of days the substitute child care staff member worked for a period of eighteen months.

~~(E)~~(F) What verification is needed on file at the home to document the completed training?

- (1) The health trainings shall be documented by one of the following:
 - (a) Verification from the Ohio professional registry (OPR).
 - (b) The JFS 01276 "Health Training Documentation for Child Care" ~~(12/2016)~~.
 - (c) Training cards or certificates issued by ~~organizations approved by the ODJFS for first aid, CPR or prevention, recognition and management of communicable diseases~~ the training organization.
- (2) The on-going professional development shall be documented by one of the following:
 - (a) Verification from the ~~Ohio professional registry (OPR)~~.
 - (b) Transcript of completion of college courses from an accredited university, college, or technical college.
 - (i) One quarter credit hour equals ten clock hours of training.
 - (ii) One semester credit hour equals fifteen clock hours of training.
 - (c) The JFS 01307 "Professional Development Documentation for Child Care" ~~(rev. 12/2016)~~.

- (d) Certificates indicating continuing education units (CEU). One CEU equals ten clock hours of training.
 - (e) Certificates issued by Ohio child welfare training centers.
- (3) A family child care provider shall, within five business days, provide current staff with copies of their training documentation upon request or upon separation from employment for any records not verified in the OPR.

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01/01/2007, 08/14/2008, 07/01/2010, 11/15/2010,
12/01/2011, 01/01/2014, 12/31/2016, 10/29/2017

Health Training Courses

Course Content for First Aid

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

Appendix A to Rule 5101:2-13-10

Course Content for CPR

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

Course Content for Management of Communicable Disease

1. Follows the curriculum prescribed by the Ohio Department of Job and Family Services (ODJFS)
2. Is valid for three years

Course Content for Child Abuse and Neglect Recognition and Prevention

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

Health Training Approved Trainers

First Aid Trainers

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

CPR Trainers

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

Management of Communicable Disease Trainers

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

Child Abuse and Neglect Recognition and Prevention Trainers

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

Professional Development Training Topics

Child Growth and Development

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

Family/Community Relations

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

Daily Planning, Child Observation & Assessments

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

Career Development

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

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

Learning Environment and Experiences

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

Any "Ohio Approved" Training

Professional Development Approved Trainers

Approved Professional Development Trainers

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

5101:2-13-14

Transportation and field trip safety for a licensed family child care provider.

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

The licensed family child care provider shall:

- (1) Have written and signed permission from the parent before transporting or escorting a child away from the home for field trips and routine trips as detailed in appendix A to this rule. The permission slips shall be kept on file at the home for one year from the date of the trip.
- (2) Attach to each child on a routine or field trip, except children being transported only to and from school or only to and from home, identification containing the family child care provider's name, address, and a telephone number to contact in the event the child becomes lost.
- (3) Have a completed copy of the JFS 01234 "Child Enrollment and Health Information for Child Care" (~~rev. 12/2016~~) for each child on the trip, except routine walks.
- (4) Have first aid supplies as required by rule 5101:2-13-16 of the Administrative Code.
- (5) Have the completed JFS 01236 "Child Medical/Physical Care Plan for Child Care" (~~rev. 12/2016~~), for any child who has a health condition which could require medication, special procedures or precautions during the course of the trip. The family child care provider, child care staff member or substitute child care staff member shall also take supplies needed to provide such treatment and medications that may need to be administered during the trip.
- (6) Have a working cellular phone or other means of immediate communication. Cellular phones shall not be used by a driver while the vehicle is in motion.
- (7) Ensure that if the vehicle used to transport children is manufactured with seat belts, they shall be utilized by adults and children, no more than one person may be strapped in each seat belt. Children or adults shall not be permitted to stand in a moving vehicle, sit on the floor or ride in a vehicle where all seats are not securely anchored.

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

- (1) The staff/child ratio and group size requirements of rule 5101:2-13-18 of the Administrative Code shall be met on field trips and routine trips. Children shall be assigned to the provider or specific child care staff members for all field trips.
- (2) Parents, guardians or adults authorized by the provider may be drivers on field trips provided that staff/child ratio requirements are met at the destination.
- ~~(3) An adult must be present with the vehicle any time children are in the vehicle. At no time are children to be left unattended.~~
- ~~(4)~~(3) The vehicle shall be checked at completion of each trip to ensure that no child has been left on the vehicle.

