

# Child Care Type B Home Manual Table of Contents

**John R. Kasich, Governor**

**Michael B. Colbert, Director**

## Ohio Department of Job and Family Services

*The Electronic Publishing Unit makes every attempt to publish accurate and current information, however, we disclaim any liability or responsibility for any typographical errors, out of date information and/or other inaccuracies that may appear in this document.*

To receive eMail notifications of policy updates, go to the **ODJFS Email Subscriptions** site (<http://www.odjfs.state.oh.us/subscribe/>) and subscribe to the type of communications in which you are interested. eMail notifications are sent as updates are posted to the eManuals site.

### eManual Contents

Please send comments to [ePubs\\_updates@jfs.ohio.gov](mailto:ePubs_updates@jfs.ohio.gov)

[Transmittal Letters](#)

[Procedure Letters](#)

[Rules](#)

[Child Care Forms](#)

To receive eMail notifications of policy updates, go to the **ODJFS Email Subscriptions** site (<http://www.odjfs.state.oh.us/subscribe/>) and subscribe to the type of communications in which you are interested. eMail notifications are sent as updates are posted to the eManuals site.

### Recent Additions

[CCBMPL 3 \(Revisions to the Child Care Type B Homes Crib Requirements\)](#) (7/27/12)

[CCBMTL 5 \(Emergency/Substitute Caregivers Used as Assistants to Type B Home Providers\)](#) (7/5/11)

[CCBMTL 6 \(Rule Changes for Certified Type B Home Providers and In-Home Aides Who Receive Payment for Publicly Funded Child Care\)](#) (6/13/11)

[CCBMPL 4 \(Revised JFS 01332 "Certified Child Care Handbook for Caretakers"\)](#) (12/8/10)

[CCBMTL 3 \(Changes in Type B Home Provider Certification Rules\)](#) (10/21/10)

[CCBMPL 2 \(Collective Bargaining Agreement with Independent Child Care Home Providers\)](#) (2/16/10)

[CCBMTL 2 \(Liability Rules, eff. 12/1/2009\)](#) (10/22/09)

[CCBMPL 1 \(JFS 01299 Optional Online Submission for Child Care Type B Homes Beginning May 15, 2009\)](#) (5/20/09)

[CCBMTL 1 \(Introduction of new Child Care Type B Home Manual\)](#) (1/15/08)

# **Child Care Type B Home Manual Transmittal Letters**

# CCBMTL 6 (Rule Changes for Certified Type B Home Providers and In-Home Aides Who Receive Payment for Publicly Funded Child Care)

## Child Care Type B Home Manual Transmittal Letter No. 6

June 13, 2011

TO: All Child Care Type B Manual Holders  
FROM: Michael B. Colbert, Director  
SUBJECT: Rule Changes for Certified Type B Home Providers and In-Home Aides Who Receive Payment for Publicly Funded Child Care

This letter transmits amendments to rules for certified type B home providers and in-home aides due to the implementation of the automated child care eligibility, authorization and payment system.

The Ohio Department of Job and Family Services (ODJFS) issues payments to eligible providers of publicly funded child care, based on data submitted by county departments of Job and Family Services (CDJFS). Eligible child care providers are required to complete and submit a provider agreement to ODJFS using an online provider portal. These rule revisions include language for this requirement.

The following rules have been amended and the changes are effective July 1, 2011:

Rule [5101:2-14-04](#), "Issuance and Renewal of Professional Certification as a Type B Home Provider or In-Home Aide" has been amended to change revision dates of forms and clarify requirements to obtain a provider agreement as part of the certification process.

Rule [5101:2-14-06](#), "Denial, Revocation and Withdrawal of Professional Certification as a Type B Home Provider or In-Home Aide" has been amended to change revision dates of forms and clarify requirements to obtain a provider agreement as part of the certification process.

Rule [5101:2-14-19](#), "Safe and Sanitary Equipment and Environment for Professional Certification as a Type B Home Provider or In-Home Aide" has been amended to change the revision date of a form.

Rule [5101:2-14-24](#), "Caretaker/Provider Responsibilities for Professional Certification as a Type B Home Provider or In-Home Aide" has been amended to change revision dates of forms.

Rule [5101:2-14-32](#), "Meal Preparation/Nutritional Requirements for Professional Certification as a Type B Home Provider or In-Home Aide" has been amended to change the revision date of a form.

Rule [5101:2-14-55](#), "Application, and Approval and Renewal for Limited Certification as a Type B Home Provider or In-Home Aide" has been amended to change the revision date of a form.

Rule [5101:2-14-56](#), "Issuance and Renewal of A Certificate for Limited Certification as a Type B Home Provider or In-Home Aide" has been amended to change revision dates of forms, add the provider agreement forms and clarify requirements to obtain a provider agreement as part of the certification process.

Rule [5101:2-14-57](#), "Limited Certification Compliance Inspection of Inspection and Investigation for Limited Certification as a Type B Home Provider or Provider or In-Home Aide" has been amended to change the revision date of a form and clarify requirements to obtain a provider agreement as part of the certification process.

Rule [5101:2-14-58](#), "Provider Qualifications and Responsibilities for Limited Certification as a Type B Home Provider or In-Home Aide" has been amended to change revision dates of forms.

Rule [5101:2-14-61](#), "County Department of Job and Family Services Certification Responsibilities for Certified Type B Providers and In-Home Aides" has been amended to change the revision dates and/or titles of forms, and clarify requirements of the CDJFS.

The electronic versions of the Child Care Manuals are located at: <http://emanuals.odjfs.state.oh.us/emanuals>. The manuals contain all child care rules, transmittal letters and procedure letters.

Please contact the Help Desk for the Office of Families and Children at 1-866-886-3537, option 4 if you have any questions.

**INSTRUCTIONS:** The following chart identifies the material that needs to be removed from and inserted into the Child Care Type B Home Manual.

<b>LOCATION</b>	<b>REMOVE AND FILE AS OBSOLETE</b>	<b>INSERT/ REPLACEMENT</b>
CCBM	5101:2-14-04	<a href="#">5101:2-14-04</a>
	5101:2-14-06	<a href="#">5101:2-14-06</a>
	5101:2-14-19	<a href="#">5101:2-14-19</a>
	5101:2-14-24	<a href="#">5101:2-14-24</a>
	5101:2-14-32	<a href="#">5101:2-14-32</a>
	5101:2-14-55	<a href="#">5101:2-14-55</a>
	5101:2-14-56	<a href="#">5101:2-14-56</a>
	5101:2-14-57	<a href="#">5101:2-14-57</a>
	5101:2-14-58	<a href="#">5101:2-14-58</a>
	5101:2-14-61	<a href="#">5101:2-14-61</a>
CCBMTL Transmittal Letters		CCBMTL No. 6

# CCBMTL 5 (Emergency/Substitute Caregivers Used as Assistants to Type B Home Providers)

## Child Care Type B Home Manual Transmittal Letter No. 5

July 5, 2011

TO: All Child Care Manual Holders  
FROM: Michael B. Colbert, Director  
SUBJECT: Emergency/Substitute Caregivers Used as Assistants to Type B Home Providers

This letter transmits a revision to a type B provider certification rule that will allow an approved emergency/substitute caregiver to act as an assistant to a type B home provider. This revision is being made to comply with the collective bargaining agreement between the state of Ohio and AFSCME, Ohio Council 8, AFL-CIO/Child Care Providers Together.

The following is a summary of the rule revision, which is effective July 1, 2011:

Rule [5101:2-14-14](#): Language has been added to allow a type B provider to use an emergency/substitute caregiver as an assistant in the type B home. The provider shall provide a one-time notice to the county agency prior to using an emergency/substitute caregiver as an assistant and shall notify parents when an emergency/substitute caregiver is used. Use of an assistant does not change the provider's capacity or the provider's payment. The provider must be present in the home at all times when the emergency/substitute caregiver is used as an assistant.

A new form, JFS 01920 "Emergency/Substitute Caregiver Acting as an Assistant in a Type B Child Care Home," has been developed to document a provider's use of an emergency/substitute caregiver as an assistant. This form will be released in a separate manual procedure letter.

The electronic versions of the Child Care Manuals are located at: <http://emanuals.odjfs.state.oh.us/emanuals>. The manuals contain all child care rules, transmittal letters and procedure letters.

Please contact the Help Desk for the Office of Families and Children at 1-866-886-3537, option 4 if you have any questions.

INSTRUCTIONS: The following chart identifies the material that needs to be removed from and inserted into the Child Care Type B Home Manual.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
CCBM	5101:2-14-14	<a href="#">5101:2-14-14</a>
CCBMTL Transmittal Letters		CCBMTL No. 5

# CCBMTL 3 (Changes in Type B Home Provider Certification Rules)

## Child Care Type B Home Manual Transmittal Letter No. 3

October 21, 2010

TO: All Child Care Manual Holders  
FROM: Douglas E. Lumpkin, Director  
SUBJECT: Changes in Type B Home Provider Certification Rules

This letter transmits proposed revisions to rules in Chapter 5101:2-14 of the Administrative Code. These rule revisions are being proposed in order to add requirements for completion of a Provider Agreement with the Ohio Department of Job and Family Services (ODJFS) and to clarify other rule language related to provider certifications for training, inspections and complaints. The effective date of these rules is November 15, 2010.

Rule [5101:2-14-02](#), "Application for professional certification as a type B provider or in-home aide" is being amended to add the requirement for completion of the JFS 01144 Provider Agreement for Publicly Funded Child Care Services," which is the contract between providers of child care and ODJFS.

Rule [5101:2-14-03](#), "Professional certification compliance inspection of type B home providers and in-home aides" is being amended to add the requirement that a copy of the inspection report be given to the provider before the CDJFS leaves the provider's home.

Rule [5101:2-14-03.1](#), "Complaint investigation of professional and limited type B home providers and in-home aides" is being amended to add the requirement for a complaint report to be given to the provider at the time of the complaint investigation and for additional information to be forwarded to the provider as soon as possible.

Rule [5101:2-14-13](#), "Training requirements for certification as a professional type B home provider or in-home aide" is being amended to clarify training requirements for type B providers and to update the revision date of a form.

Rule [5101:2-14-40](#), "Appeal review procedures for professional and limited certification as a type B home provider or in-home aide" is being amended to clarify language regarding the appeal process and to allow a provider to designate a union representative as a legal representative.

The electronic versions of the Child Care Manuals are located at: <http://emanuals.odjfs.state.oh.us/emanuals>. The manuals contain all child care rules, transmittal letters and procedure letters.

Please contact the Help Desk for the Office for Children and Families at 1-866-886-3537, option 4 if you have any questions.

INSTRUCTIONS: The following chart identifies the material that needs to be removed from and inserted into the Child Care Type B Home Manual (CCBMTL).

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
CCBM	5101:2-14-02	<a href="#">5101:2-14-02</a>
	5101:2-14-03	<a href="#">5101:2-14-03</a>
	5101:2-14-03.1	<a href="#">5101:2-14-03.1</a>
	5101:2-14-13	<a href="#">5101:2-14-13</a>

	5101:2-14-40	<a href="#">5101:2:14-40</a>
CCBM Transmittal Letters		CCBMTL No. 3

## CCBMTL 2 (Liability Rules, eff. 12/1/2009)

### Child Care Type B Home Manual Transmittal Letter No. 2

October 22, 2009

To: All Child Care Type B Manual Holders  
From: Douglas E. Lumpkin, Director  
Subject: Liability Insurance Requirement for Type B Home Child Care Providers

This letter transmits amendments to rules governing type B home child care certification. These rules have been amended to as a result of the passage of Am. Sub. HB 562 of the 127th General Assembly, which changed the Revised Code (RC) to require type B homes to procure and maintain liability insurance. These rules will be effective December 1, 2009. The following is a summary of the rule revisions:

Rule [5101:2-14-02](#) Application for Professional Certification as a Type B Home Provider or In-Home Aide has been amended to require providers to obtain liability insurance in specified amounts or to notify caretakers that they do not carry the insurance. The rule has also been amended to outline the written information that the provider must prepare and provide to the caretaker before a child is enrolled.

Rule [5101:2-14-19](#) Safe and Sanitary Equipment and Environment for Professional Certification as a Type B Home Provider or In-Home Aide has been amended to update the revision date of the JFS 01634 "Provider/Caretaker Agreement."

Rule [5101:2-14-24](#) Caretaker/Provider Responsibilities for Professional Certification as a Type B Home Provider or In-Home Aide has been amended to update the revision date of the JFS 01634 and to require providers to review and discuss with the caretaker the JFS 01332 "Certified Child Care Handbook for Caretakers," which contains the written policies and procedures of the home.

Rule [5101:2-14-32](#) Meal Preparation/Nutritional Requirements for Professional Certification as a Type B Home Provider or In-Home Aide has been amended to update the revision date of the JFS 01634 and to correct the temperature at which potentially hazardous foods must be refrigerated.

Rule [5101:2-14-55](#) Application and Approval and Renewal for Limited Certification as a Type B Home Provider or In-Home Aide has been amended to update the revision date of the JFS 01634.

Rule [5101:2-14-58](#) Provider Qualifications and Responsibilities for Limited Certification as a Type B Home Provider or In-Home Aide has been amended to include the requirement for written policies and procedures in the JFS 01332 to be given to caretakers. This rule has also been amended to add language regarding providers having specified levels of liability insurance or having to notify caretakers that they do not have the liability insurance coverage.

The electronic version of the Child Care Type B Manual is located at:

<http://emanuals.odjfs.state.oh.us/emanuals>. The manual contains all rules, forms, transmittal letters and procedure letters that the department has issued for the type B child care providers and in-home aides. Please contact the Office for Families and Children (OFC) Help Desk at 1-866-886-3537, option 4 if you have questions regarding this information.

**INSTRUCTIONS:** The following chart identifies the material that needs to be removed from and inserted into the Child Care Type B Manual (CCBM).

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACE
CCBM	5101:2-14-02	<a href="#">5101:2-14-02</a>

	5101:2-14-19	<a href="#"><u>5101:2-14-19</u></a>
	5101:2-14-24	<a href="#"><u>5101:2-14-24</u></a>
	5101:2-14-32	<a href="#"><u>5101:2-14-32</u></a>
	5101:2-14-55	<a href="#"><u>5101:2-14-55</u></a>
	5101:2-14-58	<a href="#"><u>5101:2-14-58</u></a>
CCBM Transmittal Letters		CCBMTL No. 2

# CCBMTL 1 (Introduction of new Child Care Type B Home Manual)

## Child Care Type B Home Manual Transmittal Letter No. 1

January 15, 2009

To: All Child Care Manual Holders  
From: Douglas E. Lumpkin, Director  
Subject: Introduction of new Child Care Type B Home Manual

This letter transmits the creation of a new manual for type B child care homes. All rules, future manual transmittal letters and procedure letters for type B child care homes will now be placed into the newly created Child Care Type B Home Manual (CCBM). Previously released manual transmittal letters and manual procedure letters will remain in the current Child Care Manual (CCM). All forms will be available in the appendix link in the CCM.

The electronic version of the Child Care Type B Home Manual is located at: <http://emanuals.odjfs.state.oh.us/emanuals>. The manual contains all rules, transmittal letters and procedure letters that the department has issued to type B homes. A current version of this manual should be utilized by all providers in all type B homes. A current and updated copy of the manual should be accessible at all times to all providers.

Please contact the Help Desk for the Office for Children and Families at 1-866-886-3537, option 4 if you have any questions.

INSTRUCTIONS: The following chart identifies the material that needs to be removed from the Child Care Manual (CCM) and inserted into the Child Care Type B Home Manual (CCBM).

LOCATION	REMOVE FROM CCM	INSERT INTO CCBM
CCM Certified Type B Child Care Homes: Chapter 14	5101:2-14-01	
	5101:2-14-02	
	5101:2-14-03	
	5101:2-14-03.1	
	5101:2-14-04	
	5101:2-14-05	
	5101:2-14-06	
	5101:2-14-07	
	5101:2-14-08	
	5101:2-14-11	

	5101:2-14-13	
	5101:2-14-14	
	5101:2-14-16	
	5101:2-14-17	
	5101:2-14-18	
	5101:2-14-19 and Appendix	
	5101:2-14-20	
	5101:2-14-21	
	5101:2-14-22	
	5101:2-14-24	
	5101:2-14-26	
	5101:2-14-27	
	5101:2-14-28	
	5101:2-14-29	
	5101:2-14-30	
	5101:2-14-31	
	5101:2-14-32 and Appendix	
	5101:2-14-34	
	5101:2-14-35	
	5101:2-14-36	
	5101:2-14-37	
	5101:2-14-40	
	5101:2-14-55	
	5101:2-14-56	

	5101:2-14-57	
	5101:2-14-58	
	5101:2-14-60	
	5101:2-14-61	
	5101:2-14-62	
CCBM Rules		<a href="#"><u>5101:2-14-01</u></a>
		<a href="#"><u>5101:2-14-02</u></a>
		<a href="#"><u>5101:2-14-03</u></a>
		<a href="#"><u>5101:2-14-03.1</u></a>
		<a href="#"><u>5101:2-14-04</u></a>
		<a href="#"><u>5101:2-14-05</u></a>
		<a href="#"><u>5101:2-14-06</u></a>
		<a href="#"><u>5101:2-14-07</u></a>
		<a href="#"><u>5101:2-14-08</u></a>
		<a href="#"><u>5101:2-14-11</u></a>
		<a href="#"><u>5101:2-14-13</u></a>
		<a href="#"><u>5101:2-14-14</u></a>
		<a href="#"><u>5101:2-14-16</u></a>
		<a href="#"><u>5101:2-14-17</u></a>
		<a href="#"><u>5101:2-14-18</u></a>
		<a href="#"><u>5101:2-14-19</u></a> and Appendix
		<a href="#"><u>5101:2-14-20</u></a>
		<a href="#"><u>5101:2-14-21</u></a>
		<a href="#"><u>5101:2-14-22</u></a>
		<a href="#"><u>5101:2-14-24</u></a>

		<a href="#"><u>5101:2-14-26</u></a>
		<a href="#"><u>5101:2-14-27</u></a>
		<a href="#"><u>5101:2-14-28</u></a>
		<a href="#"><u>5101:2-14-29</u></a>
		<a href="#"><u>5101:2-14-30</u></a>
		<a href="#"><u>5101:2-14-31</u></a>
		<a href="#"><u>5101:2-14-32</u></a> and Appendix
		<a href="#"><u>5101:2-14-34</u></a>
		<a href="#"><u>5101:2-14-35</u></a>
		<a href="#"><u>5101:2-14-36</u></a>
		<a href="#"><u>5101:2-14-37</u></a>
		<a href="#"><u>5101:2-14-40</u></a>
		<a href="#"><u>5101:2-14-55</u></a>
		<a href="#"><u>5101:2-14-56</u></a>
		<a href="#"><u>5101:2-14-57</u></a>
		<a href="#"><u>5101:2-14-58</u></a>
		<a href="#"><u>5101:2-14-60</u></a>
		<a href="#"><u>5101:2-14-61</u></a>
		<a href="#"><u>5101:2-14-62</u></a>
CCBM Transmittal Letters		CCBMTL 1

# **Child Care Type B Home Manual Procedure Letters**

# CCBMPL 4 (Revised JFS 01332 "Certified Child Care Handbook for Caretakers")

## Child Care Type B Manual Procedure Letter No. 4

December 8, 2010

To: All Child Care Center Manual Holders  
From: Douglas E. Lumpkin, Director  
Subject: Revised JFS 01332 "Certified Child Care Handbook for Caretakers"

The [JFS 01332](#) "Certified Child Care Handbook for Caretakers" has been revised to account for changes in rules and processes due to the development and implementation of new modules of the Child Care Information Data System (CCIDS).

References to the Ohio Department of Job and Family Services (ODJFS) have been added because ODJFS is now making payments to providers. Language has been clarified for certification information, copayment, fees, enrollment records and children's records.

The electronic versions of the Child Care Manuals are located at: <http://emanuals.odjfs.state.oh.us/emanuals>. The manuals contain all child care rules, transmittal letters, procedure letters and forms.

Please contact the Help Desk for the Office of Families and Children at 1-866-886-3537, option 4 if you have questions.

**INSTRUCTIONS:** The following chart identifies the material that needs to be removed from and inserted into the Child Care Type B Manual (CCBM).

<b>LOCATION</b>	<b>REMOVE AND FILE AS OBSOLETE</b>	<b>INSERT/REPLACEMENT</b>
CCBM	JFS 01332 (Rev. 7/2009)	<a href="#">JFS 01332</a> (Rev. 11/2010)
		<a href="#">JFS 01332-I</a>
CCBMPL Transmittal Letters		CCBMPL No. 4

# **CCBMPL 3 (Revisions to the Child Care Type B Homes Crib Requirements)**

## **Child Care Type B Manual Procedure Letter No. 3**

July 27, 2012

To: All Child Care Type B Homes Manual Holders  
From: Michael B. Colbert, Director  
Subject: Revisions to the Child Care Type B Homes Crib Requirements

Effective immediately, full size cribs are no longer required. The rules addressing crib requirements for type B homes will be revised to reflect this change. However, as many providers are currently replacing their older cribs with new cribs that meet the new federal standards, the department wanted all providers to be notified as soon as possible. Until the rule changes are finalized, during certification inspection visits type B homes will be assessed according to the revised requirements contained in this letter.

The revised rule language will state that cribs must be used according to manufacturer's instructions and to discontinue the use of the porta crib when the child is able to climb out or reaches the height of thirty-five inches. Current rule language which prohibited infants over thirty inches tall from being placed in a porta crib shall be removed. Current language regarding infants being able to be placed on a cot at sixteen months with parental permission and language regarding infants who are over thirty-five inches tall shall stay the same.

The electronic versions of the child care manuals are located at: <http://emanuals.odjfs.state.oh.us/emanuals>. These manuals contain all child care rules, transmittal letters, procedure letters and forms. Please contact the Office of Family Assistance, Child Care Policy Help Desk at 1-877-302-2347, option 4, or your county certification worker if you have any questions regarding this new crib policy.