(C) What are the driver requirements for ~~drivers who are used in the staff/child ratio or~~ employees and child care staff members of the family child care home?

The

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

- ~~(1)~~(a) Be at least eighteen years old.
- ~~(2) On routine trips, be the provider, an employee or child care staff member with the exception of contracted transportation services.~~
- ~~(3)~~(b) Hold a currently valid driver's license required for the type of vehicle driven in accordance with Ohio law.
 - ~~(a)~~(i) A copy of each driver's current driver's license shall be kept on file at the home.
 - ~~(b)~~(ii) The family child care provider is responsible for assuring that the copy of the driver's license on file is kept current.
- ~~(4) Never leave children alone in a vehicle.~~
- ~~(5)~~(c) Be free from the influence of any substance which could impair driving abilities.
- ~~(6)~~(d) Adhere ~~Adhere~~ Ensure that all passengers, which includes the driver, adhere to the state of Ohio's child restraint law found in section 4511.81 of the Revised Code when transporting children in care.
- ~~(7)~~(e) Not allow children under twelve years of age to ride in the front seat of any vehicle.

~~(8)(f)~~ Complete ~~Be trained utilizing~~ the Ohio department of job and family services (ODJFS) child care transportation training in the Ohio professional registry (OPR) ~~driver training if the driver is an employee.~~

~~(a)(i)~~ A trained child care staff member is not required in the vehicle on field trips when parents are providing the transportation.

~~(b)(ii)~~ A trained child care staff member is not required when public transportation is being utilized or the school district is providing transportation to or from the provider's home.

~~(9)(2)~~ Only a child care staff member or substitute employee who is used in accordance with the requirements in rule 5101:2-13-08 of the Administrative Code may transport children without the provider present, except parents may transport children for field trips.

(3) The requirements outlined in paragraph (C) of this rule do not apply to public transportation drivers or companies contracted by the family child care provider who are not employees or child care staff members.

~~(10) For drivers who are not child care staff members or substitutes, the family child care provider shall secure and keep on file at the home a JFS 01266 "Contracted Driver Qualifications Statement for Child Care" (rev. 10/2016) that has been completed at least annually by their driver's employer.~~

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

(1) Any vehicle operated by the family child care home provider, child care staff member, or substitute child care staff member to transport children for routine trips or field trips shall be mechanically safe at all times.

(2) Requirements for type A home vehicles used for transportation of children are listed in appendix B to this rule.

(3) Requirements for type B home vehicles used for transportation of children are listed in appendix C to this rule.

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

(1) The licensed family child care provider shall maintain documentation that staff have performed weekly inspections followed by any necessary repairs or other appropriate actions, for the following items:

- (a) A visual inspection of the vehicle's tires for wear and adequate pressure.
- (b) A visual inspection for working headlights and taillights, signals, mirrors, wiper blades and dash gauges.
- (c) An inspection for properly functioning child and driver restraints.
- (d) An inspection for properly functioning doors and windows.
- (e) An inspection for, and cleaning of, debris from the vehicle's interior.

~~(2) The family child care provider shall require providers of transportation services to maintain documentation that the transportation services staff have performed the same weekly inspections and necessary repairs or other appropriate actions required by paragraph (F)(1) of this rule.~~

- (F) Parents, who are not employed by the family child care provider, who use their vehicles for transportation for field trips shall not have to meet the requirements of paragraph (E) of this rule.

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Appendix A to Rule 5101:2-13-14

Written Permission When Children Are Transported**Routine Trips**

Written permission from the parent shall include:

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

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

Field Trips

Written permission from the parent shall include:

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

Appendix B to Rule 5101:2-13-14

Type A Home Vehicle Requirements

- A. Type A Homes may use any of the following vehicles to transport children:
 - 1. School buses as defined in section 4511.01 ORC.
 - 2. Multi-function school-activity buses.
 - 3. Vehicles designed by the manufacturer to carry nine or fewer passengers.