**INSTRUCTIONS:** The following chart identifies the material that needs to be inserted into the Child Care Type B Home Manual (CCBM).

<b>LOCATION</b>	<b>REMOVE AND FILE AS OBSOLETE</b>	<b>INSERT REPLACEMENT</b>
Child Care Type B Home Manual Procedure Letters (CCBMPL)		CCBMPL No. 3

# **CCBMPL 2 (Collective Bargaining Agreement with Independent Child Care Home Providers)**

## **Child Care Type A Homes Procedure Letter No. 2**

## **Child Care Type B Homes Procedure Letter No. 2**

February 16, 2010

TO: All Child Care Type B Manual Holders  
All Child Care Type A Manual Holders

FROM: Douglas E. Lumpkin, Director

SUBJECT: Collective Bargaining Agreement with Independent Child Care Home Providers

The state of Ohio has entered into a collective bargaining agreement with the American Federation of State, County and Municipal Employees (AFSCME) Ohio Council 8 Independent Child Care Home Providers. This agreement was made pursuant to Executive Order 2008-02S, "Establishing Collective Bargaining for Child Care Home Providers." The Ohio Department of Job and Family Services (ODJFS) will implement the terms of the agreement, including policy changes that affect provider certification requirements and responsibilities of the county departments of job and family services. ODJFS will work in consultation with the State-Union Committee to develop and implement new policies and to provide technical assistance.

Per the agreement, ODJFS will:

- Create a brochure for parents who are considering using subsidized child care.
- Develop a list of items to be included in a parent handbook for type B providers to distribute.
- Develop a curriculum for county certification staff to use, which will include an inspection checklist with a section for the provider to make comments at the end of the inspection. The provider will be given a copy of the form before the inspector leaves the home. A similar form will be used for complaint investigations.
- Create a form that will notify caretakers and providers when a change occurs in the caretaker's eligibility.
- Provide training and technical assistance to county staff regarding the terms of the agreement. Notice of rule changes will be made through the usual Clearance and rule-filing process.

The agreement further stipulates that:

- Each CDJFS will schedule 30 minutes during the health and safety training for type B providers to allow a union representative to distribute materials and provide membership information. ODJFS field office staff will schedule 30 minutes during initial meetings with type A providers for this purpose.
- A provider's participation on the State-Union Committee is an acceptable use of a substitute care provider.
- The term "legal representative," as used in rule 5101:2-14-40 of the Ohio Administrative Code, may include a union representative or steward designated by the child care provider.
- Providers and the union may file grievances as a result of alleged violations of the agreement.

AFSCME Ohio Council 8 is a statewide organization representing all of Ohio's type A and type B home providers. AFSCME has eight regional offices in the following cities: Akron, Athens, Cincinnati, Cleveland, Columbus, Dayton, Toledo and Youngstown. Addresses of these offices and the names of their union

representatives can be found in the December 2009 edition of the "Providers Together" newsletter. A link to more information for home child care providers can be found at:

<http://www.afscmecouncil8.org/>

If you have questions or concerns, please contact the OFC Help Desk toll free at 1-866-886-3537, option 4.

**INSTRUCTIONS:** The following chart identifies the material that should be added to the Child Type A Manual (CCAM) and the Child Care Type B Manual (CCBM).

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACE
CCAM Procedure Letters		CCAPL No. 2
CCBM Procedure Letters		CCBPL No. 2

# CCBMPL 1 (JFS 01299 Optional Online Submission Beginning May 15, 2009)

## Child Care Type B Homes Manual Procedure Letter No. 1

May 20, 2009

TO: All Child Care Center Manual Holders  
All Child Care Type A Home Manual Holders  
All Child Care Type B Home Manual Holders

FROM: Douglas E. Lumpkin, Director

SUBJECT: JFS 01299 "Incident/Injury Report for Child Care  
Centers/Type A Homes/Type B Providers" -  
Optional Online Submission Beginning May 15, 2009

This letter announces a new option for licensed child care centers and type A providers, and certified type B providers to electronically submit the [JFS 01299](#) "Incident/Injury Report for Child Care Centers/Type A Homes/Type B Providers" for serious incidents. Serious incidents are described in rules 5101:2-12-35, 5101:2-13-35, 5101:2-14-28 and 5101:2-14-58 of the Administrative Code.

Licensed child care centers and licensed type A homes are required to contact verbally ODJFS within twenty-four hours after a serious incident and to follow with a written JFS 01299 within three business days of the serious incident. Certified type B homes are required to verbally contact the County Department of Job and Family Services (CDJFS) within twenty-four hours after a serious incident and to follow with a written JFS 01299 within three business days of the serious incident. When using the electronic submission, the written notification requirement is met. The serious incident data is retained in a database that will be accessible by ODJFS and CDJFS staff.

Beginning May 15, 2009, providers may electronically submit serious incidents to the Ohio Department of Job and Family Services (ODJFS) by accessing the form at: <http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01299> on the Forms Central website and submitting the PDF version of the form. Providers will need to have adobe acrobat version 7.0 to utilize this feature. Submission of serious reports via this system does not fulfill the 24 hour requirement to make contact with the designated person at ODJFS or the CDJFS.

As a reminder only serious incidents (as defined in rule) are to be submitted to ODJFS.

Please contact the Help Desk for the Office for Children and Families at 1-866-886-3537, option # 4 if you have any questions.

INSTRUCTIONS: The following chart identifies the material that needs to be removed from and inserted into the below Manuals.

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACE
CCCM Procedure Letters		CCCPL No. 1
CCAM Procedure Letters		CCAPL No. 1
CCBM Procedure Letters		CCBPL No. 1

## **Child Care Type B Home Rules**

5101:2-14-01 Definitions for Certification of Type B Home Providers and In-Homes Aides

**CCMTL 91**

**Effective Date: August 14, 2008**

**Most Current Prior Effective Date: January 1, 2007**

- (A) "Absent day" means any day that a child is authorized in writing by the county department of job and family services (CDJFS) to be in the care of a provider, but is not in attendance, and child care would have been provided had the child been present with the child care provider.
- (B) "Adult residing in the home" means any person eighteen years of age or older who is a resident in the home.
- (C) "Advanced practice nurse (APN)" means a registered nurse approved by the board of nursing as an advance practice nurse under Chapter 4723. of the Revised Code and who holds a certificate of authority to practice as a clinical nurse specialist, certified registered nurse anesthetist, certified nurse midwife or certified nurse practitioner under Chapter 4723. of the Revised Code.
- ~~(C)~~(D) "Agency inspected limited certification (AI)" means the certification granted after the ~~county department of job and family services (CDJFS)~~ CDJFS inspects the provider's home for compliance with limited certification requirements in accordance with Chapter 5101:2-14 of the Administrative Code, and the provider and all adults who reside in the home have obtained ~~obtains~~ a criminal records check as defined in this rule.
- ~~(D)~~(E) "Applicant" means a person who is applying for certification as a type B home provider or in-home aide.
- ~~(E)~~(F) "Border state child care provider" means a child care provider who is licensed, certified, or otherwise approved by that state to provide child care services. A border state child care provider may provide publicly funded child care only to a recipient who resides in an Ohio county that borders the state in which the provider is located.
- ~~(F)~~(G) "Caretaker" 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. Caretaker has the same meaning as "caretaker parent" as defined in section 5104.01 of the Revised Code.
- (H) "Certified nurse practitioner (CNP)" means a registered nurse who holds a valid certification of authority issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a CNP in accordance with section 4723.43 of the Revised Code and rules adopted by the board of nursing.
- ~~(G)~~(I) "Child care" means administering to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their caretaker for any part of the twenty-four hour day. ~~Child care also means "child care" as defined in section 5104.01 of the Revised Code.~~ Child care does not include care provided in the child's residence except when the provider is a certified in-home aide.
- ~~(H)~~(J) "County department of job and family services" means the county department of job and family services (CDJFS) or agencies it has authorized to be its representative.
- ~~(I)~~(K) "County director" means the director of the county department of job and family services or individuals and agencies authorized to be the director's representative.

- ~~(J)~~(L) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation (BCII) pursuant to section 109.572 of the Revised Code. BCII is a bureau within the office of the Ohio attorney general.
- ~~(K)~~ "~~Department~~" and "~~Department of job and family services~~" means the ~~Ohio department of job and family services (ODJFS)~~.
- ~~(L)~~(M) "Director" or "director of job and family services" means the director of the Ohio department of job and family services (ODJFS), or individuals or agencies authorized to act as the director's representative.
- ~~(M)~~(N) "Emergency child care" means the provision of child care services for a maximum of one day by a CDJFS approved emergency caregiver due to an illness or unplanned absence by the professional certified type B home provider or in-home aide as a result of unanticipated circumstances such as ~~illness~~, accident or other family ~~crisis~~ emergency. Emergency child care shall not exceed one day at any one time.
- ~~(N)~~(O) "Field trips" means infrequent or irregularly scheduled excursions from the certified type B home or from the child's own home with an in-home aide.
- ~~(O)~~(P) "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.
- ~~(P)~~(Q) "Infant" means a child under eighteen months of age.
- ~~(Q)~~(R) "In-Home Aide (IHA)" means a person who does not reside with the child but provides child care to a child in the child's own home.
- ~~(R)~~(S) "Limited certification" means certification of either of the providers described below who meet the standards for limited certification in accordance with Chapter 5101:2-14 of the Administrative Code. Publicly funded child care may only be provided in a child's own home by an in-home aide.
- (1) A type B home provider or in-home aide who is an adult and who provides child care services for eligible children who are great-grandchildren, grandchildren, nieces, nephews or siblings of the provider, or whose caretaker is a grandchild, child, niece, nephew or sibling of the provider. The type B home provider can care for children of more than one family, not to exceed six children, when all the children are related to the provider as described above; or
  - (2) A type B home provider or in-home aide who provides child care services to eligible children all of whom have the same caretaker.
- (T) "Medically fragile foster home" means a foster home that provides specialized medical services designed to meet the needs of children with intensive health care needs who meet all of the following criteria:
- (1) Under rules adopted by ODJFS governing payment under Chapter 5111. of the Revised Code for long-term care services, the children require a skilled level of care.
  - (2) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of their medical conditions.
  - (3) The children require the services of a registered nurse on a daily basis.
  - (4) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for the mentally retarded.
- ~~(S)~~(U) "Medication" means any substance or preparation which is used for the purpose of prevention or treatment of an injury, illness or disease.

- ~~(F)~~(V) "Parent/provider inspected limited certification (PPI)" means the parent and provider complete an inspection of the provider's home and verify in writing that the provider's home is in compliance with health and safety requirements in accordance with Chapter 5101:2-14 of the Administrative Code, and the provider and all adults who reside in the home have obtained a criminal records check.
- (W) "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.
- (X) "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.
- ~~(U)~~(Y) "Preschool child" means a child who is three years old or older but is not a school child.
- ~~(V)~~(Z) "Professional certification" means certification given to the provider who meets the standards for professional certification in accordance with Chapter 5101:2-14 of the Administrative Code.
- ~~(W)~~(AA) "Provider" means a person who operates a certified type B home or is a certified in-home aide.
- ~~(X)~~(BB) "Provisional" means a sixty-day period during which limited certification status is granted when the parent and provider have signed a declaration under oath attesting that the home meets the health and safety standards for limited certification.
- ~~(Y)~~(CC) "Publicly funded child care" means administering to the needs of infants, toddlers, preschool children and school children under age thirteen during any part of the twenty-four hour day by persons other than their caretaker parents for remuneration wholly or in part with federal or state funds, including funds available under the child care block grant act Title IV-A, and Title XX, distributed by the department of job and family services.
- ~~(Z)~~(DD) "Related to the provider" means any of the following persons when determining group size in a type B 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)~~(EE) "Routine trips" means frequent or regularly scheduled excursions from the certified type B home or the home in which in-home aide services are being provided. Routine trips include, but are not limited to, taking a child to school or picking up a child from school.
- ~~(BB)~~(FF) "School 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 who is less than eighteen years old and eligible for special needs or protective child care benefits.
- ~~(CC)~~(GG) "Special needs" means providing child care services to a child who is under eighteen years old who does not function according to age appropriate expectations in one or more of the following areas of development: social/emotional, cognitive, communication, perceptual-motor, physical, or behavioral development, or the child has chronic health issues. The child's delays/condition(s) affect development to the extent that the child requires special adaptations, modified facilities, program adjustments or related services on a regular basis in order to function in an adaptive manner.
- (HH) "Specialized foster home" means a medically fragile foster home or a treatment foster home.
- ~~(DD)~~(II) "Substitute child care" means the provision of child care services by a CDJFS approved substitute caregiver due to a planned absence, not to exceed fourteen consecutive days at any one time, by the provider as a result of scheduled absences of the professional certified type B provider ~~from the type B home~~ or in-home aide.
- ~~(EE)~~(JJ) "Toddler" means a child who is at least eighteen months of age but is less than three years of age.

(KK) "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.

~~(FF)~~(LL) "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 in which no more than three children are under two years of age.

(1) For the purpose of determining group size in a type B home, ~~any children under six years of age who are related to the provider, as described in this rule, and who are on the premises of the type B home shall be counted. Children six years of age or older who are related to the provider, who are not publicly funded and who are on the premises of the type B home shall not be included in this count. When a provider is providing publicly funded child care for children who are related, as defined in this rule, the CDJFS shall include these children in the count.~~

(a) Any children under six years of age who are related to the provider, as described in this rule, and who are on the premises of the type B home shall be counted.

(b) Children six years of age or older who are related to the provider, who are not publicly or privately funded and who are on the premises of the type B home shall not be included in this count.

(c) When a provider is providing publicly or privately funded child care for children who are related, as defined in this rule, the CDJFS shall include these children in the count.

Effective: 08/14/2008

R.C. 119.032 review dates: 11/30/2007 and 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 07/24/2008

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011, 5104.012, 5104.013, 5104.12

Prior Effective Dates: 4/1/82, 5/20/83, 9/1/86, 2/15/88, 5/1/89, 11/1/91 (Emer.), 1/20/92, 7/1/95, 3/15/96, 10/1/97 (Emer.), 12/30/97, 4/1/03, 7/1/05 (Emer.), 10/1/05, 1/01/2007

**CCBMTL 3**

**Effective Date: November 15, 2010**

**Most Current Prior Effective Date: December 1, 2009**

- (A) Individuals interested in **professional** certification as a professional type B home provider providers or in-home **aide aides** to provide publicly funded child care shall contact the county department of job and family services (CDJFS) to request an application ~~for certification~~.
- (1) Individuals submitting applications shall ~~complete~~ provide all required **information documentation** within sixty days of ~~filing~~ submitting ~~their~~ the application. An application is considered to be complete when the applicant has submitted all documentation required by paragraph (B) of this rule. Applications that are not complete within sixty days may be denied by the CDJFS.
  - (2) The CDJFS shall accept, and approve or deny all completed applications for **professional** certification as a professional type B home provider or in-home aide within one hundred twenty days from the date the CDJFS receives the completed application.
  - (3) Applications which are complete except for the results of the bureau of criminal identification and investigation (BCII) and/or federal bureau of investigation (FBI) criminal records check shall be exempt from the one hundred and twenty day requirement for the CDJFS to accept or deny the application. All other information shall be complete and on file with the CDJFS to qualify for this exemption.
  - (4) The CDJFS shall deny an application if ~~the CDJFS~~ it determines that, within the last five years, the applicant was **previously** certified as a limited or professional provider, and that his or her certificate was revoked in ~~this state~~ Ohio or in another state, or the applicant voluntarily withdrew from the certification program as a result of CDJFS notification of its intent to revoke the certificate.
- (B) An "application for certification" for the purpose of this rule shall require completion and submission of the following materials:
- (1) **JFS 01643** "Application for Professional Type B Home and In-home Aide Certification" (rev. ~~8/2008~~ 7/2010).
  - (2) **JFS 01280** "Provider Medical Statement" (rev. 8/2008) after a physical examination by a physician, physician's assistant or advance practice nurse.
  - (3) **JFS 01329** "Statement of Nonconviction for Type B Home and In-Home Aides" (rev. 8/2008) for the applicant, emergency caregiver, substitute caregiver and each adult residing in the type B home.
  - (4) **JFS 01923** "Emergency and Substitute Caregiver Statement" (rev. 8/2008 ).
  - (5) **JFS 01302** "Request for Child Abuse and Neglect Report Information" (rev. 9/2006).
  - (6) A completed request for a BCII and FBI criminal records check.
  - (7) At least three written references from individuals who are unrelated to the applicant and attest to the experience and ability of the applicant.
  - (8) Verification of completion of a high school education, a high school diploma or general educational development (GED), except for individuals certified before April 1, 2003.

- (9) A completed copy of the [JFS 01332](#) "Certified Child Care Home Handbook for Caregivers" (rev. ~~7/2009~~ 7/2010).

(C) The JFS 01144 "Provider Agreement for Publicly Funded Child Care Services" (1/2010), JFS 01141 "Banking Information for Providers of Publicly Funded Child Care" (1/2010) and JFS 01150 "Rate Information for Providers of Publicly Funded Child Care" (1/2010) must be completed immediately following certification.

- (1) These forms are required to be submitted to the Ohio department of job and family services (ODJFS) by use of the provider portal on the child care website.
- (2) A provider will not be paid for any publicly funded child care services until these forms are completed and submitted to ODJFS.

~~(C)~~(D) If the CDJFS processes an application to certify an individual as a type B home provider or as an in-home aide, the CDJFS shall schedule an interview and inform the applicant of the following:

- (1) Procedures for review of the applicant's credentials and for inspection of the applicant's type B home or the home of a child receiving in-home aide services.
- (2) Requirements and procedures for using an emergency and substitute caregiver.
- (3) Items necessary to complete the BCII and FBI criminal records check.
- (4) Responsibilities of a certified type B home provider or a certified in-home aide.
- (5) Reimbursement rates and collection of the copayment and fees from parents.
- (6) Requirements for the billing processes established by the CDJFS.
- (7) Training and technical assistance requirements and availability.
- (8) Explanation and a paper or electronic copy of:
- (a) Chapter 5101:2-14 of the Administrative Code.
  - (b) Rule 5101:2-16-41 of the Administrative Code.
  - (c) Rule 5101:2-16-44 of the Administrative Code.
  - (d) Rule 5101:2-16-55 of the Administrative Code.
  - (e) Rule 5101:2-16-71 of the Administrative Code.
  - (f) ~~And any~~ Any additional requirements ~~developed by~~ of the CDJFS ~~and~~ that have been approved by the Ohio department of job and family services (ODJFS).
- (9) Responsibilities for maintaining the confidentiality of records ~~governing~~ of families and children receiving publicly funded child care.
- (10) Information necessary for the CDJFS to access records from the public children services agency (PCSA) concerning any abuse or neglect report made pursuant to section 2151.421 of the Revised Code including but not limited to the [JFS 01302](#).
- (11) Requirement that the provider shall complete one of the following:
- (a) Obtain and maintain liability insurance insuring the provider against liability arising out of, or in connection with, the operation of the type B home.
    - (i) The liability insurance shall cover any cause for which the type B 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 provider is not the owner of the home where the type B home is located and the provider obtains liability insurance described in ~~paragraph (C)(11)(a)~~ of 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) Provide the **JFS 01933** "Liability Insurance Statement for Type A and Type B Family Child Care Homes" (8/2009) to the caretaker of each child receiving care in the home. The JFS 01933 shall be signed by the caretaker and on file by the child's first day of attendance. For children currently enrolled in the type B home the JFS 01933 shall be on file within thirty days of the effective date of this rule.
  - (i) If the provider is not the owner of the home where the type B home is in operation, the statement shall also include; the owner of the home may not provide for coverage of any liability arising out of, or in connection with, the operation of the type B home.
  - (ii) The JFS 01933 shall be maintained at the home.

(12) Any changes that are needed ~~to be made~~ to the provider's JFS 01332 "~~Certified Child Care Handbook for Caregivers~~" (rev. 7/2009), to make it compliant with Chapter 5101:2-14 of the Administrative Code and Chapter 5104. of the Revised Code.

- ~~(D)~~(E) ~~Upon filing of an application for certification, the~~ The applicant must agree to cooperate with ~~the~~ CDJFS ~~inspection inspections~~ and to meet all requirements contained in Chapter 5101:2-14 of the Administrative Code and ~~or~~ Chapter 5104. of the Revised Code. These requirements apply to all certified type B homes providing care that is privately or publicly funded.
- ~~(E)~~(F) The CDJFS shall not require an applicant to complete the certification process when the applicant is already certified as a type B home provider or as an in-home aide by another CDJFS.
- ~~(F)~~(G) An individual applying to be certified by the CDJFS as a type B home provider or as an in-home aide shall be a resident of the state of Ohio.
- ~~(G)~~(H) In accordance with section 5104.99 of the Revised Code, whoever falsifies information on the **JFS 01329** in violation of division (A)(1) of section 5104.09 of the Revised Code is guilty of a misdemeanor of the first degree.
- (I) A provider shall have the right to access, review and make copies of any information in the CDJFS or ODJFS files of the provider, except information prohibited by state or federal law. The provider may be accompanied by a union representative for this purpose and/or may authorize a union representative to access such information.