- B. Type A Homes shall not transport children in converted cargo vans or passenger vans designed by the manufacturer to carry ten or more passengers.

- C. Vehicles used for transporting children which are purchased, leased or contracted after September 1, 2008 are required by the United States department of transportation to be equipped with seat belts at the time of manufacturing or assembly, shall have factory installed passenger restraint anchorages and passenger restraints that are suitable for the use in transporting children of any age. "Factory installed" means installed by the manufacturer or retrofitting that is accompanied by a certification document from the manufacturer. Add-on restraints such as infant carriers, car seats or booster seats are designed to be installed by the end user and are not subject to these requirements.

- D. The driver is considered to be a passenger of any vehicle approved for use in this appendix.

Appendix C to Rule 5101:2-13-14

Type B Home Vehicle Requirements

1. Effective until January 1, 2022:
 - a. Type B Homes that are issued a provisional license after the effective date of this rule shall not be permitted to use converted cargo vans or passenger vans designed by the manufacturer to carry ten or more passengers. This applies to all vehicles that are owned, leased or contracted.
 - b. Type B Homes that replace or add a vehicle shall not be permitted to use converted cargo vans or passenger vans designed by the manufacturer to carry ten or more passengers. This applies to all vehicles that are owned, leased or contracted.
 - c. Vehicles used for transporting children which are purchased, leased or contracted after the effective date of this rule and which are required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, shall have factory installed passenger restraint anchorages and passenger restraints that are suitable for use in transporting children of any age. "Factory installed" means installed by the manufacturer or retrofitting that is accompanied by a certification document from the manufacturer. Add-on restraints such as infant carriers, car seats or booster seats are designed to be installed by the end user and are not subject to these requirements.
2. Effective January 1, 2022:
 - a. Type B Homes may use any of the following vehicles to transport children:
 - i. School buses as defined in section 4511.01 ORC.
 - ii. Multi-function school-activity buses.
 - iii. Vehicles designed by the manufacturer to carry nine or fewer passengers.
 - b. Type B Homes shall not transport children in converted cargo vans or passenger vans designed by the manufacturer to carry ten or more passengers.
 - c. Vehicles used for transporting children which are purchased, leased or contracted after the effective date of this rule and which are required by the United States department of transportation to be equipped with seat belts at the time of manufacturing or assembly, shall have factory installed passenger restraint anchorages and passenger restraints that are suitable for the use in transporting children of any age. "Factory installed" means installed by the manufacturer or retrofitting that is accompanied by a certification document from the manufacturer. Add-on restraints such as infant carriers, car seats or booster seats are designed to be installed by the end user and are not subject to these requirements.
3. The driver is considered to be a passenger of any vehicle approved for use in this appendix.

5101:2-13-15

Child record requirements for a licensed family child care provider.

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

The provider shall:

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

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

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

- (d) The signature, business address and telephone number of the physician as defined in Chapter 4731. of the Revised Code, physician's assistant (PA), advanced practice registered nurse (APRN) or certified nurse practitioner (CNP) who examined the child.
 - (e) A record of the immunizations that the child has had, specifying the month, day and year of each immunization. This record may be an attachment to the medical statement.
 - (f) A statement from the physician, PA, APRN, or CNP that the child has been immunized or is in the process of being immunized against the diseases required by division 5104.014 of the Revised Code and found in appendix A to this rule or a statement that the child meets one of the following:
 - (i) A statement from a physician, PA, APRN, or CNP that an immunization against the disease is medically contraindicated for the child.
 - (ii) A statement from a physician, PA, APRN, or CNP that an immunization against the disease is not medically appropriate for the child's age.
 - (iii) A statement from the child's parent that he or she has declined to have the child immunized against the disease for reasons of conscience, including religious convictions.
- (C) What are the health care plan requirements for caring for children with specific health condition for a licensed family child care provider?
- (1) The JFS 01236 "Medical/Physical Care Plan for Child Care" (~~rev. 12/2016~~) ~~shall~~ is to be used for children with a condition or diagnosis that require the following:
 - (a) Monitoring the child for symptoms which require the staff to take action.
 - (b) Ongoing administration of medication or medical foods. Medical food means food that is formulated to be consumed under the supervision of a physician, PA, APRN, or CNP and which is intended for the specific dietary management of a disease or condition.
 - ~~(b)~~(c) Administering procedures which require staff to be trained on those procedures.
 - ~~(e)~~(d) Avoiding specific food(s), environmental conditions or activities.