Effective: 11/15/2010

R.C. 119.032 review dates: 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 10/14/2010

Promulgated Under: 119.03

Statutory Authority: 5104.011, 5104.041

Rule Amplifies: 5104.011, 5104.041

Prior Effective Dates: 4/1/82, 9/1/86, 2/15/88, 5/1/89, 7/1/95, 3/15/96, 10/1/97 (Emer.), 12/30/97, 4/1/03, 1/1/07, 8/14/08, 12/1/2009

5101:2-14-03 Compliance Inspection of Type B Home Providers and In-Home Aides

**CCBMTL 3**

**Effective Date: November 15, 2010**

**Most Current Prior Effective Date: August 14, 2008**

- (A) The county department of job and family services (CDJFS) shall:
- (1) Inspect each type B home prior to the initial issuance of a certificate and at least twice within each twelve-month certification period whether or not children are enrolled. A minimum of one inspection shall be unannounced and all inspections may be unannounced.
  - (2) Inspect the home of a child receiving in-home aide services. The home shall be inspected prior to the child care arrangement and at least twice within a twelve month certification period while the in-home aide is providing child care services. A minimum of one inspection shall be unannounced and all inspections may be unannounced.
- (B) The type B home provider or in-home aide and caretaker shall permit the CDJFS to:
- (1) Complete inspection of all areas of the type B home or the home of a child receiving in-home aide services as required by Chapter 5101:2-14 of the Administrative Code.
  - (2) Review required records.
  - (3) Review any information or documentation as is necessary to determine compliance.
- (C) For each inspection, the CDJFS shall complete the **JFS 01926** "Inspection Report for Professional Type B Family Child Care" (rev. ~~8/2008~~ 7/2010); ~~and shall within fifteen working days after the inspection:~~
- (1) ~~Furnish a copy to the type B home provider~~ The CDJFS staff shall leave a copy of the inspection report with the provider before the CDJFS staff leaves the provider's home.
  - (2) ~~Furnish a copy to the in-home aide and a copy to the caretaker utilizing the in-home aide~~ The CDJFS staff shall provide a copy of the inspection report to the caretaker who uses the services of an in-home aide.
- (D) The CDJFS shall provide a copy of the inspection report to any person who submits a request to the CDJFS, ~~after removal of confidential~~ Confidential information shall be removed prior to the release of the report. Inspection reports shall be kept on file at the CDJFS.
- (E) When the CDJFS determines the type B home provider or in-home aide is not in compliance with this chapter ~~or~~ and with Chapter 5104. of the Revised Code and the CDJFS does not propose revocation of the certificate, the CDJFS shall forward to the provider written notification which includes:
- (1) A statement of the specific noncompliance findings.
  - (2) A statement of what must be done to correct the violation.
  - (3) The date, not to exceed thirty working days, by which the correction must be completed.
  - (4) A statement of the consequences if the provider fails to correct violations within the specified time frame.
  - (5) A statement that the provider has the right to appeal the findings of the CDJFS and request a county appeal review in accordance with procedures outlined in rule 5101:2-14-40 of the Administrative Code.

- (F) The CDJFS may require that applicants and providers be in compliance with additional requirements. Additional requirements ~~must~~ shall be approved by the Ohio department of job and family services (ODJFS), prior to implementation, according to procedures contained in rule 5101:2-14-61 of the Administrative Code.
- (G) Failure of the caretaker whose child is receiving in-home aide services to cooperate with the CDJFS or failure to comply with this chapter and Chapter 5104. of the Revised Code shall be cause for the CDJFS to terminate the in-home aide arrangement and inform the caretaker of alternative child care arrangements.
- (H) The type B home provider shall make available all inspection reports within the current certification period upon request of the caretaker.

Effective: 11/15/2010

R.C. 119.032 review dates: 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 10/14/2010

Promulgated Under: 119.03

Statutory Authority: 5104.011, 5104.11, 5104.12

Rule Amplifies: 5104.011, 5104.11, 5104.12

Prior Effective Dates: 4/1/82, 5/20/83, 9/1/86, 2/15/88, 5/1/89, 3/15/96, 10/1/97 (Emer.), 12/30/97, 4/1/03, 8/14/08

## 5101:2-14-03.1 Complaint Investigation of Professional and Limited Type B Home Providers and In-Home Aides

### CCBMTL 3

**Effective Date: November 15, 2010**

**Most Current Prior Effective Date: August 14, 2008**

- (A) ~~Upon receipt of a complaint against a type B home provider or in-home aide the~~ The county department of job and family services (CDJFS) shall investigate ~~the a complaint against a type B home provider or an in-home aide.~~ The CDJFS may inspect the type B home or the home of a child receiving in-home aide services.
- A public children services agency (PCSA) investigation does not relieve the CDJFS of its responsibility to investigate provider noncompliance with regulations contained in Chapter 5101:2-14 of the Administrative Code unless the PCSA indicates that the CDJFS complaint investigation would interfere with the PCSA's investigation of the case.
- (B) Investigations of all complaints shall begin within five business days of receipt of a complaint by the CDJFS, unless the complaint falls under paragraph (C) of this rule.
- (C) If the complaint alleges an immediate risk to children, the CDJFS shall:
- (1) Begin the investigation within twenty-four hours of receipt of the complaint.
  - (2) Notify the caretakers of all children receiving child care services from the provider, within twenty-four hours of receiving the complaint, of the ongoing investigation and the rule which the complainant alleges has been violated.
  - (3) Send to the caretakers of all children receiving child care from the provider a completed copy of the JFS 01922 "Notification of Child Care Investigation" (rev. 8/2008) within three business days of receipt of the complaint. The caretakers of children not involved in the complaint shall not be provided with names of children involved. Caretakers of children involved in the complaint shall be informed of the alleged rule violations involving their child.
- (D) "Immediate risk" is a situation or a rule violation with the ~~immediate~~ potential to cause immediate harm to children.
- (E) If the complaint alleges child abuse or neglect, the CDJFS shall immediately report the complaint to the 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:
- (1) A summary of the allegations.
  - (2) The name of the reporter, unless anonymity is requested.
  - (3) A summary of actions taken by the CDJFS or plans to initiate an investigation of noncompliance with the regulations contained in Chapter 5101:2-14 of the Administrative Code.
  - (4) A request for clarification of joint or parallel investigatory roles.
- (F) ~~Sharing of information between the~~ The PCSA and CDJFS shall share information ~~be done~~ in accordance with rules 5101:2-14-62 and 5101:2-34-38 of the Administrative Code.
- (G) The type B home provider or in-home aide and caretaker shall permit the CDJFS to investigate a complaint involving the type B home provider or in-home aide. Failure to cooperate with the CDJFS shall be grounds for denial or revocation of a certificate.
- (H) For each investigation, the CDJFS shall complete the JFS 01921 "Complaint Disposition Report" (rev. 8/2008) and furnish one copy to the type B home provider or the in-home aide ~~and any applicable~~

~~caretakers within fifteen business days after completion of each complaint investigation~~ before the CDJFS staff leaves the provider's home. If additional information is added to the report or it is revised in any way, the CDJFS shall send a copy of the report to the provider within five business days of the date of the addition or revision. ~~The CDJFS shall provide a copy of the JFS 01921 to any person who submits a request to the CDJFS. The CDJFS shall remove all confidential information prior to providing a copy of the JFS 01921. The JFS 01921 shall be maintained in the provider's file at the CDJFS.~~

- (I) If a JFS 01921 is completed as part of an investigation conducted by telephone the CDJFS 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 CDJFS shall send a copy of the report to the provider within five business days of the date of the addition or revision.
- (J) The CDJFS shall provide a copy of the JFS 01921 to any person who submits a request to the CDJFS. The CDJFS shall remove all confidential information prior to providing a copy of the JFS 01921. The JFS 01921 shall be maintained in the provider's file at the CDJFS.
- (K) When the CDJFS determines the type B home provider or in-home aide is not in compliance with Chapter 5101:2-14 of the Administrative Code or Chapter 5104. of the Revised Code and the CDJFS does not propose revocation of the certificate, the CDJFS shall forward to the provider written notification which includes:
- (1) A statement of the alleged complaint and/or specific noncompliance findings.
  - (2) A statement of what must be done to correct the violation.
  - (3) The date, not to exceed thirty working days, by which the correction shall be completed.
  - (4) A statement of the consequences if the provider fails to correct the violations within the specified time frame.
  - (5) A statement that the provider has the right to appeal the findings of the CDJFS and request a county appeal review in accordance with procedures outlined in rule [5101:2-14-40](#) of the Administrative Code.
- (L) When the CDJFS receives a report that a type B home may be caring for too many children in violation of section 5104.02 of the Revised Code, the CDJFS shall refer the report to the appropriate Ohio department of job and family services (ODJFS) child care licensing office ~~which serves the county~~ for investigation. If the home is certified, the CDJFS shall conduct an investigation according to procedures contained in this rule. If the provider fails to correct the violations, the CDJFS shall revoke the certificate.

Effective: 11/15/2010

R.C. 119.032 review dates: 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 10/14/2010

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011, 5104.11, 5104.12

Prior Effective Dates: 8/14/08

5101:2-14-04 Issuance and Renewal of Professional Certification as a Type B Home Provider or In-Home Aide

**CCBMTL 6**

**Effective Date: July 1, 2011**

**Most Current Prior Effective Date: August 14, 2008**

- (A) Prior to the issuance of a type B or in-home aide certificate, the county department of job and family services (CDJFS) shall obtain all items as required by paragraph (B) in rule **5101:2-14-02** of the Administrative Code and the following:
- (1) Results from the bureau of criminal identification and investigation (BCII) and federal bureau of investigation (FBI) for the applicant and all residents.
  - (2) Results from the **JFS 01302** "Request for Child Abuse and Neglect Report Information" (rev. 9/2006) for the applicant and all residents.
  - (3) A signed and completed **JFS 01280** "Provider Medical Statement" (rev. 8/2008) after being examined by a licensed physician, physician's assistant, certified nurse practitioner or advanced practice nurse, not more than six months prior to certification.
  - (4) A signed and completed **JFS 01924** "Inservice Training for Type B Home and In-Home Aide Child Care Providers" (rev. 8/2008) or a **JFS 01307** "Inservice Training for Child Care Employees Child Care Centers and Type A Homes" (rev. 7/2010) verifying the applicant's completion of at least eight hours of the **JFS 1750** "Health and Safety in Family Child Care" (rev. ~~5/2003~~ 7/2010) training.
  - (5) Verification of the ~~applicant's~~ applicant's current certification in first aid and cardiopulmonary resuscitation (CPR) as required by rule **5101:2-14-13** of the Administrative Code.
- (B) The CDJFS shall provide the applicant with the following information when a determination is made that the applicant will be certified:
- (1) **JFS 08087** "~~Communicable Disease Chart~~ Ohio Communicable Disease Chart" (rev. ~~4/2006~~ 4/2009 or 9/2009).
  - (2) All forms required to comply with the record keeping requirements contained in Chapter 5101:2-14 of the Administrative Code.
- (C) Once certified, the type B home provider shall complete and submit a provider agreement and all information required in the provider portal which is located at <http://jfs.ohio.gov/cdc/childcare.stm>. This information shall be submitted by the first day publicly funded child care services are provided. Any child care services provided prior to the date of submission shall not be subject to reimbursement.
- ~~(C)~~(D) The certificate shall be valid for twelve months, unless:
- (1) It is revoked for noncompliance with Chapter 5101:2-14 of the Administrative Code.
  - (2) The provider notifies the CDJFS either verbally or in writing of his or her voluntary withdrawal from the certification program.
  - (3) The type B home provider moves to a new address.
- ~~(D)~~(E) The type B home provider shall post the certificate in the home in a conspicuous place that is accessible to the caretaker at all times. The CDJFS shall provide a copy of the certificate to the caretaker of a child receiving in-home aide services.
- ~~(E)~~(F) A certificate is valid only for the provider, address, and maximum number of children designated on the certificate.

- ~~(F)(G)~~ ~~As of the effective date of this rule, only~~ On or after August 14, 2008 only one type B home provider certificate shall be issued for each address. For providers that had more than one certificate issued to the address before ~~the effective date of this rule~~ August 14, 2008, the certificates will remain valid as long as the certificate does not lapse and both providers are in compliance with Chapter 5101: 2-14 of the Administrative Code and Chapter 5104. of the Revised Code.
- ~~(G)(H)~~ ~~As of the effective date of this rule,~~ As of August 14, 2008, a type B home provider certificate shall not be issued to any address that is licensed as a type A child care home. Type B home providers ~~that are currently~~ certified on or before August 14, 2008 at the same address as a type A child care home shall have their certificate remain valid as long as the certificate or license does not lapse and both child care providers are in compliance with Chapter 5104. of the Revised Code and Chapter 5101:2-14 and Chapter ~~5101: 2-12~~5101:2-13, respectively, of the Administrative Code.
- ~~(H)(I)~~ ~~If the type B home provider moves,~~ A type B home provider shall notify the CDJFS ten days prior to moving to a new address. a ~~T~~The CDJFS shall issue a new certificate and contract shall be issued to the new address upon determining that the provider is in compliance at the new address. The original certification period shall be maintained at the new address. The provider shall not be eligible for reimbursement for publicly funded child care services until ~~a certificate is issued for the new address:-~~
- (1) The CDJFS issues a certificate for the new address.
  - (2) The type B home provider completes a new provider agreement and all information required in the provider portal.
- ~~(J)(J)~~ The voluntary surrender of a certificate to the CDJFS or the withdrawal of an application for certification shall not prohibit the CDJFS from revoking a certificate or denying an application for certification, if the type B home provider or in-home aide is out of compliance with Chapter 5101:2-14 of the Administrative Code ~~or~~ and Chapter 5104. of the Revised Code.
- ~~(J)(K)~~ As part of the ~~recertification~~ certification renewal process, the CDJFS shall obtain current information from the public children services agency about the provider, any other adult residents, and emergency and substitute caregivers by completing a new JFS 01302. ~~The CDJFS shall renew a certificate, which shall be valid for twelve months, when the provider remains in compliance with Chapter 5101:2-14 of the Administrative Code and Chapter 5104. of the Revised Code.~~
- ~~(L)~~ The CDJFS shall renew a certificate, which shall be valid for twelve months, if the provider remains in compliance with Chapter 5101:2-14 of the Administrative Code and Chapter 5104. of the Revised Code.
- ~~(K)(M)~~ The CDJFS may choose not to renew a certificate for providers who have not provided publicly funded child care services to residents of Ohio for more than six months.
- ~~(L)(N)~~ The CDJFS shall not prohibit, ~~as a condition of certification,~~ certified type B home providers from ~~simultaneously~~ providing privately or publicly funded child care services. The requirements contained in Chapter 5101:2-14 of the Administrative Code apply to all certified type B homes providing care that is privately or publicly funded.
- ~~(M)(O)~~ An individual certified by the CDJFS as a type B home provider or as an in-home aide to provide publicly funded child care services is an independent contractor and is not an employee of the CDJFS that issued the certificate.
- ~~(N)(P)~~ Publicly funded child care may only be provided in a child's own home by an in-home aide.

Effective: 07/01/2011

R.C. 119.032 review dates: 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 06/01/2011

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011

Prior Effective Dates: 4/1/82, 5/20/83, 9/1/86, 2/15/88, 5/1/89, 11/1/91 (Emer.), 1/20/92, 3/15/96, 10/15/96, 10/1/97 (Emer.), 12/30/97, 4/1/03, 1/1/07, 8/14/08

**CCMTL 91**

**Effective Date: August 14, 2008**

**Most Current Prior Effective Date: April 1, 2003**

- (A) The type B home provider or in-home aide shall be at least eighteen years of age, and for those individuals certified after April 1, 2003, ~~have a high school diploma or GED. Verification of the diploma or GED shall be provided to the CDJFS.~~ have completed a high school education. The county department of job and family services (CDJFS) shall verify each provider's education and maintain the documentation in the provider's file. Verification of 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 as equivalent to a high school education.
  - (2) A copy of other written documentation approved by the department verifying high school completion or equivalency, such as the Ohio general educational development high school equivalence diploma (GED).
  - (3) A copy of the degree or transcript verifying completion of an associates degree or higher.
  - (4) For the home schooled student, a letter from the state or local board of education stating that the curriculum for the course of home study taken by the provider meets the required standards.
- (B) The provider shall be examined by a licensed physician, physician's assistant, ~~or~~ certified nurse practitioner (CNP) or advanced practice nurse (APN), not more than six months prior to certification and every three years from the date of the initial medical examination. ~~not more than six months prior to certification. "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.~~ The provider shall be examined and have the JFS 01280 "Provider Medical Statement" (rev. 8/2008) signed by a licensed physician, physician's assistant, ~~or~~ CNP or APN. The **JFS 01280** shall include ~~which includes~~ at a minimum:
- (1) ~~Examination~~ The examination date;
  - (2) ~~Physician's or CNP's signature,~~ The signature office address, and telephone number of the physician, physician's assistant, CNP or APN who completed the examination;
  - (3) Verification ~~Verification of absence of tuberculosis disease~~ that the provider is currently free of communicable tuberculosis;
  - (4) ~~Immunization~~ A statement that the provider has been immunized against measles, mumps, and rubella.
    - (a) A history of having measles or mumps disease may be substituted for the vaccine for persons born on or before December 31, 1956.
    - (b) Only a laboratory test demonstrating detectable rubella antibodies shall be accepted in lieu of the rubella vaccine.
    - (c) A provider may be exempt from this immunization requirement for religious reasons upon filing a written statement with the CDJFS, or for medical reasons upon filing a written statement with the CDJFS that is signed by a licensed physician, physician's assistant, ~~or~~ CNP or APN ~~with the CDJFS.~~

- (5) A statement that the provider has been immunized against tetanus and diphtheria. At the time the next booster for tetanus and diphtheria is due, the provider shall also be immunized against pertussis (Tdap).
- ~~(5)~~(6) Any special health problems which might interfere with the health of children or might prohibit the individual from providing adequate care for young children.
- (C) The CDJFS may require the provider, at any time prior to or subsequent to the issuance of a certificate, to submit a current JFS 01280 "~~Provider Medical Statement~~" signed by a licensed physician, physician's assistant, or CNP or APN. Failure to obtain a new medical statement may be grounds for revocation of a certificate.
- ~~(D)~~ ~~The provider shall submit a new JFS 01280 "Provider Medical Statement" to the CDJFS at least once every three years from the previous examination date.~~
- ~~(E)~~(D) The provider shall be physically, intellectually and emotionally capable of complying with the requirements of Chapter 5101:2-14 of the Administrative Code and performing activities normally related to child care. These include, but are not limited to, providing meals, dealing with emergencies in a calm manner, carrying out methods of child guidance and discipline in a courteous, respectful and patient manner, and keeping accurate records as required by this chapter.
- ~~(F)~~(E) The provider shall meet at least one of the following requirements:
- (1) Have at ~~At~~ least six months' experience in caring for a child twelve years or younger. Parenthood may be considered as experience; ~~or~~
  - (2) Have obtained at least thirty ~~Thirty~~ clock hours of documented training which has been approved by the CDJFS.
- ~~(G)~~(F) The provider shall provide a safe, healthy environment when children are present. Any individual whose behavior or health may endanger ~~endangers~~ the health, safety and or well being of children shall not be present or reside in the type B home or home of a child receiving in-home aide services.
- (G) The CDJFS shall obtain information from the public children services agency (PCSA) by completing the JFS 01302 "Request for Child Abuse and Neglect Report Information" (rev. 9/2006). The CDJFS shall consider any information provided by the PCSA within the totality of circumstances to determine if the provider may endanger the health, safety, or welfare of children.
- (H) The provider shall notify the CDJFS of any individual staying at the home for more than five consecutive calendar days during a certification period.
- ~~(H)~~(I) The provider or any resident of the type B home shall not:
- (1) Demonstrate physical or mental conditions potentially harmful to children;
  - (2) Be under the influence of alcohol or other drugs while child care is being provided;
  - (3) Have been convicted of or pleaded guilty to crimes listed in ~~section 5104.013~~ division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code; ~~or~~
  - (4) Have been indicted, are awaiting trial on charges, or pending outcome of a trial of any of the crimes listed in ~~section 5104.013~~ division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code. The provider shall report this information, as well as any investigation being conducted by a public children services or law enforcement agency, immediately to the CDJFS.
- ~~(H)~~(J) The provider shall not be involved in any activities ~~or employment~~ which interfere with the care of the children. The provider shall not be involved in employment during the hours in which child care is provided.

- (K) Any provider certified after the effective date of this rule shall not be a specialized care foster home.
- ~~(J)~~(L) Each initial type B home or in-home aide applicant shall provide the CDJFS with at least three written references. ~~The applicant shall provide a listing of all previous child care experience whether in a paid or unpaid capacity.~~ The references shall be from unrelated individuals not related to the applicant, shall attest to the applicant's ability to care for children and shall be satisfactory to the CDJFS.
- ~~(K)~~(M) The type B home or in-home aide applicant shall sign the JFS 01329 "Statement of Nonconviction for Type B Homes and In-Home Aides" (rev. 8/2008), attesting to all of the following: ~~and every individual eighteen years of age or older residing in the type B home shall sign the JFS 01301 "Child Care Convictions Statement" attesting that he/she has not been convicted of or pleaded guilty to any offense listed in section 5104.09 of the Revised Code and that no child has been removed from his/her home pursuant to section 2151.353 of the Revised Code.~~
- (1) That he or she has not been convicted of or pleaded guilty to any offense listed in division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code.
  - (2) That no child has been removed from his or her home pursuant to section 2151.353 of the Revised Code.
  - (3) That no person who resides at the type B home and who is under the age of eighteen has been determined by the court to be a delinquent child for pleading guilty to or being found guilty of a violation of any provision listed in division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code.
- (N) Every individual eighteen years of age or older residing in the type B home shall sign the JFS 01329 attesting that he or she has not been convicted of or pleaded guilty to any offense listed in division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code and that no child has been removed from his or her home pursuant to section 2151.353 of the Revised Code.
- ~~(L)~~ ~~The type B home applicant shall sign the JFS 01301 "Child Care Convictions Statement" attesting that no person who resides at the type B home and who is under the age of eighteen has been determined by the court to be a delinquent child for committing a violation of any provision listed in section 5104.09 of the Revised Code.~~
- ~~(M)~~(O) The type B home or in-home aide applicant and every adult residing in the applicant's type B home shall comply with the requirements contained in rule 5101:2-14-11 of the Administrative Code.
- ~~(N)~~(P) The type B home provider shall notify the CDJFS within twenty-four hours or on the next working day of any change in household composition.
- (Q) Providers who are foster parents shall:
- (1) Notify the CDJFS prior to certification and the caretakers of all children receiving care before child care is provided when the provider is caring for foster children.
  - (2) Notify the CDJFS and the caretakers of all children receiving care within one business day of when the provider is to begin caring for additional foster children.
  - (3) Maintain a written record documenting the date and how the CDJFS and caretakers were notified about foster children in care. This record shall be made available to the CDJFS upon request.
- ~~(O)~~(R) The provider may choose to accept only those placements which suit the provider's abilities and the physical environment of the home, but shall not discriminate in providing child care services to children upon the basis of handicap, race, color, religion, sex, or national origin.

~~(P)~~(S) The provider shall not use or disclose any information concerning eligible individuals for any purpose not directly related to the delivery of purchased child care services, except upon written consent of the eligible individual or a responsible caretaker.

(T) The provider shall, upon request, provide a caretaker with any information necessary for the caretaker to compile child care related expenses for income tax preparation activities.

(U) The provider shall report any error in payment for publicly funded child care to the CDJFS within ten days after receiving the payment.

Effective: 08/14/2008

R.C. 119.032 review dates: 12/20/2007 and 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 07/24/2008

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011, 5104.012, 5104.013, 5104.11, 5104.12

Prior Effective Dates: 4/1/82, 5/20/83, 10/1/83, 9/1/86, 2/15/88, 5/1/89, 7/1/95, 3/15/96, 10/15/96, 10/1/97 (Emer.), 12/30/97, 1/1/01, 4/1/03

**5101:2-14-06 Denial, Revocation and Withdrawal of Professional Certification as a Type B Home Provider or In-Home Aide**

**CCBMTL 6**

**Effective Date: July 1, 2011**

**Most Current Prior Effective Date: August 14, 2008**

- (A) If the county department of job and family services (CDJFS) determines that the applicant or provider is not in compliance with Chapter 5101:2-14 of the Administrative Code ~~or~~and Chapter 5104. of the Revised Code, the CDJFS shall deny the application or may revoke the certificate. The applicant, provider or spouse who resides in the home cannot reapply for limited or professional certification for at least one year following denial of the application. The applicant, provider or any other relative who resides in the home shall not apply or reapply for limited or professional certification for at least five years following the revocation of the certificate in this state or any other state, or the provider's voluntary withdrawal in this state or any other state, from the certification program as a result of CDJFS notification of its intent to revoke the provider's certificate due to a violation of the requirements of paragraph (B) of this rule.
- (B) Reasons for denial of an application or revocation of a certificate may include but are not limited to the following:
- (1) Noncompliance with Chapter 5101:2-14 of the Administrative Code and Chapter 5104. of the Revised Code.
  - (2) Noncompliance with any additional CDJFS requirements approved by ODJFS pursuant to rule 5101:2-14-61 of the Administrative Code.
  - (3) The CDJFS determines that the applicant was previously certified in this state or any other state as a limited or professional provider, and that in the last five years his or her certificate was revoked or the applicant voluntarily withdrew from the certification program as a result of CDJFS notification of its intent to revoke the certificate.
  - (4) Failure to cooperate with the CDJFS in the certification process or complaint investigation including but not limited to, consistently being unavailable for announced and unannounced inspections conducted by the CDJFS.
  - (5) Fraudulent billing or accepting payment from the CDJFS or from the Ohio department of job and family services (ODJFS) for authorized services not rendered or for unauthorized services.
  - (6) Misrepresentation, falsification or withholding of information.
  - (7) Delinquent child care overpayments owed to any CDJFS or to ODJFS.
  - (8) Delinquent child care copayment owed to a child care provider, unless satisfactory arrangements have been made to pay the delinquent copayment.
  - (9) An individual under the age of eighteen resides in the home and has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code.
  - (10) An individual eighteen years of age or older resides in the home and has previously been convicted of or pleaded guilty to a violation of any section listed in division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code, unless the individual meets all of the criteria for rehabilitation outlined in rule 5101:2-14-11 of the Administrative Code and has been approved by the CDJFS.

- (11) The CDJFS has determined through the results of the [JFS 01302](#) "Request for Child Abuse and Neglect Report Information" (rev. 9/2006) or any other means, 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~~ well-being of children in care at the home.
- (C) The CDJFS shall only revoke a certificate after conducting a county appeal review in accordance with procedures ~~outlined~~ in rule [5101:2-14-40](#) of the Administrative Code unless one of the following occurs:
- (1) The public children services agency (PCSA), CDJFS or a law enforcement agency determines that children are at risk of being abused or neglected or conditions in the type B home or the home of a child receiving in-home aide services endanger the health, safety or well-being of children.
  - (2) The PCSA, a law enforcement agency or the court have determined that children have been abused or neglected while in the type B home or under the care of the type B home provider or in-home aide.
  - (3) Results from the bureau of criminal identification and investigation (BCII) criminal records check indicate the type B home provider, adults residing in the type B home or the in-home aide have been convicted of or pleaded guilty to the offenses or violations listed in division (A)(8) or (A)(9) of section 109.572 and division (A)(1) of section 5104.09 of the Revised Code, and the CDJFS has determined they do not meet the criteria for rehabilitation outlined in rule [5101:2-14-11](#) of the Administrative Code.
  - (4) New adults residing in the type B home fail to comply with the BCII criminal record check requirements ~~as outlined in~~ of rule 5101:2-14-11 of the Administrative Code.
  - (5) An individual under the age of eighteen resides in the type B home and has been adjudicated a delinquent child for ~~being convicted of or pleading guilty to~~ a violation listed in division (A)(8) or (A)(9) of section 109.572 or section 5104.09 of the Revised Code.
- (D) When the CDJFS has identified that any of the conditions ~~listed~~ in paragraph (C) of this rule have occurred, the CDJFS shall immediately revoke the type B home or in-home aide certificate and ~~send~~ within two working days send written notification to the provider which contains the following information:
- (1) The reason for revocation of the certificate.
  - (2) The rule or statute violated, as applicable.
  - (3) The right of a provider to appeal the decision and request a county appeal review in accordance with procedures outlined in rule 5101:2-14-40 of the Administrative Code.
  - (4) The effective date the certificate was revoked.
  - (5) Notice that reapplication for limited or professional certification cannot occur for at least five years following revocation, or the provider's voluntary withdrawal from the certification program as a result of CDJFS notification of its intent to revoke the provider's certificate.
- (E) If the CDJFS denies the application or proposes to revoke a certificate due to any of the conditions listed in paragraph (B) of this rule, the CDJFS shall send written notification to the applicant or provider which contain the following information:
- (1) The reason for denial or proposed revocation.
  - (2) The rule or statute violated, if applicable.

- (3) The right of the applicant or provider to appeal the decision to deny the application or revoke the certificate and request a county appeal review in accordance with procedures outlined in rule 5101:2-14-40 of the Administrative Code.
  - (4) Notice that failure to receive a request for a county appeal review will result in immediate revocation of the certificate.
  - (5) Notice that reapplication for limited or professional certification cannot occur for at least one year following denial of the application, or five years following the revocation of the certificate in this state or any other state, or the provider's voluntary withdrawal from the certification program as a result of CDJFS notification of its intent to revoke the provider's certificate.
- (F) When a certificate is revoked or has expired ~~or the contract is not renewed~~, the CDJFS shall contact the caretaker who is receiving publicly funded child care services from the provider, by telephone with follow up written notification, to inform the caretaker of the following:
- (1) The provider's certificate has been revoked or has expired ~~or the contract has not been renewed~~.
  - (2) The availability of alternate child care services.
- (G) The CDJFS shall be responsible for maintaining a copy of all written notices to the provider in the provider's file.
- (H) When a provider voluntarily withdraws from the certification program, the CDJFS shall:
- (1) Request the provider to submit the voluntary withdraw request in writing.
  - (2) Record the date the provider voluntarily withdrew from the certification program and file a copy of the written withdrawal in the provider's file.
  - (3) Notify the provider, in writing, of the effective date of voluntary withdrawal from the certification program.
  - (4) Notify each caretaker receiving publicly funded child care services from the provider, in writing, of the following:
    - (a) The provider has voluntarily withdrawn from the certification program and the effective date of voluntary withdrawal.
    - (b) The availability of alternate child care services.
- (I) The CDJFS shall notify the Ohio department of job and family services (ODJFS), the appropriate child care resource and referral agency and the Ohio department of education, office of nutritional services, when a provider's certification has been revoked, has expired, or the provider voluntarily withdraws from the certification program.
- (J) The provider shall not receive publicly funded reimbursement for child care services from the CDJFS ~~upon~~ following revocation of a certificate or voluntary withdrawal from the certification program.

Effective: 07/01/2011

R.C. 119.032 review dates: 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 06/01/2011

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011, 5104.11, 5104.12

Prior Effective Dates: 4/1/82, 9/1/86, 2/15/88, 5/1/89, 11/1/91 (Emer.), 1/20/92, 3/15/96, 10/1/97 (Emer.), 12/30/97, 4/10/03, 8/14/08

**CCMTL 91**

**Effective Date: August 14, 2008**

**Most Current Prior Effective Date: April 10, 2003**

- (A) Each type B home or home of a child receiving in home-aide services shall have the following emergency ~~exit capacity~~ egress features and operational conditions ~~as outlined below~~:
- (1) All ~~floors~~ levels used for child care shall have a primary escape route which provides a safe exit ~~path for travel~~ to the outside of the home. When the floor 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 floor 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 ~~includes~~ either of the following:
    - (a) A door or stairway providing a means of an unobstructed ~~travel to~~ exit to the outside of the home at ground level; ~~or,~~
    - (b) A window at least twenty inches in width that opens without the use of tools to the outside ~~without the use of tools~~. The interior 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 under the escape window.
  - (3) Type B home providers or in-home aides who are certified after September 1, 2008 shall not use any room or space higher than the second floor of a home or building for child care.
  - ~~(3)~~(4) No room or space that is accessible only by a ladder, folding stairs, or through a trapdoor shall be used for child care.
  - ~~(4)~~(5) All stairs shall be lighted so that each step can be clearly seen while going up and down stairs. A hand rail on at least one side shall be present on any stairs where there are four or more risers.
  - ~~(5)~~(6) All hallways, corridors, ramps and passageways leading to an exit shall be adequately lighted by natural or artificial light. When artificial light is used, lighting shall be provided with at least a sixty-watt bulb.
  - ~~(6)~~(7) Doorways, corridors, and stairways which are part of the primary or alternate escape route shall be kept clear of obstructions such as, but not limited to, toys, clothing, snow, ice, accumulated trash and assorted debris.
- (B) Each type B home provider or in-home aide shall meet the following fire evacuation requirements:
- (1) The provider shall have a written fire evacuation plan which consists of a floor plan marked with a primary escape route and an alternate escape route to a designated meeting place outside the home.
  - (2) The provider shall practice the fire evacuation plan at least once each month at different times of the day. The date, and time of day, number of children and total time to evacuate for ~~of~~ each practice drill shall be kept in a written log.
  - (3) The written fire evacuation plan and log of practice fire drills shall be available for review by the county department of job and family services (CDJFS).

- (C) Storage of flammable and combustible materials and substances, such as, but not limited to, gasoline, kerosene, propane and other fuels, ~~rubbing alcohol, furniture polish and wax, rubber and contact cements, paints, thinners, and strippers~~ shall be as follows:
- (1) No gasoline, kerosene, propane or other fuels shall be stored in the type B home or the home of a child receiving in-home aide services.
  - (2) Flammable and combustible materials and substances shall be:
    - (a) Stored in their original containers;
    - (b) Kept in closed storage;
    - (c) Stored out of the reach of children; ~~and~~
    - (d) Stored away from heaters, furnaces, water heaters and gas appliances.
  - (3) Flammable and combustible materials and substances shall not be stored below the first floor.
- (D) There shall be at least one underwriters laboratories (UL) or factory mutual laboratories (FM) smoke detector located in the basement and on each level. The type B provider or the caretaker of a child receiving in-home aide services shall place, install, test and maintain smoke detectors in accordance with manufacturer's recommendations.
- (E) In single family homes there shall be at least one UL listed carbon monoxide detector located in the basement and on each level of the home in which child care is being provided. In multi family buildings the carbon monoxide detector shall be placed on each level of the unit in which child care is being provided. The type B provider or the caretaker of a child receiving in-home aide services shall place, install, test and maintain carbon monoxide detectors in accordance with manufacturer's recommendations.
- ~~(E)~~(F) There shall be at least one UL or FM portable fire extinguisher in the type B home or the home of a child receiving in-home aide services which shall have a minimum rating of 1A:10BC. At least one fire extinguisher shall be located in the kitchen of the home.
- ~~(F)~~(G) Upon discovery of a fire on the premises, the provider shall immediately evacuate all individuals from the home and notify the local fire department to request their assistance even if a home fire extinguisher has been used to put out the fire.
- ~~(G)~~(H) Unvented fuel-fired heaters shall not be used while child care is being provided. When 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. No unprotected open flame, such as fireplaces, oil lamps or candles shall be allowed to burn in the home while care is being provided.
- ~~(H)~~(I) All electrical connections shall be made in junction boxes which are properly covered. Electrical extension cords shall not be used as permanent wiring.
- ~~(I)~~(J) The type B provider or the caretaker of a child receiving in-home aide services shall install child-proof protective covers for all electrical outlets in all areas of the home where children are present.
- (K) The provider or the caretaker of a child receiving in-home aide services shall ensure that there are no exposed light bulbs in any area of the home where child care is provided that could shatter or otherwise pose a risk to children. This does not include small, cool to the touch lights, such as holiday lights and window candle lights or bathroom vanity lights that are designed to be uncovered.
- ~~(J)~~(L) The type B provider or in-home aide shall notify the CDJFS within one working day after a fire or natural disaster has occurred in the home.

R.C. 119.032 review dates: 11/30/2007 and 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 07/24/2008

Promulgated Under: 119.03

Statutory Authority: 5104.011, 5104.052, 5104.053

Rule Amplifies: 5104.011

Prior Effective Dates: 4/1/82, 5/20/83, 9/25/86, 2/15/88, 5/1/89, 10/1/97 (Emer.), 12/30/97, 4/10/03

**CCMTL 91**

**Effective Date: August 14, 2008**

**Most Current Prior Effective Date: April 1, 2003**

- (A) The home shall have at least thirty-five square feet of usable indoor floor space per child for the total number of children who are present at one time. ~~Usable indoor floor space shall not include bathrooms, hallways, storage rooms, or other areas not available for type B home or in-home aide care. Placement of furniture and equipment shall ensure child safety and mobility and adequate space for age appropriate play and developmental activities.~~
- (1) Useable indoor floor space shall not include bathrooms, hallways, storage rooms, or other areas not available or not used for child care.
  - (2) Placement of furniture, equipment and household items shall ensure child safety and mobility. Adequate un-interrupted play space shall be provided to ensure age appropriate play and developmental activities.
- (B) The provider shall make available on a daily basis, a well balanced program of activities ~~and~~ with opportunities for both quiet and active play suitable to the developmental levels and abilities of each child in care. The program shall be designed to promote children's physical, social-emotional, cognitive and language development.
- (C) A copy of the daily program schedule shall be ~~kept on file~~ posted in a conspicuous place in at the home, for caretaker(s) of the children and The county department of job and family services (CDJFS) representatives to shall observe whether there is adherence to the posted daily program.
- (D) The program and environment shall:
- (1) Include outdoor play each day, except as limited by rule [5101:2-14-17](#) of the Administrative Code. The program shall provide an opportunity for indoor gross motor play such as, climbing, jumping, running, riding wheel toys, or music and movement on days when outdoor play is not provided.
  - (2) Provide durable furniture such as, tables and chairs for the purpose of implementing the program. This furniture shall be child sized or safely adapted for use by children.
  - (3) Provide play materials to be used as part of the provider's daily program. These materials shall be visible, readily accessible, and arranged in an orderly manner so that children have opportunities to select, remove, and replace play materials with a minimum of assistance during the day.
  - (4) Provide opportunities for periods of child initiated activities such as, imaginative play, language development, and creative activities.
  - (5) ~~Each infant shall be removed from his/her crib or playpen at intervals during the day for individual attention. An infant, while awake, shall not be kept in the crib or playpen for more than one hour at a time.~~
- (E) The provider shall ensure that equipment, materials, and furnishings provided for both indoor and outdoor play are sufficiently varied and adequate to meet the developmental needs of the children. The home shall have enough play materials and equipment so that, at any one time in the daily program, each child can be actively involved in play with developmentally appropriate equipment or materials.

(F) Equipment and materials shall be available ~~and representative~~ from all of the following categories for each age group:

(1) Infant

- (a) Pretend or dramatic play materials;\_
- (b) Language arts and auditory equipment;\_
- (c) Sensory perceptual motor materials;\_
- (d) Manipulative materials and equipment;\_
- (e) Music equipment;\_
- (f) Gross motor activities; ~~and~~\_
- (g) Large blocks.
- (h) Transportation materials and equipment.

(2) Toddler and preschool child

- (a) Art supplies;\_
- (b) Blocks;\_
- (c) Language arts and auditory equipment and materials;\_
- (d) Pretend or dramatic play materials;\_
- (e) Gross motor equipment;\_
- (f) Manipulative materials and equipment;\_
- (g) Music equipment;\_
- (h) Science-nature equipment; ~~and~~\_
- (i) Sensory motor equipment.
- (j) Transportation materials and equipment.

(3) School child

- (a) Art supplies;\_
- (b) Manipulative materials and equipment;\_
- (c) Sports and gross motor equipment;\_
- (d) Science-nature materials;\_
- (e) Language arts materials;\_
- (f) Pretend or dramatic play materials;\_
- (g) Music equipment; ~~and~~\_
- (h) Blocks.
- (i) Transportation materials and equipment.

(G) The provider shall designate an area where children can individually store their personal belongings. This area shall not block walkways or evacuation routes.

Effective: 08/14/2008

R.C. 119.032 review dates: 11/30/2007 and 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 07/24/2008

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011

Prior Effective Dates: 10/1/83, 9/1/86, 2/15/88, 5/1/89, 10/15/96, 10/1/97 (Emer.), 12/30/97, 4/1/03

**5101:2-14-11 Offenses Prohibiting Requirements for Criminal Records Checks for Certification as a Type B Professional or Limited Home Provider or In-Home Aide, or as an Emergency or Substitute Caregiver**

**CCMTL 91**

**Effective Date: August 14, 2008**

**Most Current Prior Effective Date: January 1, 2007**

- (A) When the county department of job and family services (CDJFS) certifies individuals as type B home providers or in-home aides the CDJFS shall comply with the provisions of this rule.
- (B) The CDJFS shall not certify or continue to certify any individual as a type B home provider or in-home aide when the applicant, provider or any adult residing in the applicant's or provider's home has been convicted of or pleaded guilty to offenses listed in ~~section 5104.013~~ division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code, or had a child removed from ~~his/her~~ his or her home pursuant to section 2151.353 of the Revised Code.
- (C) The CDJFS shall not approve or continue to approve an individual as an emergency or substitute caregiver for a certified type B home provider or in-home aide ~~on or after October 29, 1993~~, when the individual has been convicted of or pleaded guilty to the offenses listed in division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.12 5104.09 of the Revised Code, or had a child removed from ~~his/her~~ his or her home pursuant to section 2151.353 of the Revised Code.
- (D) Prior to the issuance of a type B home or in-home aide certificate, the CDJFS shall request the bureau of criminal identification and investigation (BCII) to conduct a criminal records check, which shall include a federal bureau of investigation (FBI) criminal records check, on the individuals listed below. Every four years thereafter, prior to recertification the CDJFS shall request the ~~bureau of criminal identification and investigation (BCII)~~ BCII to conduct a criminal records check and may request an FBI criminal records check on:
- (1) Individuals who submit an application for type B home or in-home aide certification.
  - (2) Adults residing in the home of individuals who submit an application for type B home certification.
  - (3) Individuals who will serve as emergency or substitute caregivers for individuals applying for certification as type B home providers or in-home aides.
- (E) The CDJFS shall request the BCII to conduct a criminal records check, within four years from the date of the last BCII records check and prior to the provider's recertification; for the provider, emergency and substitute caregivers and all persons over eighteen years of age who reside in the home.
- (1) The CDJFS may have an FBI criminal records check completed if the person does not have an FBI criminal records check on file.
  - (2) Every four years at the time of the provider's recertification, the CDJFS shall request the BCII to conduct a criminal records check and may request an FBI criminal records check.
  - (3) Persons who have not had a criminal records check completed or those with criminal records checks completed more than four years ago shall have a new criminal records check completed prior to the next provider recertification and every four years thereafter at the time of recertification.
- (F) The criminal records check shall be received and reviewed prior to recertification and the results kept in the provider's file at the CDJFS.