~~(d)~~(e) A school-age child to carry and administer their own emergency medication.

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

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

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

~~(ii)~~ Review the JFS 01236 for completeness and sign.

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

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

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

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

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

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

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

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

~~(5)~~(6) The provider, and each child care staff member, and substitute including substitute child care staff members, shall be trained ~~by a parent or certified professional~~on the child's needs and required procedures before being permitted to perform medical procedures or other action needed for a health condition or special need.

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

Children's records shall be confidential but shall be available to the Ohio department of job and family services (ODJFS) and the county agency for the purpose of administering Chapter 5104. of the Revised Code and Chapter 5101:2-13 of the Administrative Code. The immunization records shall be subject to review by the Ohio department of health (ODH) for disease outbreak control and for immunization level assessment purposes.

(E) How long are child records to be kept on file by the provider?

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

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Diseases for Immunizations

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

5101:2-13-22

Meal preparation/nutritional requirements for a licensed family child care provider.

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

The family child care provider ~~shall~~ is to:

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

~~(8)~~(9) Provide for the safe storage of all food, including milk (formula and breast milk for infants). If safe storage of milk is not available on routine trips or field trips, milk may be served at snack instead of at the meal. Potentially hazardous foods such as, but not limited to, milk, milk products, eggs, meat, poultry, fish, cooked rice, baked or boiled potatoes shall be refrigerated at a temperature at or below forty degrees Fahrenheit.

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

~~(9)~~(11) Have drinking water freely available to children throughout the day.

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

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

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

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

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

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

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

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

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

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

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

~~The family child care provider shall:~~

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

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

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

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

The family child care provider shall ensure that:

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

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Meal and Snack Requirements

The number of meals, snacks and/or breakfast provided by a licensed family child care provider shall be available as follows:

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

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

1. Meat or meat alternative
2. Breads and grains
3. Fruits and vegetables (juices may be used if 100% and undiluted)
4. Fluid Milk (see appendix C to rule 5101:2-13-22)

Meal, snack and breakfast food group requirements:

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

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

Portion Sizes for Meals

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

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

Fluid Milk Requirements for Children by Age

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

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

Note: The licensed family child care provider is not to use reconstituted dry powdered milk as a beverage unless the parent provides written instructions by a licensed physician, PA, APRN, or CNP.

5101:2-13-25

**Medication administration, ~~food supplements and medical foods~~
for a licensed family child care provider.**

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

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

(2) The JFS 01217 is not required for a medication required by a JFS 01236 "Child Medical/Physical Care Plan for Child Care" pursuant to rule 5101:2-13-15 of the Administrative Code.

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

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

(1) The family child care provider shall ensure that the parent ~~complete and sign~~completes and signs box one of the JFS 01217 "~~Request for Administration of Medication for Child Care~~" (rev. 12/2016).

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

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

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

The family child care provider shall:

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

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

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

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

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

~~The~~For all other topical products and lotions, the family child care provider shall:

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

~~(4) A JFS 01217 is not required for hand sanitizer or lip balm.~~

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

The family child care provider shall:

- (1) Not administer any medication, ~~food supplement~~, medical food, or topical product until the child has received the first dose or application at least once prior to the provider administering a dose or applying the product, to avoid unexpected reactions. Emergency medications ~~that are listed on a completed JFS 01236 "Child Medical/Physical Care Plan for Child Care" (rev. 12/2016)~~ for the child are exempt from this requirement.

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

The family child care provider shall:

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

- (4) Refrigerate in a separate container, medications, medical foods or topical products immediately upon arrival at the home if needed.
- (5) Ensure that medications, medical foods, and topical products are accessible to child care staff members at all times.
- (6) Ensure that medications, medical foods, and topical products are removed from the home when no longer needed or expired.

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