- ~~(E)~~(G) When the CDJFS receives notification from a certified type B home provider or learns from another source that there are additional adults residing in the home, ~~or the provider will be using a new substitute or emergency caregiver not on file with the CDJFS,~~ the CDJFS shall a request ~~for~~ a criminal records check ~~from~~ shall be made to BCII and FBI for those individuals.
- (H) When the CDJFS receives notification from a certified type B home provider or learns from another source that the provider will be using a new substitute or emergency caregiver not currently approved by the CDJFS, the CDJFS shall make a request for a BCII and an FBI criminal records check.
- ~~(F)~~(I) The CDJFS shall inform all individuals who request an application for certification as a type B home provider or in-home aide that the following requirements ~~must~~ shall be met:
- (1) The applicant, ~~and all adult residents~~ emergency caregivers, substitute caregivers and all individuals eighteen years of age or older residing in the type B home ~~of the type B home~~ shall complete the ~~JFS 01328 "Statement of Nonconviction For Child Care Centers, Type A Homes, and Type B Homes" (rev. 1/2007)~~ JFS 01329 "Statement of Nonconviction for Type B Homes and In-Home Aides" (rev. 8/2008) at the time of initial application and annually thereafter, ~~and provide a set of fingerprint~~ Fingerprint impressions ~~on the standard impression sheet~~ for BCII and FBI ~~or shall be~~ electronically ~~submit their fingerprints~~ submitted according to the process of BCII.
  - ~~(2)~~ The applicant will provide the CDJFS with documentation that the applicant and all adults residing in the type B home have been residents of the state of Ohio for the five year period immediately prior to the date upon which the criminal records check is requested. This documentation may include tax records, school attendance records, bank records and rent or mortgage payment receipts.
  - ~~(3)~~(2) The applicant will need to provide the CDJFS with a list of individuals who will serve as emergency and substitute caregivers and complete the JFS 01923 "Emergency/Substitute Caregiver Statement" (rev. 3/2003 8/2008) for each emergency and substitute caregiver. These individuals shall be responsible for completing the ~~JFS 01329 "Statement of Nonconviction for Employees of Child Care Centers and Type A Homes, and Emergency and Substitute Caregivers of Type B Homes" (1/2007)~~ and shall complete a BCII and FBI criminal background check. ~~All emergency and substitute caregivers shall provide the CDJFS with proof that they have been residents of the state of Ohio for the five year period immediately prior to the date upon which the criminal records check is requested.~~
- ~~(G)~~(J) The CDJFS shall provide the individuals described in paragraph (D) of this rule with ~~a copy of the BCII standard impression sheet to obtain fingerprint impressions or~~ information on how to electronically submit the fingerprints according to the process of BCII or where the individuals may access this information.
- ~~(H)~~(K) The applicant, ~~and adults residing in the type B home of the applicant~~ the prospective emergency caregiver, prospective substitute caregiver and all individual eighteen years of age or older residing in the type B home shall return the ~~JFS 01328~~ JFS 01329 and ~~the set of fingerprint impressions on the standard impression sheet or~~ electronically submit the fingerprints according to the process of BCII and have the results provided to the CDJFS. ~~The prospective emergency and substitute caregiver shall return the JFS 01329 and the set of fingerprint impressions on the standard impression sheet or electronically submit the fingerprints according to the process of BCII to the CDJFS. Any fees charged to these individuals shall be collected at this time. When an applicant or any adult residing in the type B home fails to return the JFS 01328 and the set of fingerprint impressions on the standard impression sheet or electronically submit the fingerprints according to the process of BCII to the CDJFS, the application for certification as a type B home provider or in-home aide shall be denied according to procedures outlined in rule 5101:2-14-06 of the Administrative Code. When an emergency or substitute~~

~~caregiver fails to return the JFS 01329 and/or fails to complete the criminal background check, the CDJFS shall notify the applicant and request the name of another individual who will serve as the emergency or substitute caregiver.~~

(1) Any fees charged to these individuals shall be collected at this time.

(2) When an applicant or any adult residing in the type B home fails to return the completed JFS 01329 or the information needed to complete a criminal records check is not submitted to BCII or the CDJFS, the application for certification as a type B home provider or in-home aide shall be denied. The application shall be denied according to procedures outlined in rule 5101:2-14-06 of the Administrative Code. When an emergency or substitute caregiver fails to return the JFS 01329 and/or fails to complete the criminal background check, the CDJFS shall notify the applicant and request the name of another individual who will serve as the emergency or substitute caregiver.

~~(I) When the CDJFS receives the set of fingerprint impressions on the standard impression sheet, the CDJFS shall forward the materials, along with the appropriate fee to the superintendent of BCII.~~

~~(J) The CDJFS shall request BCII obtain information from the federal bureau of investigation (FBI) as a part of the criminal records check for an individual who:~~

~~(1) Does not present proof of Ohio residency for the five-year period immediately prior to the date upon which the criminal records check is requested.~~

~~(2) Does not provide evidence that within that five-year period BCII has requested information about him/her from the FBI in a criminal records check.~~

~~The CDJFS may request BCII obtain information from the FBI even if the individual has presented proof that he/she has been a resident of this state for a five-year period.~~

~~(K) The CDJFS may certify an applicant conditionally as a type B home provider or in-home aide when all of the following are met:~~

~~(1) The applicant has met the requirements contained in rule 5101:2-14-10 or 5101:2-14-55 of the Administrative Code.~~

~~(2) The type B home or home of a child receiving in-home aide services passes the home inspection, if applicable.~~

~~(3) The applicant and adults residing in the applicant's type B home have provided a set of fingerprint impressions on the standard impression sheet or electronically submitted the fingerprints according to the process of BCII and paid the fee for conducting the criminal records check pursuant to the requirements contained in paragraph (H) of this rule.~~

~~(L) The CDJFS may approve an individual conditionally as an emergency or substitute caregiver when he/she has provided a set of fingerprint impressions on the standard impression sheet and paid the fee for conducting the criminal records check pursuant to the requirements contained in paragraph (H) of this rule.~~

~~(M)~~(L) Except as provided in paragraph ~~(N)~~ (M) of this rule, when the CDJFS receives the results of the criminal records check and it is indicated that the applicant, the provider or adults residing in the applicant's or provider's type B home have been convicted of or pleaded guilty to the offenses listed in ~~section 2151.86, 5104.013~~ division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code, the CDJFS shall do one of the following:

(1) Deny the application for certification according to procedures in Chapter 5101:2-14 of the Administrative Code.

- (2) Immediately revoke the type B home or in-home aide certificate in accordance with Chapter 5101:2-14 of the Administrative Code.

~~(N)(M) An individual who submits an application for certification as a type B home provider or in-home aide, or approval as an emergency or substitute caregiver and~~ The CDJFS may certify or continue to certify a type B home provider or in-home aide only when the CDJFS determines the applicant, provider, in-home aide or adult living in the type B home, who has been convicted of or pleaded guilty to an offense listed in ~~section 2151.86, 5104.013~~ division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code, ~~may be certified by the CDJFS only if all of the following conditions are met~~ meets the following rehabilitation standards for the misdemeanor or felony conviction:

- (1) The offense was a misdemeanor, or would have been a misdemeanor if conviction had occurred under the current criminal code, and the following have occurred:-
- (a) The conviction was sealed by a court pursuant to section 2953.32 of the Revised Code or at least three years have elapsed from the date the applicant, provider, in-home aide, or adult living in the type B home was fully discharged from any imprisonment or probation arising from the conviction, or completed a lesser sentence.
  - (b) The victim of the offense was not one of the following:
    - (i) An individual under the age of eighteen.
    - (ii) A functionally impaired individual as defined in division (A) of section 2903.10 of the Revised Code.
    - (iii) A mentally retarded individual as defined in division (K) of section 5123.01 of the Revised Code.
    - (iv) A developmentally disabled individual as defined in division (O) of section 5123.01 of the Revised Code.
    - (v) An individual with a mental illness as defined in division (A) of section 5122.01 of the Revised Code.
    - (vi) An individual sixty years of age or older.
- (2) The offense was a felony and the following have occurred:
- (a) At least ten years have elapsed since the applicant, provider, in-home aide, or adult living in the type B home was fully discharged from imprisonment or probation arising from the conviction, or completed a lesser sentence.
  - (b) The victim of the offense was not one of the following:
    - (i) An individual under the age of eighteen.
    - (ii) A functionally impaired individual as defined in division (A) of section 2903.10 of the Revised Code.
    - (iii) A mentally retarded individual as defined in division (K) of section 5123.01 of the Revised Code.
    - (iv) A developmentally disabled individual as defined in division (O) of section 5123.01 of the Revised Code.
    - (v) An individual with a mental illness as defined in division (A) of section 5122.01 of the Revised Code.

(vi) An individual sixty years of age or older.

~~(2) The victim of the offense was not one of the following:~~

~~(a) An individual under the age of eighteen.~~

~~(b) A functionally impaired individual as defined in division (A) of section 2903.10 of the Revised Code.~~

~~(c) A mentally retarded individual as defined in division (K) of section 5123.01 of the Revised Code.~~

~~(d) A developmentally disabled individual as defined in division (O) of section 5123.01 of the Revised Code.~~

~~(e) An individual with a mental illness as defined in division (A) of section 5122.01 of the Revised Code.~~

~~(f) An individual sixty years of age or older.~~

~~(3) The provider or adult living in the home had his/her conviction sealed pursuant to section 2953.32 of the Revised Code, or at least five years have elapsed since the individual was fully discharged from imprisonment, probation, and parole.~~

~~(4)~~(3) For either a misdemeanor or felony conviction the CDJFS shall determine that the~~The~~ applicant, provider, in-home aide or any adult residing in the type B home will not jeopardize the health, safety, or welfare of children cared for in a type B home or in the home of a child receiving in-home aide services. The following factors may be considered when determining whether the provider or adult residing in the provider's type B home will jeopardize the health, safety, or welfare of children receiving child care services:

(a) Individual's age at the time of the offense.

(b) Nature and seriousness of the offense.

(c) Circumstances under which the offense was committed.

(d) Degree to which the individual participated in the offense.

(e) The time elapsed since the individual was fully discharged from imprisonment, ~~and probation, and parole.~~

(f) Likelihood that the circumstances leading to the offense will recur.

(g) Whether the individual is a repeat offender. "Repeat offender" means an individual who has been convicted of or pleaded guilty to the commission of any of the offenses listed in ~~section 5104.013~~ division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code two or more times in separate criminal actions. Convictions or guilty pleas resulting from or connected with the same act, or resulting from offenses committed at the same time, shall be counted as one conviction or guilty plea.

(h) The extent to which the position applied for provides an opportunity for the commission of an offense listed in ~~section 5104.013~~ division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code.

(i) The individual's employment record.

(j) The individual's efforts at rehabilitation and the results of those efforts.

(k) Whether any criminal proceedings are pending.

(l) Any other factors the CDJFS considers relevant.

- ~~(O)~~(N) It is the duty of the ~~applicant for certification as a~~ type B home ~~applicant, provider, or~~ in-home aide to provide written proof that the conditions specified in paragraph ~~(N)~~ (M) of this rule are met. If the ~~provider or applicant~~ fails to provide such proof to the CDJFS or if the CDJFS determines that the proof offered by the ~~provider or applicant~~ is inconclusive, the certified provider shall be notified that his or her certification has been revoked, or the applicant shall be notified that his/her his or her application for certification has been denied in accordance with paragraph (M) of this rule. Any doubt shall be resolved in favor of protecting children.
- (O) The CDJFS may approve an individual as an emergency or substitute caregiver only when the CDJFS determines that the individual, who has been convicted of or pleaded guilty to an offense listed in division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code, meets all of the rehabilitation standards listed in paragraph (M) of this rule.
- (P) This rule is applicable to records of convictions that have been sealed pursuant to section 2953.32 of the Revised Code because the information contained in those sealed records bears a direct and substantial relationship to the position for which the applicant is being considered.
- (Q) A conviction of or a plea of guilty to an offense listed in ~~section 2151.86, 5104.013~~ division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code shall not prevent the CDJFS from certifying an applicant if the applicant has been granted an unconditional pardon for the offense pursuant to Chapter 2967. of the Revised Code or the conviction or guilty plea has been set aside pursuant to law. For purposes of this rule, "unconditional pardon" includes a conditional pardon with respect to which all conditions have been performed or have transpired.
- (R) Except as provided in paragraph ~~(N)~~ (M) of this rule, when the CDJFS receives the results of the criminal records check and it is indicated that the emergency or substitute caregiver has been convicted of or pleaded guilty to the offenses or violations listed in section ~~2151.86, 5104.013~~ division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code, the CDJFS shall send written notification to the applicant, provider, and emergency or substitute caregiver that ~~he/she~~ he or she can no longer provide emergency or substitute care. If the type B home provider or in-home aide has no other emergency or substitute caregiver, as a result of this determination, the CDJFS shall request the provider submit additional names of individuals that could serve as emergency or substitute caregivers. Upon receipt of these names the CDJFS shall follow procedures outlined in this rule.
- (S) The CDJFS may charge a fee for the costs incurred in obtaining a criminal records check. A fee charged by the CDJFS shall not exceed the fee paid by the CDJFS to BCII or to the agency submitting the criminal records check request to BCII.
- (T) The report of any criminal records check conducted ~~by BCII~~ in accordance with section 109.572 of the Revised Code and pursuant to a request made by the CDJFS is not a public record. The report shall not be made available to any individual other than the person who is the subject of the criminal records check, ~~his/her~~ his or her representative, the Ohio department of job and family services (ODJFS), and the CDJFS.

Effective: 08/14/2008

R.C. 119.032 review dates: 12/20/2007 and 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 07/24/2008

Promulgated Under: 119.03

Statutory Authority: 5104.011, 5104.012, 5104.013

Rule Amplifies: 5104.011, 5104.012, 5104.013

Prior Effective Dates: 7/1/95, 10/1/97 (Emer.), 12/30/97, 4/1/03

**CCBMTL 3**

**Effective Date: November 15, 2010**

**Most Current Prior Effective Date: August 14, 2008**

- (A) ~~As of December 1, 2008, prior~~ Prior to initial certification, each type B home provider and in-home aide shall be currently trained in first aid and infant and child cardiopulmonary resuscitation (CPR). Providers and in-home aides shall successfully complete and maintain current certification in both first aid and CPR. If a provider is caring for both infants and older children, training shall be appropriate for the ages of children in care.
- (B) Each type B home provider and in-home aide shall complete, not more than six months prior to initial certification, the **JFS 01750** "Health and Safety in Family Child Care" (rev. ~~5/2003~~ 7/2010) course. ~~As of December 1, 2008, this training shall be completed prior to initial certification.~~
- (C) Each type B home provider and in-home aide certified on or after August 15, 2008 shall complete or have current, by the end of their first certification year, training in management of communicable disease and child abuse recognition and prevention. Training shall meet the requirements ~~of paragraphs (H) and (I) of this rule respectively.~~ Training may be taken prior to certification, but shall be valid as of the end of the first certification year.
- (D) Each type B home provider and in-home aide shall complete, by the end of their first certification year and every certification year thereafter, six clock hours of training in any of the categories listed in ~~paragraphs (E), (F), (G), (H), (I) and (J) of~~ this rule. This training shall be completed after the initial certificate is issued. After the first year of certification, the six hours of training shall include at least two clock hours of training in child growth and development. Providers shall attend all trainings required by the CDJFS.
- (E) Training in first aid shall be appropriate for child care providers and shall:
- (1) Be at least six hours in length and follow a curriculum approved by the Ohio department of job and family services (ODJFS) or be the length of time required by an approved health organization and follow guidelines and curriculum of a first aid course designed for child care staff by a health organization approved by ODJFS.
  - (2) Be valid for three years or the number of years indicated on the card or form received from the approved health organization.
  - (3) Be provided by trainers who are one of the following:
    - (a) An authorized first aid trainer from an approved health organization.
    - (b) A licensed physician or registered nurse.
    - (c) An emergency medical service instructor.
  - (4) Be updated by either completion of the full training or completion of a review training. The review training shall include all specific topics of the approved curriculums and be at least three hours in length or the length of time required by an approved health organization.
  - (5) Not be required for registered nurses, emergency medical service instructors, emergency medical technicians and paramedics with current valid credentials. These trained professionals are exempt from first aid training requirements.
- (F) Training in CPR, if taken separately from first aid, shall meet all of the following requirements:

- (1) Be for the length of time required by an approved health organization.
- (2) Follow a curriculum of an approved health organization.
- (3) Be valid for the number of years indicated on the card or form received from the health organization.
- (4) Be appropriate for all age groups the provider is currently serving.
- (5) Be provided by a trainer that is an authorized CPR trainer for a health organization approved by the department for CPR training.

(G) Training in health and safety shall meet the following requirements:

- (1) ~~As of July 1, 2008, training~~ Training shall be at least six hours in length and follow the JFS 01750 curriculum.
- (2) ~~Be~~ Training shall be provided by a trainer who ~~has met~~ meets one of the following requirements:
  - (a) ~~A~~ Is a current CDJFS employee.
  - (b) Has at least one year experience in health and safety in child care and eighteen quarter hours or twelve semester hours in child development from an accredited university, college or technical college ~~in child development~~.
  - (c) Has at least one year experience in health and safety in child care and a currently valid child development associate credential (CDA) or a preprimary credential from the "American Montessori Society" (AMS) or the "Association Montessori International" (AMI).
  - (d) ~~A~~ Is a licensed physician or registered nurse.

(H) Training in communicable disease management shall meet the following requirements:

- (1) Be at least six hours in length and follow a curriculum approved by ODJFS or follow guidelines and curriculum or a management of communicable disease course designed for child care providers by a health organization approved by ODJFS.
- (2) Be valid for three years.
- (3) Be updated by either completion of the full training or completion of a three hour review training. The review training shall include all specific topics of the approved curriculums.
- (4) ~~Be provided by trainers who are one of the following~~ Training shall be provided by a trainer who meets one of the following requirements:
  - (a) ~~A~~ Is a currently authorized trainer of ~~this topic~~ communicable disease from a health organization approved by ODJFS.
  - (b) ~~A~~ Is a licensed physician or registered nurse.
- (5) Not be required for registered nurses with current valid credentials. These trained professionals are exempt from management of communicable disease training requirements.

(I) Training in child abuse recognition and prevention shall meet the following requirements:

- (1) Be at least six hours in length.
- (2) Include all of the following curriculum areas:
  - (a) Ohio law and rules pertaining to child abuse and neglect, including definitions, reporting and confidentiality requirements.

- (b) Physical and behavioral indicators of child abuse and neglect.
- (c) Details on reporting, including penalty, immunity and how and to whom to report.
- (d) The investigatory role of the children's protective services agency.
- (e) The sharing of information and the role of law enforcement, CDJFS employees and the courts in reports of child abuse and neglect.
- (f) ~~Helping~~ How to help families who have had occurrences of abuse or neglect.
- (g) Prevention of child abuse and neglect in child care, including provider supervision and training, policies and procedures and appropriate discipline.

(3) Be valid for three years.

(4) Be updated by either completion of the full training or completion of a three hour review training. The review training shall include all specific topics outlined in the rule.

(5) ~~Be provided by a trainer that~~ Training shall be provided by a trainer who meets one of the following requirements:

- (a) ~~An~~ Is an authorized trainer for a public children services agency (PCSA) or a child abuse prevention trainer approved by ODJFS or the CDJFS.
- (b) ~~Have~~ Has at least two years of experience professionally assessing child abuse and neglect or providing counseling to abused children or training others in child abuse prevention and at least an associates degree in social work, child development or related field from an accredited college.
- (c) ~~A~~ Is a licensed physician or registered nurse 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.

(J) Training in child growth and development or general knowledge shall meet the following requirements:

(1) Include information from any of the following areas:

(a) Child growth and development:

- (i) Growth and development of children ages birth to fourteen years of age.
- (ii) Children with special needs.
- (iii) Working with parents and families.
- (iv) Nutrition.
- (v) Planning child care, recreational or educational programs and activities for children ages birth through fourteen years of age.
- (vi) Developmentally appropriate child guidance and management techniques.
- (vii) Developmentally appropriate equipment and room arrangement.
- (viii) Other areas as determined by the CDJFS.

(b) General knowledge for family child care:

- (i) Administration of a family child care home business.
- (ii) Community health, pediatrics or social service resources for children and families.
- (iii) Ethics and professionalism in child care.

- (iv) Food safety and sanitary practices.
  - (v) Home safety and fire prevention.
  - (vi) Proper administration of medication.
  - (vii) Other areas as determined by the CDJFS.
- (2) Be provided by a trainer that has two years experience in the specific subject matter and meets one of the following requirements:
- (a) ~~Have~~ Has 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.
  - (b) ~~A~~ Has a currently valid CDA.
  - (c) ~~A~~ Has a preprimary credential from the AMS or the AMI.
  - (d) ~~Be~~ Is a licensed physician or registered nurse.
- (K) The type B home provider or in-home aide shall keep a record on file at the home of all training completed to meet the requirements of this rule ~~on file in the home~~. The training shall be documented ~~using~~ on the [JFS 01924](#) "Inservice Training for Type B Home and In-Home Aide Child Care Providers" (rev. 8/2008), the [JFS 01307](#) "Inservice Training for Child Care Employees of Child Care Centers and Type A Homes" (rev. 9/2006) or training cards issued by organizations approved by ODJFS for first aid, CPR, prevention, recognition and management of communicable diseases or child abuse recognition and prevention ~~by organizations approved by ODJFS~~.
- (L) Audiovisual, electronic media or self-instructional study may be used to meet no more than three hours of the required six annual hours of training. ~~Courses~~ These types of courses must be approved by the CDJFS. ~~This means of training~~ and may not be used to meet the first aid or CPR training requirements.
- (M) When the type B home provider or in-home aide attends a training ~~event~~ that is not offered by the CDJFS to comply with the provisions of this rule, the training ~~event~~ shall be approved by the CDJFS prior to attending training in order to ensure the trainer or topic is in compliance with the requirements of this rule.
- (N) ~~Training~~ The CDJFS shall review and approve training records ~~shall be reviewed and approved by the CDJFS~~ at the time of recertification. Failure of the provider to provide acceptable documentation of training may result in revocation of the certification.
- (O) The CDJFS shall provide or purchase from a qualified trainer a minimum of eighteen hours of training per year for providers. The CDJFS shall notify providers in advance of the training schedule.
- ~~(P) The CDJFS shall maintain on file a copy of the JFS 01924, JFS 01307 or training card issued for all trainings that have been completed by the provider to meet the training requirements of this rule.~~

Effective: 11/15/2010

R.C. 119.032 review dates: 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 10/14/2010

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011

Prior Effective Dates: 10/1/83, 9/1/86, 2/15/88, 5/1/89, 1/1/91, 10/15/96, 10/1/97 (Emer.), 12/30/97, 4/1/03, 8/14/08

**CCBMTL 5**

**Effective Date: July 1, 2011**

**Most Current Prior Effective Date: August 14, 2008**

- (A) Each type B home provider or in-home aide with a professional certification shall designate ~~an~~ at least one individual to serve as an emergency or substitute caregiver. The provider shall ensure that children ~~be~~ are left only with ~~those~~ individuals who meet the requirements in this rule and have been approved as emergency or substitute caregivers by the county department of job and family services (CDJFS). This person may be the same individual if he or she will serve in both capacities. ~~Within six months of the effective date of this rule, the provider shall have at least one emergency or substitute caregiver that is not a certified type B home provider or in-home aide. The home provider or in-home aide shall maintain the JFS 01923 "Emergency/Substitute Caregiver Statement" (rev. 8/2008) on file in the type B home or home of a child receiving in-home aide services. The emergency or substitute caregiver shall meet all of the following requirements:~~
- ~~(1) Is at least eighteen years of age.~~
  - ~~(2) Has not had his or her type B home provider or in-home aide certification revoked in the past five years.~~
  - ~~(3) Has signed the JFS 01329 "Statement of Nonconviction Type B Homes and In-Home Aides" (rev. 8/2008) attesting that he or she has not been convicted of or pleaded guilty to any offense listed on the statement and that no child has been removed from his or her home pursuant to section 2151.353 of the Revised Code.~~
  - ~~(4) Has had a BCII and FBI criminal records check conducted and results returned as prescribed in rule 5101:2-14-11 of the Administrative Code.~~
  - ~~(5) Provides a safe and healthy environment when children are present.~~
  - ~~(6) Ensures that any individual whose behavior or health endangers the health, safety and well-being of children are not present while child care is being provided.~~
  - ~~(7) Has immediate access at all times to a working land-line telephone on the premises.~~
  - ~~(8) Individuals who are approved as emergency or substitute caregivers on or after April 1, 2003, shall sign the JFS 01923.~~
  - ~~(9) Individuals who are not currently certified type B home providers or in-home aides shall complete, not more than six months prior to the CDJFS approving them as emergency or substitute caregivers, the JFS 01750 "Health and Safety in Family Child Care" (rev. 5/2003) course.~~
  - ~~(10) Complete and maintain current certification in both first aid and cardiopulmonary resuscitation (CPR) within ninety calendar days of being approved. Individuals currently approved by the CDJFS shall complete and maintain current certification in both first aid and CPR within six months of the effective date of this rule.~~
- (1) The provider shall have at least one emergency or substitute caregiver who is not a certified type B home provider or in-home aide.
  - (2) The type B home provider or in-home aide shall maintain the **JFS 01923** "Emergency/Substitute Caregiver Statement" (rev. 8/2008) on file in the type B home or home of a child receiving in-home aide services.

- (B) The emergency or substitute caregiver shall meet all of the following requirements:
- (1) Is at least eighteen years of age.
  - (2) Has not had his or her type B home provider or in-home aide certification revoked in the past five years.
  - (3) Has signed the [JFS 01329](#) "Statement of Nonconviction Type B Homes and In-Home Aides" (rev. 8/2008) attesting that he or she has not been convicted of or pleaded guilty to any offense listed on the statement and that no child has been removed from his or her home pursuant to section 2151.353 of the Revised Code.
  - (4) Has had a bureau of criminal identification and investigation (BCII) and federal bureau of investigation (FBI) criminal records check conducted and results returned as prescribed in rule 5101:2-14-11 of the Administrative Code.
  - (5) Provides a safe and healthy environment when children are present.
  - (6) Ensures 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.
  - (7) Has immediate access at all times to a working land-line telephone on the premises.
  - (8) Individuals who are approved as emergency or substitute caregivers on or after April 1, 2003, shall sign the JFS 01923.
  - (9) Individuals who are not currently certified type B home providers or in-home aides shall complete the [JFS 01750](#) "Health and Safety in Family Child Care Homes" (rev. 7/2010) course, not more than six months prior to the CDJFS approving them as emergency or substitute caregivers.
  - (10) Complete and maintain current certification in both first aid and cardiopulmonary resuscitation (CPR) within ninety calendar days of being approved. Individuals currently approved by the CDJFS shall complete and maintain current certification in both first aid and CPR within six months of the effective date of this rule.
- (B)(C) ~~The CDJFS shall request that the~~ type B home provider or in-home aide shall give the following items to each prospective emergency and substitute caregiver to complete and return to the CDJFS:
- (1) JFS 01329.
  - (2) Items necessary to complete the BCII and FBI criminal records checks.
- (C)(D) ~~Emergency and substitute child care shall only occur only~~ in a certified type B home or the home of a child receiving in-home aide services. If the emergency or substitute care is provided by another certified type B provider, that provider shall also immediately notify the CDJFS when they are he or she is providing emergency or substitute care. The CDJFS shall verify that the provider is able to maintain required group size. Emergency child care shall not exceed one day at any one time, and substitute child care shall not exceed fourteen consecutive days at any one time.
- (D)(E) ~~The type B home provider or in-home aide shall contact the caretaker immediately when an emergency caregiver shall be used for illness or unplanned absences of short duration caused by unanticipated circumstances such as accident or other family crises. The type B home provider or in-home aide shall notify the CDJFS, according to CDJFS procedures, by the next working day when an emergency caregiver was used. Failure of proper notification may result in revocation of the certificate.~~
- (E)(F) ~~The type B home provider or in-home aide shall contact the caretaker and the CDJFS, according to CDJFS procedures, prior to all planned absences when a substitute caregiver will be needed. The~~

CDJFS may deny the use of substitute care. Failure of proper notification may result in revocation of the certification. The following information shall be discussed:

- (1) Date substitute care is needed.
- (2) Name of the substitute caregiver that either the caretaker or provider shall use.
- (3) Location where substitute care will be provided.

~~(F)~~(G) The type B home provider or in-home aide shall ensure that the emergency or substitute caregiver has the following information at the time child care services are provided:

- (1) Telephone number where the caretaker can be reached for each child in care.
- (2) Telephone number of the type B home provider or in-home aide.
- (3) Location of first aid supplies.
- (4) [JFS 01297](#) " Child Enrollment and Health Information" (rev. 8/2008).
- (5) [JFS 01932](#) "Child's Medical Statement " (rev. 8/2008).

~~(G)~~(H) The CDJFS may ~~exercise the option of compiling and disseminating~~ compile and make available a list of emergency or substitute caregivers who meet the requirements of ~~paragraph (A) of~~ this rule to applicants or providers ~~in order to comply with the requirements set forth in this rule.~~

~~(H)~~(I) The CDJFS shall maintain the following ~~items~~ documents in the type B home provider's or in-home aide's file for each approved emergency or substitute caregiver:

- (1) JFS 01923.
- (2) JFS 01329.
- (3) Results of the BCII and FBI criminal background checks.
- (4) Results of the [JFS 01302](#) "Request for Child Abuse and Neglect Report Information" (rev. 9/2006).
- (5) Verification that the JFS 01750 training has been completed.
- (6) Verification that first aid and CPR training has been completed and certification is current.

(J) A type B provider may use an emergency/substitute caregiver as an assistant in the type B home.

- (1) There is no limit on the hours or days the provider may use an emergency/substitute caregiver as an assistant.
- (2) The provider shall provide a completed JFS 01920 "Emergency/Substitute Caregiver Acting as an Assistant in a Type B Professional Certified Child Care Home" (4/2011) to the CDJFS prior to using an emergency/substitute caregiver as an assistant. A copy of this form shall be maintained in the provider's files for each assistant.
- (3) The provider shall notify parents when an emergency/substitute caregiver is used as an assistant.
- (4) Use of an assistant does not change the provider's capacity.
- (5) The provider shall be present in the home or on the premises of the home when the emergency/substitute caregiver is used as an assistant.

(K) The requirements for use of an emergency/substitute caregiver as described in paragraphs (A) to (H) of this rule are not affected by the requirements of paragraph (I) of this rule.

- (L) As required in rule 5101:2-14-16 of the Administrative Code, the provider shall not be paid with public child care funds for caring for a child of the assistant during the time the assistant is in the provider's home.
- (M) Any payment from the provider to the emergency/substitute for services provided when acting as an assistant is not a financial obligation of the CDJFS, the Ohio department of job and family services (ODJFS) or the caretaker.

Effective:

R.C. 119.032 review dates: 03/31/2013

Certification

Date

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011

Prior Effective Dates: 4/1/82, 5/20/83, 9/1/86, 2/15/88, 5/1/89, 7/1/95, 10/1/97 (Emer.), 12/30/97, 4/1/03, 8/14/08

5101:2-14-16 Group Size for Professional Certification as a Type B Home Provider or In-Home Aide

**CCMTL 91**

**Effective Date: August 14, 2008**

**Most Current Prior Effective Date: April 1, 2003**

- (A) The type B home provider may provide child care for no more than six children at any one time, and no more than three of those children may be under two years of age. ~~unless the caretaker of a child(ren) is also present in the home, and that child(ren) shall not be included in the total of six.~~ In ~~When~~ determining the total number of children who ~~may be~~ are in care, children of a caretaker who is present in the home shall not be included. The following children shall be included in the count:
- (1) All children under six years of age.
  - (2) Children six years of age through seventeen years of age who are related to the provider and for whom care is privately or publicly funded.
  - (3) Children six years of age through fourteen years of age who are not related to the provider.
  - (4) Children fifteen years of age through seventeen years of age who are not related to the provider and for whom care is privately or publicly funded.
- ~~(1) No more than three children may be under two years of age;~~
- ~~(2) Children under six years of age and related to the provider, pursuant to paragraph (Z) of rule 5101:2-14-01 of the Administrative Code, shall be included in the total of six;~~
- ~~(3) Children under fifteen years of age and not related to the provider shall be included in the total of six;~~
- ~~(4) Children six years of age up to eighteen years of age and related to the provider, pursuant to paragraph (Z) of rule 5101:2-14-01 of the Administrative Code, and for whom care is privately or publicly funded, shall be included in the total of six;~~
- (B) The type B home provider may care for children whose care is not publicly funded. The provider shall notify the ~~CDJFS~~ county department of job and family services (CDJFS) of the hours of care, names, ages and the number of all children receiving care. When hours of care change, the provider shall notify the CDJFS prior to the child's first day of attendance or on the next working day following the change.
- (C) Except for paragraph (D) of this rule, the in-home aide may not provide child care services for any children other than the caretaker's while in the caretaker's home, and shall only care for publicly funded children whose child care services have been approved by the CDJFS. The CDJFS may approve child care services to be provided by an in-home aide to any number of the caretaker's publicly funded children who reside in the home.
- (D) With the agreement of the caretaker, the in-home aide may bring no more than two of ~~his/her~~ his or her own children to the caretaker's home while providing child care services.

Effective: 08/14/2008

R.C. 119.032 review dates: 11/30/2007 and 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 07/24/2008

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011

Prior Effective Dates: 4/1/82, 5/20/83, 9/1/86, 5/1/89, 10/15/96, 10/1/97 (Emer.), 12/30/97, 4/1/03

**CCMTL 91**

**Effective Date: August 14, 2008**

**Most Current Prior Effective Date: April 1, 2003**

- (A) The home shall provide outdoor play each day in suitable weather for any toddler, preschool, and school child in attendance four or more consecutive daylight hours. There shall be a written policy followed by the home which lists limitations placed on outdoor play due to weather or safety issues. Considerations may include temperature, humidity, wind chill, ozone levels, pollen count, lightning, rain or ice. This plan shall provide for indoor large muscle play.
- (B) The provider shall watch for potential hazards while observing children and shall actively supervise to prevent injury. The use of trampolines, ~~greater than two feet in height,~~ by children who are in care shall not be permitted ~~by the provider.~~
- (C) The home shall have onsite or safely accessible, a safe, sanitary outdoor play space free of hazardous conditions which shall:
- (1) Provide at least sixty square feet of usable space per child using the area at one time; ~~;~~
  - (2) Be located away from traffic or protected from traffic by a fence in good repair with functioning gates or natural barrier; ~~;~~ The natural barrier shall assure that children are not able to leave the outdoor play area unsupervised and shall assure that any hazards from the outside cannot enter the outdoor play area without the provider being aware of them.
  - (3) Be protected from animals; ~~;~~
  - (4) Provide access to bathroom facilities and drinking water during play times; ~~and~~ ~~;~~
  - (5) Provide for storage of accumulated trash, rubbish and garbage outside of the play area.
  - (6) Be maintained free of foreign objects and rubbish during times children are outside playing.
  - (7) Provide a shaded area as needed. The shade may be naturally occurring from trees, building, or overhangs. Providers may also install lawn umbrellas that are securely anchored or other facilities that provide shade in a safe manner. Shade must be accessible for at least fifty per cent of the children playing outside at any one time.
- (D) If an onsite play area is not available a provider may use an off site play area for daily use when it is determined, upon inspection by the provider and the county department of job and family services (CDJFS), that the area and its accessibility is safe. An off site play area approved for regular use shall meet the same requirements as the onsite play areas listed in this rule.
- (E) Outdoor equipment, whether stationary or portable, shall be safe and designed to meet the developmental needs of all of the age groups of children using the space.
- (1) Equipment such as, but not limited to, climbing gyms, swings, slides shall:
    - (a) Be placed out of the path of the area's main traffic pattern; ~~;~~
    - (b) Be anchored or stable and have all parts in good working order and securely fastened; ~~;~~
    - (c) Have all climbing ropes anchored at both ends and not capable of looping back on themselves creating a loop with an interior perimeter of five inches or greater; ~~;~~
    - (d) Have all S hooks closed so that there is no gap greater than .04 inch or the thickness of a dime; ~~;~~

- (e) Be free of rust, cracks, holes, splinters, sharp points or edges, chipped or peeling paint, lead hazards, protruding bolts, or tripping hazards;.
  - (f) Have no openings that are greater than three and one half inches, but less than nine inches to avoid entrapment of the head or other body parts;.
  - (g) Have protective barriers on platforms that are thirty inches high or over;.
  - (h) Be assembled, installed, and utilized according to manufacturers' guidelines.
- (F) Outdoor play equipment designated for climbing, swings, teeter-totters and slides shall have a fall zone of protective resilient material on the ground under and around the equipment. The material shall include, but not limited to, washed pea gravel, mulch, sand, wood chips, or synthetic material such as rubber mats or tiles manufactured for this purpose. Equipment shall not be placed over concrete, asphalt, blacktop, dirt, rocks, or any other hard surface. Synthetic surfaces shall follow manufacturer's guidelines for depth.
- (G) The home shall not use outdoor porches above the first floor as play areas, unless the porches are fully enclosed and structurally sound.
- (H) Sandboxes shall be covered with a lid or other covering when they are not in use.
- (I) Bodies of water, other than water tables and water designed for children to play only with their hands in, shall be separated from the play area by a fence or other physical barrier that prevents children from accessing the water. Wading pools may be accessible to the children only when the provider is closely supervising the children and in the immediate area of the pool.

Effective: 08/14/2008

R.C. 119.032 review dates: 11/30/2007 and 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 07/24/2008

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011

Prior Effective Dates: 4/1/82, 5/20/83, 9/1/86, 9/25/86, 5/1/89, 10/15/96, 10/1/97 (Emer.), 12/30/97, 4/1/03

**5101:2-14-18 Evening and Overnight Care, Sleeping and Napping Requirements for Professional Certification as a Type B Home Provider or In-Home Aide**

**CCMTL 91**

**Effective Date: August 14, 2008**

**Most Current Prior Effective Date: April 1, 2003**

- (A) A home is considered to be providing evening and overnight care when children are in attendance any time between the hours of seven ~~o'clock~~ p.m. and six ~~o'clock~~ a.m. Care ~~being~~ provided during these hours shall comply with all applicable rules of Chapter 5101:2-14 of the Administrative Code.
- (B) ~~Supervision, security and sleeping arrangements:~~ Evening and overnight care shall ensure that children are safe and the home is secure.
- (1) The provider shall remain awake until all children are asleep. When children sleep in the evening or overnight the provider shall have a monitoring device that ensures sight or hearing at all times.
  - (2) Children under the age of five shall sleep on the same floor as the provider.
  - (3) The home shall provide adequate lighting indoors in all areas, including bathrooms, hallways, and sleeping rooms to ensure that children can be seen by the provider.
  - (4) The provider shall ensure areas where children sleep during evening and overnight care are areas that have been approved for sleeping by the CDJFS representative.
  - (5) Bedtime routines shall be developed in consultation with the caretaker of the children.
  - (6) The provider shall have a program of activities before bedtime which allows for children's individual choices and needs. Activities may include meals, play, homework, relaxation, personal grooming, and outdoor play during daylight hours.
  - (7) Each child in care during evening and overnight hours shall be provided with an individual crib, cot, mattress, couch, or bed and blankets, and the provider shall ensure that no child sleeps on the floor. An air mattress designed for overnight sleeping may be used. All manufacturer's warnings must be followed. Air mattresses designed for use as flotation devices shall not be used for napping or sleeping.
  - (8) Each child who sleeps at the home for four or more hours shall have clean, comfortable sleeping garments.
  - (9) ~~Storage~~ Individual storage spaces for personal belongings and clothing shall be provided.
  - (10) If caretakers are scheduled to arrive or depart after daylight hours, the provider shall assure that outdoor walkways and entrances to be used are adequately lighted for safety and security.
- (C) The home shall provide a sanitary environment and shall provide for these additional hygiene stipulations during evening and overnight care:
- (1) School age boys and girls shall be separated during washing and while changing clothes to ensure privacy.
  - (2) The provider shall assist children during washing and changing clothes according to children's developmental needs.
  - (3) Bed linens shall be changed at least weekly, when soiled, or when assigned to a different child.

- (4) Each child shall be provided with a clean, individual washcloth, towel, and toothbrush labeled with the child's name and stored in a sanitary manner.
  - (5) Children shall have access to running water, soap and toothpaste.
  - (6) If bathing facilities are used at the home, bath tubs and showers shall be cleaned and **disinfected** sanitized after each use and shall be equipped to prevent slipping. All children shall bathe separately.
- (D) The home shall provide a quiet space for children who want to rest or nap. Rest or nap time shall be in accordance with the developmental needs of the child.
- (1) No child shall be permitted to rest or nap on the floor. The provider shall have an individual space in the form of a bed, cot, sofa, pad or mat for each child for resting or napping purposes.
  - (2) When children rest or nap on mats or pads, floors shall be carpeted, clean, warm, dry and draft free. Mats or pads shall be at least one and one half inches thick.
  - (3) Rest or nap areas shall be lighted to allow for visual supervision of children at all times.
  - (4) Any child who does not fall asleep during a designated nap time shall have the opportunity to engage in quiet activities.
  - (5) Beds, couches, cots, pads or mats shall be assigned individually to each child, and shall be **disinfected** sanitized with an appropriate germicide before assignment to another child. Each couch and bed used for children in care shall have clean bed linen which is changed at least weekly. Bed linen shall be laundered before another child uses the couch or bed.
  - (6) Evacuation routes shall not be blocked by resting or napping children. Each child shall have a free and direct means of escape, and the provider shall have a clear path to each resting child.

Effective: 08/14/2008

R.C. 119.032 review dates: 11/30/2007 and 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 07/24/2008

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011

Prior Effective Dates: 4/1/82, 9/1/86, 5/1/89, 10/1/97, 4/1/03

**CCBMTL 6**

***Effective Date: July 1, 2011***

***Most Current Prior Effective Date: December 1, 2009***

**Appendix A - Schedule for Cleaning and Sanitizing Items for Chapter 14 Child Care Providers**

**[Click here to view Appendix A - Schedule for Cleaning and Sanitizing Items for Chapter 14 Child Care Providers](#)**

- (A) The home shall provide furniture, materials, equipment, and an environment which are safe.
- (1) Firearms and ammunition materials shall be kept in locked storage areas and shall be stored separately away from the sight of children.
  - (2) The provider shall maintain an indoor temperature which will not fall below sixty-five degrees Fahrenheit. If the temperature goes above eighty-five degrees, fan ventilation or air conditioning shall be provided.
  - (3) Equipment, materials, and furniture shall be sturdy and safe; easy to clean and maintain; free of sharp points or corners, splinters, or protruding nails; loose or rusty parts; paint which contains lead or other poisonous materials; or other hazardous features.
  - (4) Children in care shall be protected from any items and conditions which threaten their health, safety, and well being, including but not limited to: protecting children from stoves, bodies of water, window covering pull cords, telephone cords, electrical cords/extension cords, asbestos, lead hazards, wells, traffic, provider's personal belongings, lawn mowers, tools and machinery and other hazards.
  - (5) Lawnmowers, sharp tools, machinery and other equipment shall not be used or stored where children have access to them.
  - (6) If area rugs are used, they shall have a nonskid backing and floor surfaces shall be maintained so as to not cause a tripping hazard.
  - (7) If gates are used in the home they shall be firmly anchored when in use. Gates at the top of stairs shall be wall mounted. Gates shall have no spaces where a child could become entrapped. Accordion style gates shall not be used.
  - (8) Handles of pots and pans placed on top of a stove or oven shall be directed inward so they are not easily accessible to children.
  - (9) Furniture, equipment and materials which are not usable due to breakage or being a hazard shall be removed immediately and stored away from children until repaired.
  - (10) Hot tubs or spas shall not be used by the children and shall be inaccessible to them.
  - (11) Toys or other materials small enough to be swallowed shall be kept out of the reach of infants and toddlers.
  - (12) Cleaning and sanitizing equipment and supplies shall be stored in a space that is inaccessible to children. Cleaning agents, aerosol cans, and all other chemical substances shall be stored in a designated area in their original containers and/or clearly labeled.
  - (13) Mercury thermometers shall not be used or stored where children have access to them.

- (14) A pet or animal shall be permitted if it presents no apparent threat to the safety or health of the children.
  - (a) All pets shall be properly housed, cared for, licensed and inoculated. All local and state ordinances governing the keeping of animals (exotic or domesticated) shall be followed. Verification of license and compliance with local and state requirements and inoculations, for each pet requiring such license or inoculations, or regulated by local or state government shall be on file at the provider's home for review by the county department of job and family services (CDJFS) representative.
  - (b) Children shall not be directly exposed to animal urine or feces.
  - (c) Caretakers shall be notified in writing as part of the [JFS 01634](#) "Caretaker/Provider Agreement" (rev. ~~7/2009~~ 10/2010) what animals are kept on the property and whether or not children will have contact with the animals. If additional animals are to be available to children after the JFS 01634 is signed, the provider must notify each child's caretaker in writing. A copy of this notification shall also be submitted to the CDJFS and maintained in the provider's file.
- (15) Electrical outlets, including surge protectors, within the reach of children shall have child proof receptacle covers when not in use, except for homes which serve school children exclusively.
- (16) The home's air conditioners, heat pumps, electric fans, and electric space heaters shall be mounted or placed out of the children's reach or have safeguards which prevent children from being injured.
- (17) Unless toilets and sinks are of suitable height for use by the children, the home shall provide a sturdy, nonslip platform on which the children may stand.
- (18) The home shall contain a kitchen sink, refrigerator and stove or microwave oven in good working condition.
- (19) All areas used by children shall be ventilated. All doors and windows must be screened when used for ventilation and shall be in good repair to prevent rodents and/or insects.
- (20) Indoor swings (excluding infant swings), slides, climbers, and climbing apparatus shall not be placed over concrete, tile, or any similarly hard surface. There shall be shock absorbent protective covering under and around this equipment. The protective covering shall be used and placed according to manufacturers' guidelines.
- (21) Any children's equipment having straps shall be used in accordance with manufacturers' guidelines.
- (22) Spray aerosols shall not be used when children are in attendance.
- (23) The provider shall follow consumer product safety commission guidelines, as updated, regarding safe use of equipment.
- (24) All utilities shall be operable.
- (B) The home shall provide a clean environment and furniture, materials, and equipment which are sanitary.
  - (1) Toilet tissue, liquid soap, running water, individually assigned towels or disposable toweeling shall be provided in all bathrooms. Toilets and bathroom sinks shall be in good working condition. Toilets shall be flushed after each use.

- (2) Equipment, furnishings, and materials shall be constructed of materials to facilitate cleaning and shall be kept clean and in good repair. The cleaning and sanitizing schedule contained in appendix A to this rule shall be followed.
  - (3) Accumulated trash and garbage shall be stored outside of the outdoor or indoor play area and shall not be accessible to the children.
  - (4) The home shall be cleaned daily and kept in a sanitary condition at all times. Cleaning or sanitizing shall not take place while rooms are occupied by children, except for general clean up activities which are part of the daily routine.
  - (5) Wading pools shall be filtered or emptied daily, and portable wading pools shall be sanitized daily or more often if needed.
- (C) The provider shall thoroughly wash his or her hands for at least fifteen seconds with liquid soap and running water:
- (1) After toileting or assisting a child with toileting.
  - (2) After changing diaper or pull-ups.
  - (3) After contact with bodily fluids or cleaning up spills or objects contaminated with bodily fluids.
  - (4) After taking off disposable gloves.
  - (5) After cleaning or sanitizing or using any chemical products other than detergent.
  - (6) After handling pets, pet cages or other pet objects that have come in contact with the pet.
  - (7) Before eating, serving or preparing food or bottles or feeding a child.
  - (8) Before and after completing a medical procedure or administering medication.
- (D) The child shall be instructed and assisted as needed, to wash their hands:
- (1) After toileting.
  - (2) After contact with bodily fluids.
  - (3) After returning inside after outdoor play.
  - (4) After handling pets, pet cages or other pet objects that have come in contact with the pets.
  - (5) Before eating or assisting with food preparation.
- (E) The home shall provide a smoke free environment for the children during the hours that child care is being provided.
- (1) Smoking on the property during the hours that child care is being provided shall be permitted only if all of the following requirements are met:
    - (a) Smoking shall not occur within the home or attached building areas.
    - (b) Persons smoking cannot be seen by children, including children arriving or departing the home.
    - (c) The area where smoking is occurring is so far removed from the children being cared for that the children cannot inhale any smoke.
  - (2) Smoking may be permitted in the home or in vehicles used for transporting children during hours that the home is not providing child care if the provider has provided to the caretaker of each child enrolled a written notice that smoking occurs at the home or in the vehicle outside of operation hours.

- (3) The provider shall not permit any person to smoke in a vehicle while it is occupied by children.
- (4) The provider shall post in a conspicuous place at the main entrance of the home a notice stating that smoking is prohibited.

Effective: 07/01/2011

R.C. 119.032 review dates: 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 06/01/2011

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011

Prior Effective Dates: 4/1/82, 5/20/83, 9/1/86, 2/15/88, 5/1/89, 10/15/96, 10/1/97 (Emer.), 12/30/97, 4/1/03, 8/14/08, 12/1/09

**CCMTL 91**

**Effective Date: August 14, 2008**

**Most Current Prior Effective Date: April 1, 2003**

- (A) The provider ~~in-charge-of-a-child~~ shall be responsible for the child's safety while child care is being provided.
- (B) No child shall ever be left unsupervised. Supervision means the provider has knowledge of a child's needs and accountability for his or her care at all times. Supervision includes awareness of and responsibility for the activity of each child and being near enough to intervene if needed.
- (C) When inside the home, all children in care shall be within sight or hearing of the provider at all times.
- (D) The provider shall not be under the influence of any substance that impairs the person's ability to supervise children and/or perform duties.
- ~~(D)~~(E) There shall be immediate access at all times to a working land-line telephone on the premises which is capable of making outgoing calls and receiving incoming calls.
- ~~(E)~~(F) The provider shall release a child only to the caretaker or to a person who has been previously approved by the caretaker.
- ~~(F)~~ ~~The provider shall have written permission from the caretaker before a child is permitted to participate in swimming activities.~~
- ~~(G)~~ ~~The provider shall always accompany and supervise children at swimming sites, unless the caretaker has given written permission for a school child to participate in water activities away from the type B provider's home or the home of a child receiving in-home aide services.~~
- ~~(H)~~(G) The provider shall immediately notify the county department of job and family services (CDJFS), and the public children services agency, when there are two separate agencies, when the provider suspects that a child has been abused or neglected.
- ~~(H)~~(H) With mutual agreement of the caretaker and the provider, school children may be permitted off the premises for specific activities when the caretaker has given written permission. The written permission must be kept on file at the home.
- ~~(J)~~(I) Outdoor play shall be supervised as follows.
  - (1) The provider shall remain outdoors with infants, toddlers, and preschoolers at all times.
  - (2) School children may be permitted outdoors without the provider as long as the children remain within sight and hearing of the provider and are not engaged in higher risk activities such as but not limited to: swimming, activities with animals, or using equipment with motors or moving parts. The provider must always be able to intervene if needed.
  - (3) When the outdoor play space is not on the premises, the provider shall accompany and supervise children of any age in transit and at the outdoor play space.
- (J) Water play or swimming in water two feet or more in depth shall be supervised as follows:
  - (1) The provider shall accompany and supervise children at water play and swimming sites, unless the caretaker has given written permission for a school child to participate in water activities away from the provider's home or the home of a child receiving in-home aide services. The

provider shall actively supervise children and shall be able to clearly see all parts of the swimming area, including the bottom of the pool.

(2) Providers shall follow all requirements of rule [5101:2-14-37](#) of the Administrative Code.

(K) The provider shall not provide child care services for a minimum of six consecutive hours out of every twenty-four hour period, unless otherwise approved in writing by the CDJFS.

Effective: 08/14/2008

R.C. 119.032 review dates: 11/30/2007 and 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 07/24/2008

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011

Prior Effective Dates: 4/1/82, 5/20/83, 9/1/86, 2/15/88, 5/1/89, 10/1/97 (Emer.), 12/30/97, 4/1/03

5101:2-14-21 Transportation and Field Trip Safety for Professional Certification as a Type B Home Provider or In-Home Aide

CCMTL 91

**Effective Date: August 14, 2008**

**Most Current Prior Effective Date: April 1, 2003**

(A) Children transported on field trips or routine trips shall be supervised in accordance with rule **5101:2-14-20** of the Administrative Code. Additionally, emergency and substitute caregivers shall be utilized in accordance with rule **5101:2-14-14** of the Administrative Code.

~~(A)~~(B) The provider shall have written and signed permission from the caretaker before transporting or escorting a child away from the home for routine trips.

(1) Written permission from the caretaker for routine trips shall include:

(a) The child's name;\_

(b) The destination(s);\_

(c) The signature of the caretaker; ~~and~~ \_

(d) The date on which the permission was signed.

(2) The written permission shall be valid for all routine trips listed on the permission form for one year or until withdrawn by the caretaker.

(3) The provider shall ~~have~~ take a completed copy of the **JFS 01297 "Emergency Transportation Authorization Child Enrollment and Health Information" (rev. 8/2008) and JFS 01932 "Child's Health Record" of** for each child being transported on a routine trip.

~~(B)~~(C) The provider shall have written and signed permission from the caretaker before transporting or escorting a child away from the home for field trips.

(1) The provider shall secure written permission for each field trip and shall inform the caretaker about each trip in advance.

(2) Written permission shall include:

(a) The child's name;\_

(b) The date of and destination of the trip;\_

(c) The signature of the caretaker; ~~and~~ \_

(d) The date on which the permission was signed.

(e) A statement notifying caretakers how their child will be transported such as, if the child will be transported in the provider's vehicle, other parents' vehicles or public transportation.

~~(3) Each child on the field trip shall have attached to himself a telephone number and name to contact in the event that he becomes lost.~~

~~(4) The provider shall have a copy of the JFS 01297 "Emergency Transportation Authorization" and JFS 01932 "Child's Health Record" of each child being transported on a field trip.~~

(D) The following shall be available on all trips, including routine walking trips:

(1) A completed copy of the JFS 01297 for each child on the trip.

- (2) First aid supplies as required by rule [5101:2-14-29](#) of the Administrative Code.
- (3) The completed [JFS 01928](#) "Child Medical/Physical Care Plan" (rev. 8/2008), for any child who has a health condition which could require special procedures or precautions during the course of the trip. The provider shall also take supplies needed to provide treatment.
- (4) A working cellular phone or other means of immediate communication, which shall not be used by a driver while the vehicle is in motion.
- (E) Children on a routine or field trip, except children being transported only to and from school, shall have attached to them, a telephone number and name to contact in the event that the child becomes lost.
- ~~(C)~~(F) ~~Children shall never be left alone in a vehicle without the provider or emergency/substitute caregiver being present.~~ The provider or the emergency or substitute caregiver shall never leave children alone in a vehicle.~~(D)~~(G) The provider shall have a valid driver's license and insurance coverage, if ~~he/she~~ he or she will be providing transportation. If another person will be transporting children, without the provider being present, that individual shall be the ~~emergency/substitute~~ emergency or substitute caregiver, and the provider is responsible for ensuring that the individual has a valid driver's license, insurance coverage as required by state law, and written permission from the caretaker to transport children.
- ~~(E)~~(H) The provider must adhere to the state of Ohio's child restraint law when transporting children in care.
- (I) Children under twelve years of age shall not be permitted to ride in the front seat of any vehicle.
- (J) Smoking shall be prohibited in all vehicles when occupied by children.

Effective: 08/14/2008

R.C. 119.032 review dates: 11/30/2007 and 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 07/24/2008

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011

Prior Effective Dates: 4/1/82, 5/20/83, 9/1/86, 5/1/89, 3/15/96, 10/1/97 (Emer.), 12/30/97, 4/1/03

**CCMTL 91**

**Effective Date: August 14, 2008**

**Most Current Prior Effective Date: April 1, 2003**

(A) Child care providers and their ~~emergency/substitute~~ emergency or substitute caregivers who care for children shall be responsible for their guidance and management.

(B) Child guidance and management measures shall be: developmentally appropriate for the child; shall be consistent; and shall be explained to the child.

~~(B)~~(C) ~~When~~ If children's behavior is unacceptable the child care provider shall:

(1) Use developmentally appropriate techniques suitable to the children's ages and the circumstances, such as, but not limited to:

(a) Setting clear limits.

(b) Modeling desired behavior.

(c) Positively reinforcing appropriate behavior.

(d) Encouraging children to control their own behavior, cooperating with others and solving problems by talking things out.

(2) Redirect children to appropriate activities, talk with children about the situation and state alternatives~~;~~.

(3) Use developmentally appropriate separation from the situation only as necessary, and not with infants;.

(4) Speak to children so that they understand that what is unacceptable is the children's behavior, not the children themselves or their feelings~~;~~ ~~and~~.

(5) Intervene, when needed, as quickly as possible to ensure the safety of all children.

~~(5)~~(6) Communicate and consult with caretakers prior to in-implementing any specific behavior management plan. The plan shall be in writing and signed by the caretaker and shall be consistent with the requirements of this rule.

~~(C)~~(D) ~~When~~ If children's behavior is unacceptable the child care provider shall not:

(1) Abuse, endanger or neglect children~~;~~.

(2) Utilize cruel, harsh, unusual, or extreme techniques~~;~~.

(3) Utilize any form of corporal punishment~~;~~.

(4) Delegate children to manage or discipline other children~~;~~.

(5) Use physical restraints on a child~~;~~.

(6) Restrain a child by any means other than holding children for a short period of time, such as in a protective hug, so that the children may regain control~~;~~.

(7) Place children in a locked room or confine children in any enclosed area~~;~~.

(8) Confine children to equipment such as cribs or high chairs~~;~~.

(9) Humiliate, threaten or frighten children~~;~~.

- (10) Subject children to profane language or verbal abuse~~;~~.
- (11) Make derogatory or sarcastic remarks about children or their families~~;~~.
- (12) Punish children for failure to eat or sleep or for toileting accidents~~;~~.
- (13) Withhold any food (including snacks and treats), beverages or water, rest or toilet use~~;~~.
- (14) Punish an entire group of children due to the unacceptable behavior of one or a few~~;~~ ~~not~~.
- (15) Isolate and restrict children from all activities for an extended period of time.

~~(D)~~(E) The provider's compliance with this rule applies to all individuals on the premises, and to all individuals responsible for children on trips away from the provider's home or home of the child receiving in-home aide services.

Effective: 08/14/2008

R.C. 119.032 review dates: 11/30/2007 and 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 07/24/2008

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011

Prior Effective Dates: 4/1/82, 9/1/86, 5/1/89, 10/1/97 (Emer.), 12/30/97, 4/1/03

**5101:2-14-24 Caretaker/Provider Responsibilities for Professional Certification as a Type B Home Provider or In-Home Aide**

**CCBMTL 6**

**Effective Date: July 1, 2011**

**Most Current Prior Effective Date: December 1, 2009**

- (A) The provider shall conduct an interview with the caretaker and the child at the provider's home or the home of a child receiving in-home aide services prior to the child's receipt of child care services. The provider shall provide the caretaker with the opportunity to view all areas of the home where child care will be provided. The provider or in-home aide shall provide the caretaker with the opportunity to exchange information and to arrive at agreed-upon decisions regarding the care of the child.
- (B) During the interview, the caretaker and provider shall jointly discuss and complete a written agreement using the **JFS 01634** "Caretaker/Provider Agreement" (rev. ~~7/2009~~ 10/2010) and review the **JFS 01332** "Certified Child Care Handbook for Caretakers" (rev. ~~7/2009~~ 11/2010).
- (1) The written agreement shall include, but not limited to, the following:
- (a) Provision of infant care supplies.
  - (b) Established monthly fee payment arrangements based upon the "Child Care Provider Reimbursement Reporting Calendar" which is appendix B to rule 5101:2-16-39 of the Administrative Code.
  - (c) Alternate care arrangements during provider's absence.
  - (d) Any pets/animals on the property.
  - (e) Number and ages of children receiving in-home aide services.
  - (f) Whether or not the in-home aide's children (maximum of two) will accompany him or her to the home of the child receiving in-home aide services.
  - (g) Days and hours child care is provided.
- (2) The provider shall give a copy of the JFS 01332 to the caretaker of each child. After the JFS 01332 is reviewed and all questions answered, the caretaker shall sign a statement indicating the handbook and policies have been reviewed and agrees to follow the policies.
- (3) The provider shall give a copy of the signed handbook statement to the CDJFS within five days of completion.
- (4) The CDJFS shall maintain a copy in the provider's file.
- (5) The JFS 01634 and JFS 01332 shall be amended by the provider if changes are needed by either of the participating parties due to changes in policies, rates, days/hours of service or other information included in the JFS 01634 or JFS 01332.
- (6) The provider shall give a copy of the amended JFS 01634 or JFS 01332 to the caretaker immediately and to the CDJFS within five days of amendment for approval.
- (7) The CDJFS shall maintain a copy of each in the provider's file.
- (C) The provider shall not impose on the caretaker any charge which exceeds that established by the CDJFS for basic publicly funded child care services.
- (1) The provider may, with approval from the CDJFS, establish fees to recover from the caretaker costs incurred due to the following:

- (a) Late arrival of the caretaker for pick-up of the child which causes the provider to deliver additional hours of service beyond what has been authorized by the CDJFS.
  - (b) Additional cost to the provider for special events and field trips such as, but not limited to, admission fees for movies, plays, and museums.
  - (c) Absentee days which exceed those reimbursed by the CDJFS.
- (2) Any extra fees charged to the caretaker shall be reflected in the JFS 01332 and approved by the CDJFS prior to any caretaker being charged.
- (D) The provider shall provide the caretaker with a written receipt for all payments made.
- (E) If the provider or caretaker determines that a conference is needed, the provider shall schedule a conference at a time mutually acceptable to discuss the child's progress and needs.

Effective: 07/01/2011

R.C. 119.032 review dates: 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 06/01/2011

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011

Prior Effective Dates: 4/1/82, 5/20/83, 9/1/86, 2/15/88, 5/1/89, 10/15/96, 10/1/97 (Emer.), 12/30/97, 4/1/03, 8/14/08, 12/1/09

**CCMTL 91**

**Effective Date: August 14, 2008**

**Most Current Prior Effective Date: April 1, 2003**

- (A) The type B home provider or in-home aide shall have ~~an enrollment record~~ a completed **JFS 01297** "Child Enrollment and Health Information" (rev. 8/2008) on file for each child in care by the first day of attendance, ~~which contains the following information:~~ This form shall be reviewed at least annually by the caretaker and updated as needed when information changes. Caretakers shall initial and date the form when the information is reviewed or updated.
- (1) Each provider shall set a policy regarding whether to provide child care services to children whose caretakers refuse to grant consent for transportation to the source of emergency treatment.
  - (2) The provider shall send the child's JFS 01297 with the child who is being transported to a source of emergency assistance.
    - ~~(1) The child's name, address, birth date, date of enrollment and the first day of attendance;~~
    - ~~(2) The names, addresses, and telephone numbers of each caretaker;~~
    - ~~(3) The name, telephone number, and address of the training program, place of employment or location where the caretaker can be contacted each day the child is in care; and~~
    - ~~(4) The names, addresses, telephone numbers and relationships to each child of at least two individuals who could be contacted in the event of an emergency if the caretaker cannot be reached.~~
- (B) ~~The provider shall have the JFS 01932 "Child's Health Record" on file for all of the children in care, including any child of the in-home aide under six years of age who accompanies the in-home aide to the caretaker's home by the first day of attendance which contains the following information provided by the caretaker or physician. This record shall be reviewed and updated annually by the caretaker.~~ Each child, including any child of the provider or in-home aide, who is not attending a grade of kindergarten or above, shall obtain a physical examination and have a completed **JFS 01932** "Child's Medical Statement" (rev. 8/2008) or head start physical examination form on file at the home within thirty days of the child's attendance. The medical statement shall verify a date of exam within the past twelve months and every thirteen months thereafter, until the child is attending a grade of kindergarten or above. The medical statement shall include all of the following:
- (1) The child's name and birth date.
  - (2) An immunization record which includes all immunizations the child has had and the dates of these immunizations.
    - (a) Each child ~~in attendance~~ shall have received all immunizations required by section 3313.671 of the Revised Code for admission to school, or ~~has had~~ have received the immunizations ~~required~~ recommended by the ~~state~~ Ohio department of health according to the child's age.
    - (b) An immunization record shall not be required for a school child who is ~~enrolled~~ attending ~~in~~ a grade of kindergarten or above.
    - (c) Immunization requirements may be waived by the ~~CDJFS~~ provider for religious reasons upon submission of the caretaker's written request for exemption, or for medical reasons

upon submission of a request for exemption in the form of a statement signed by a licensed physician, physician's assistant or certified nurse practitioner (CNP). The caretaker's request and the CDJFS's provider's waiver shall be on file at the home agency and the agency shall provide a copy to the provider. The waiver request and approval shall be updated annually by the caretaker and the CDJFS provider.

- (3) A list of all allergies and any special precautions or treatment indicated for these allergies.
- (4) A list of any medications currently being administered to the child.
- ~~(5)~~ ~~A list of any chronic physical problems and any history of hospitalization.~~
- ~~(6)~~ ~~A list of any disease the child has had.~~
- ~~(7)~~(5) A description of any modified dietary restrictions.
- ~~(8)~~ ~~A list of any food supplements currently being administered to the child.~~
- (C) Copies of the ~~health records~~ JFS 01297 and the medical statement shall be on file ~~at~~ with the ~~type-B home provider~~ or at the home of a child receiving in-home aide services for review by the county department of job and family services (CDJFS). The agency shall review the child's immunization record at least annually to ensure that the child's immunizations are current as required recommended by the state department of health.
- (D) The child's records shall be confidential and shall be disclosed only to the CDJFS, the child care provider, or to a person who provides written authorization from the caretaker. The ~~emergency transportation authorization and health record~~ JFS 01297 may be disclosed in an emergency or substitute situation to the emergency or substitute caregiver, or to a health professional administering emergency care to the child.
- (E) The provider shall maintain a current copy of the completed JFS 01297 for each child in care and a current JFS 01928 "Child Medical/Physical Care Plan" (rev. 8/2008) for any child who requires one, 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.
- ~~(E)~~(F) The provider shall maintain a daily attendance record, signed by the caretaker, indicating the hours of child care services provided for each child and in a manner prescribed by the CDJFS.
- ~~(F)~~(G) The provider shall report any error in payment or overpayment of fees for publicly funded child care services to the CDJFS within ten days after receipt of such payment so proper adjustment can be made according to rule ~~5101:2-16-73~~ 5101:2-16-71 of the Administrative Code. If it is determined that a provider ~~had~~ fraudulently billed or accepted payment from the CDJFS for publicly funded child care services not rendered, the provider's certification shall be revoked in accordance with rule 5101:2-14-06 of the Administrative Code and the matter shall be presented to the county prosecutor for legal action to recover the payment.

Effective: 08/14/2008

R.C. 119.032 review dates: 11/30/2007 and 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 07/24/2008

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011

Prior Effective Dates: 4/1/82, 5/20/83, 9/1/86, 2/15/88, 5/1/89, 10/1/97 (Emer.), 12/30/97, 4/1/03

5101:2-14-27 Care of Children With Special Needs or Health Conditions for Professional Certification as a Type B Home Provider or In-Home Aide

CCMTL 91

**Effective Date: August 14, 2008**

**Most Current Prior Effective Date: April 1, 2003**

- (A) Before the child receives child care services, the ~~The~~ county department of job and family services (CDJFS) shall ask each caretaker ~~prior to the child's receipt of child care services~~ if the child has a special need or health condition which ~~requires~~ may require special treatment or actions. If a special need or health condition is known or suspected, the CDJFS shall require the caretaker to ~~obtain a medical statement using the JFS 01932 "Child's Health Record" signed by a licensed physician within thirty days of the child's receipt of child care services. This record shall be reviewed and updated annually by a physician. The medical statement shall indicate the limits of the child's participation in daily activities, and any special treatment needed to address the special need or health condition. The provider shall obtain and keep a copy of the medical statement on file at the type B home or the home of a child receiving in-home aide services.~~ complete the **JFS 01928** "Medical/Physical Care Plan" (8/2008), which will then be given to the provider. The provider shall review the information, assure that he or she understands the plan, receive training if required, have the form signed as needed and maintain a copy in the child's file.
- (1) The plan shall be reviewed by the caretaker at least annually and updated as needed.
- (2) The plan shall be on file with the provider or at the home of a child receiving in-home aide services by the first day of attendance or upon confirmation of a special need or health condition.
- (B) The provider must be trained by a caretaker or certified professional before being permitted to perform medical procedures or other action needed for a health condition or special need. There shall be a trained caregiver onsite at all times whenever a child with a medical or physical care plan is present.
- ~~(B) A written plan for the care of a child with a special need or health condition shall be approved by the caretaker and provider. The written plan shall be on file in the home by the first day of attendance or upon confirmation of a special need or health condition.~~
- ~~(1) The written plan shall include written instructions for any procedures necessary for the health of the child, such as, but not limited to, suctioning for tracheostomies, catheterizations, caring for children who are subject to seizures, securing urine samples for tests for diabetes, or putting on orthotic or prosthetic devices. Only a provider who has been trained by the caretaker or by a professional shall be permitted to perform such procedures.~~
- ~~(2) An individual family service plan, an individual education plan, or an individual habilitation plan may be used to meet the requirements of this rule.~~
- (C) If the CDJFS suspects that a child has a special need or health condition, the ~~agency~~ CDJFS can require a physician's statement within a designated timeframe.

Effective: 08/14/2008

R.C. 119.032 review dates: 11/30/2007 and 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 07/24/2008

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011

Prior Effective Dates: 4/1/82, 5/20/83, 9/1/86, 2/15/88, 5/1/89, 10/1/97 (Emer.), 12/30/97, 4/1/03

**CCMTL 91**

**Effective Date: August 14, 2008**

**Most Current Prior Effective Date: April 1, 2003**

- (A) The provider shall have a written plan for medical or dental emergencies on the **JFS 01929** "Medical, Dental and General Emergency Plan for Child Care Homes" (8/2008). ~~to be included in the JFS 01297 "Emergency Transportation Authorization".~~ The plan shall ~~include immediate notification of the caretaker in the event of an emergency and plans for transportation of the child to the source of medical or dental treatment, if necessary~~ be completed, implemented when necessary, and shall be posted, readily in view, by each land-line telephone and on each level of the home in use for child care.
- (B) ~~The provider shall use the JFS 01297 "Emergency Transportation Authorization" form provided by the CDJFS and shall ensure that the form is completed by the caretaker and on file at the provider's type B home or the home of a child receiving in-home aide services.~~
- (1) ~~The JFS 01297 "Emergency Transportation Authorization" form shall include the following:~~
- ~~(a) The child's name, address, and home telephone number;~~
  - ~~(b) The caretaker's work or training address and telephone number;~~
  - ~~(c) Names, addresses, and telephone numbers of the child's physician or clinic and dentist; and~~
  - ~~(d) The names, addresses, telephone numbers and relationships to the child of at least two persons who could be contacted by the provider in the event of an emergency if the caretaker cannot be contacted.~~
- (2) ~~The JFS 01297 "Emergency Transportation Authorization" form shall consist of two parts. The caretaker shall sign and date either part I or part II. The two parts shall be completed as follows:~~
- ~~(a) Part I shall be signed and dated by the caretaker to grant consent to transport the child to a designated source or sources of emergency medical or dental treatment.~~
  - ~~(b) Part II shall be signed and dated by the caretaker to refuse to grant consent to transport the child to a source of emergency treatment and shall include specific instructions to the provider in the event of illness or injury requiring emergency medical or dental treatment.~~
- (C) ~~Each provider shall set a policy regarding whether to provide child care services to children whose caretakers refuse to grant consent for transportation to the source of emergency treatment.~~
- (D) ~~The provider shall send the child's health record with the child who is being transported to a source of emergency assistance.~~
- (E) ~~Emergency telephone numbers for the emergency squad, fire department, hospital, poison control center, children's protective services agency, and police department, or 911, where available, shall be posted by a telephone that is accessible to the provider and any other persons in the home.~~
- (F)(B) The provider shall prepare a report using the **JFS 01299** "Incident/Injury Report" (rev. 6/2007) and provide a copy to the child's caretaker on the day of the incident or injury when any of the following occurs occur:
- (1) A child becomes ill and requires first aid or receives an injury which requires first aid treatment; ~~or.~~

~~(2)~~ A child is administered syrup of ipecac; or

~~(3)~~(2) A child is transported in accordance with this rule to a source of emergency assistance; or

~~(4)~~(3) A child receives a bump or blow to the head; or

~~(5)~~(4) An unusual or unexpected incident, ~~occurs~~ which jeopardizes the safety of a child or ~~staff provider~~, such as, a child leaving the home unattended.

~~A copy of the report shall be given to the child's caretaker on the day of the incident/injury/illness and kept on file in the home.~~

~~(G)~~(C) The provider shall notify the county department of job and family services (CDJFS) within twenty-four hours in the event of any of the following:

(1) Death of a child at the home; or

(2) Serious incident, injury, or illness to a child. A serious incident, injury, or illness includes any situation that requires a child to be removed by the caretaker, caregiver or emergency services from the home for medical treatment, professional consultation or ~~transported~~ transportation for emergency treatment; or

(3) An unusual or unexpected incident as described in paragraph ~~(F)~~(5) (B)(4) of this rule.

~~Written notification shall be provided on the JFS 01299 "Incident/Injury Report." The report shall be faxed or mailed to the CDJFS to arrive no later than three business days from the occurrence. This notification does not replace reporting to the county children's protective services agency if there are concerns of child abuse or neglect.~~

~~(D)~~ Written notification to the CDJFS as required by paragraph (C) of this rule, shall be provided on the JFS 01299. The report shall be faxed or mailed to the CDJFS to arrive no later than three business days from the occurrence. This notification does not replace reporting to the county children's protective services agency if there are concerns of child abuse or neglect.

~~(H)~~(E) The CDJFS shall fax the JFS 01299 "~~Incident/Injury Report~~" to the Ohio department of job and family services (ODJFS), bureau of child care and development within one business day from receipt of the report.

Effective: 08/14/2008

R.C. 119.032 review dates: 11/30/2007 and 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 07/24/2008

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011

Prior Effective Dates: 4/1/82, 5/20/83, 9/1/86, 2/15/88, 5/1/89, 10/1/97 (Emer.), 12/30/97, 4/1/03

5101:2-14-29 First-Aid Supplies and Procedures for Professional Certification as a Type B Home Provider or In-Home Aide

CCMTL 91

**Effective Date: August 14, 2008**

**Most Current Prior Effective Date: April 1, 2003**

- (A) An unlocked, closed first-aid box shall be on the premises and readily available to the provider but shall be kept out of reach of children.
- (B) The first-aid box shall contain all of the following:
- (1) One roll of ~~nonallergenic~~ hypoallergenic first-aid adhesive tape.
  - (2) Individually wrapped sterile gauze squares in assorted sizes.
  - (3) Sterile adhesive bandages in assorted sizes.
  - (4) Tweezers.
  - ~~(5) Two one-ounce bottles of syrup of ipecac, to be administered only in accordance with instructions from a poison control center or licensed physician.~~
  - ~~(6)~~(5) One measuring tablespoon or dosing spoon (for administering syrup of ipecac) Gauze rolled bandage.
  - (6) Rounded end scissors.
  - ~~(7) One-third of a cup of powdered milk~~ Tooth preservation system or fresh chilled milk in which to transport a lost tooth, required only in homes which serve school age children ~~for dental first aid.~~
  - (8) A current guide to emergency first aid.
  - ~~(9) Disposable thermometers or nonmercury thermometer with disposable covers~~ A working digital thermometer.
  - (10) Disposable non-latex gloves.
  - (11) A working flashlight.
  - (12) An instant cold pack that has not been activated or ice.
  - (13) Sealable plastic bags in assorted sizes, for materials soiled with blood or bodily fluids.
  - (14) Pocket mask or face shield, appropriate for all ages of children in care at the home, for cardiopulmonary resuscitation (CPR) administration.
- (C) In addition to the above items, on field trips or when transporting away from the home, the following items are required:
- (1) Soap.
  - (2) Bottled water.
- ~~(C)~~(D) Supplies shall be replaced as they are used, expired, damaged or if sterile packages are opened.
- ~~(D)~~(E) The first-aid box shall be available for use at all times and shall be taken on field trips.
- ~~(E)~~(F) The provider shall have supplies to practice these basic precaution procedures:
- (1) Blood spills shall be treated cautiously and decontaminated promptly. Disposable gloves shall be worn ~~while handling any blood spill, bloody diarrhea, bloody nose, etc. and discarded after~~

each use during contact with blood or bodily fluids which contain blood, such as vomit or feces in which blood can be seen.

- (2) Contaminated surfaces Surfaces contaminated with blood or bodily fluids containing blood shall first be cleaned with hot, soapy water and then disinfected sanitized with an appropriate bleach solution that is prepared on a daily basis according to product guidelines or other acceptable disinfectant sanitizing solution.
- (3) Hand washing with soap and water shall occur after the cleaning of any spill involving containing blood, vomit, feces or urine.
- (4) Disposal of materials that contain blood requires a sealable, leakproof plastic bag or double bagging in plastic bags that are securely tied.
- (5) Non-disposable items, such as clothing, that contain blood shall be placed in a sealable, leakproof plastic bag or double bagged in plastic bags that are securely tied and sent home with the child.
- (6) Sharp items used for procedures on children with special care needs, such as lancets for finger sticks or syringes, require a disposable container called a "sharps container." This is a container made of durable, rigid material which safely stores the lancets or needles until the caretaker can take them home for disposal. Sharps containers shall be stored out of the reach of children.

Effective: 08/14/2008

R.C. 119.032 review dates: 11/30/2007 and 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 07/24/2008

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011

Prior Effective Dates: 4/1/82, 5/20/83, 9/1/86, 5/1/89, 10/1/97, 12/30/97, 4/1/03

**CCMTL 91**

**Effective Date: August 14, 2008**

**Most Current Prior Effective Date: April 1, 2003**

- (A) ~~The~~ Upon the child's arrival each day, the provider shall observe each child for signs of communicable illness ~~daily as the child enters the home.~~
- (B) Each provider shall decide if ~~he/she~~ he or she will care for sick children as defined in this rule and shall inform caretakers of ~~his/her~~ his or her decision. If the provider cares for sick children, the provider must follow these guidelines:
- (1) Isolate the sick child ~~away from other children, but~~ within sight or hearing at all times;
  - (2) Provide the sick child with a cot or bed or the sick infant with a crib, and make comfortable.
  - (3) Notify the child's caretakers immediately if the child's condition worsens.
  - ~~(2)~~(4) Inform ~~parents~~ caretakers within twenty-four hours when a child in care has a communicable disease or has been exposed to a communicable disease, ~~and~~ The provider shall refer ~~them~~ the caretakers to the JFS 08087 "Communicable Disease Chart" (rev. 4/2006) ~~communicable disease chart,~~ which shall be posted in an area easily accessible to parents; ~~and.~~
  - ~~(3)~~(5) Laundry bedding and wash toys used by the sick child before use by another child.
- (C) All the requirements of this rule shall apply when the provider's own child is sick.
- (D) A sick child is a child demonstrating any of the following symptoms:
- (1) Temperature of at least one hundred degrees Fahrenheit when in combination with any other sign or symptom of illness. Temperatures shall be taken by the axillary (armpit) method with a digital thermometer following manufacturer's guidelines. The thermometer shall be sanitized after each use according to manufacturer's recommendations.
  - (2) Diarrhea (three or more abnormally loose stools within a twenty-four hour period).
  - (3) Severe coughing, causing the child to become red or blue in the face or to make a whooping sound.
  - (4) Difficult or rapid breathing.
  - (5) Yellowish skin or eyes.
  - (6) Purulent (pus) eye discharge, or eye pain, or eye lid redness or fever.
  - (7) Untreated infected skin patches, unusual spots or rashes.
  - (8) Unusually dark urine and /or gray or white stool.
  - (9) Stiff neck with elevated temperature.
  - (10) Evidence of untreated lice, scabies, or other parasitic infestations.
  - (11) Sore throat or difficulty in swallowing.
  - (12) Vomiting more than one time or when accompanied by any other sign or symptom of illness.

Effective: 08/14/2008

R.C. 119.032 review dates: 11/30/2007 and 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 07/24/2008

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011

Prior Effective Dates: 4/1/82, 5/20/83, 9/1/86, 2/15/88, 5/1/89, 10/1/97, 4/1/03

**CCMTL 91**

**Effective Date: August 14, 2008**

**Most Current Prior Effective Date: April 1, 2003**

(A) The provider shall set his or her own policy regarding whether or not he or she will administer medication. Only the provider, the emergency caregiver or the substitute caregiver may administer medications.

~~(A)~~(B) ~~The provider shall set his/her own policy regarding whether or not he/she will administer medication.~~ If the provider chooses to administer medication, food supplements, or modified diets, the county department of job and family services (CDJFS) shall provide the JFS 01644 "Permission to Administer Medication" (rev. 8/2008). ~~the~~ provider shall meet the following requirements:

- (1) ~~Prescription medication, food supplements and modified diets: The provider shall secure and follow the written instructions of a licensed physician, a nurse practitioner certified to prescribe medication, or a licensed dentist on the JFS 01644 "Permission to Administer Medication" form provided by the CDJFS. The provider shall also secure written instructions from the caretaker on the form. A prescription label also serves as written instructions for medications and food supplements~~ The provider shall have the caretaker complete and sign box one of the JFS 01644, which shall be valid for no longer than twelve months. The provider shall also secure and follow either written instructions of a licensed physician, a physician's assistant, an advanced practice nurse (APN) certified to prescribe medications or a licensed dentist on the JFSS 01644, or a prescription label as long as the following are met:
  - (a) The label contains the child's full name, a current date (within the last twelve months), the exact dosage to be given and the means of administration;
  - (b) The prescription label is attached to the original container.
- (2) ~~Nonprescription medication: Without written instructions from a physician, a physician's assistant or APN, providers shall administer only nonprescription, Only fever reducing medications that do not contain aspirin, or cough or cold medications that do not contain codeine, may be administered by the provider, without written instructions from a licensed physician, if the following are met: When administering nonprescription medications the following requirements shall be met:~~ Without written instructions from a physician, a physician's assistant or APN, providers shall administer only nonprescription, Only fever reducing medications that do not contain aspirin, or cough or cold medications that do not contain codeine, may be administered by the provider, without written instructions from a licensed physician, if the following are met: When administering nonprescription medications the following requirements shall be met:
  - (a) The provider shall secure and follow ~~secures and follows~~ written instructions from the caretaker on the JFS 01644 ~~"Permission to Administer Medication" form provided by the CDJFS. These instructions do~~ The instructions shall not exceed manufacturers' recommended dosages;
  - (b) ~~Medication is~~ Medications shall be in the original container with the original label attached. The label must specify appropriate dosages based on the child's age or weight;
  - (c) The full name of the child, who is to receive the medication, ~~is~~ shall be printed on the container.
  - (d) The provider shall administer ~~administers~~ the medication for no more than three consecutive days at one time in a fourteen calendar day period.
- (3) ~~Nonprescription topical products or lotions:~~ The provider may apply nonprescription topical products or lotions if the following are met:

- (a) The provider shall secure written instructions from the caretaker on the JFS 01644 ~~"Permission to Administer Medication" form provided by the CDJFS.~~ The caretaker shall complete box one of the JFS 01644 which shall be ~~The form shall be~~ valid for no longer than twelve months;.
  - (b) The provider shall follow manufacturers' guidelines regarding application;
  - (c) When used for skin irritations, such as diaper rash, the topical product shall be applied to the child by the provider for no longer than fourteen consecutive days at any one period of use.
- ~~(4) Syrup of ipecac: In cases of extreme emergency, the provider may administer syrup of ipecac to a child without written instructions from a physician or caretaker following verbal instructions of the poison control center or a licensed physician.~~

~~(B)~~(C) ~~Safeguards:~~ When administering medication, food supplements, modified diets, the provider shall:

- (1) Assure that the child has received the medication, food supplement, or topical product at least once prior to the provider administering a dose, to avoid unexpected reactions.
- ~~(1)~~(2) Assure that the medication, food supplement, or modified diet is not administered for any period of time beyond the date indicated by the physician, physician's assistant, advanced practice nurse certified to prescribe medication, or licensed dentist, on the prescription label or for twelve months whichever comes first;.
- ~~(2) In addition to the provider, only the emergency/substitute caregiver shall be designated to administer prescription and nonprescription medication;~~
- (3) Verify each administration or application of medication by documenting it on the JFS 01644. ~~"Permission to Administer Medication" form provided by the CDJFS.~~ Application of nonprescription topical products and lotions used only as a preventative measure ~~does~~ do not need to be documented;.
- (4) Assure that nonprescription medication dosages administered ~~by the provider~~ do not exceed prescribed dosages or the manufacturers' ~~manufacturer's~~ recommended dosages;.
- (5) Assure that a separate JFS 01644 ~~"Permission to Administer Medication" form~~ is used for each medication to be administered.
- (6) Assure that completed JFS 01644 ~~"Permission to Administer Medication" forms~~ ~~be~~ are kept on file at the provider's home for review by the CDJFS for at least one year following the administration of the medication, food supplement, or modified diet.

~~(C)~~(D) ~~Storage of medications:~~ When storing medications the provider shall:

- (1) Assure that all medication and food supplements are immediately and safely stored, except that an inhaler or medication may be available to a school child with a special health condition, who may need these for an emergency;.
- (2) Assure that all medications can be quickly accessed and removed in case of an emergency that would require evacuation from the premises.
- ~~(2)~~(3) Assure that all school children ~~having~~ have immediate access to personal inhalers;.
- ~~(3)~~(4) Refrigerate medication as needed immediately upon arrival at the provider's home. Store medication ~~and store~~ in a separate container to prevent contamination with foods;.
- ~~(4)~~(5) Keep medications out of the reach of children; ~~and~~ .
- ~~(5)~~(6) Remove all medications from the home when no longer needed or expired.

- (E) Any medication errors that occur shall be documented on the [JFS 01299](#) "Incident/Injury Report" (rev/6/2007). A medication error includes an error in:
- (1) The individual to whom it was administered.
  - (2) The medication that was administered.
  - (3) The dosage of medication administered.
  - (4) The time the medication was administered.
  - (5) The route by which the medication was administered.

Effective: 08/14/2008

R.C. 119.032 review dates: 11/30/2007 and 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 07/24/2008

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011

Prior Effective Dates: 4/1/82, 5/20/83, 9/1/86, 2/15/88, 5/1/89, 10/1/97 (Emer.), 12/30/97, 4/1/03

**CCBMTL 6**

**Effective Date: July 1, 2011**

**Most Current Prior Effective Date: December 1, 2009**

**Appendix A - Portion Sizes for Meals Served at Type B Child Care Homes**

**[Click here to view Appendix A - Portion Sizes for Meals Served at Type B Child Care Homes](#)**

- (A) The provider is responsible for serving varied, nutritious, and appropriately timed meals and snacks. When preparing meals the provider shall store and serve foods in a safe and clean manner. For meals and snacks, the portion sizes and nutritional requirements of appendix A to this rule shall be followed.
- (1) A child present entirely from five-thirty a.m. to seven-thirty a.m. shall be served breakfast.
    - (a) Breakfast shall include a serving of fluid milk, a fruit or vegetable and a grain.
    - (b) Breakfast may be served at any time in the morning, but shall be served to any child present during the time frame referenced above.
  - (2) A child present entirely from eleven a.m. to one p.m. shall be served lunch.
    - (a) Lunch shall include a serving of fluid milk, meat or meat alternate, two fruit or vegetables and a grain.
    - (b) Lunch shall provide one-third of the recommended daily dietary allowances as specified by the United States department of agriculture (USDA) child and adult care food program, child care component, as outlined in 7 CFR 226.20 (January 1, 2006).
    - (c) Lunch may be served at any time midday, but must be served to any child present during the time frame referenced above.
  - (3) A child present entirely from four-thirty p.m. to six-thirty p.m. shall be served dinner.
    - (a) Dinner shall include a serving of fluid milk, meat or meat alternate, two fruit or vegetables and a grain.
    - (b) Dinner shall provide one-third of the recommended daily dietary allowances as specified by the United States department of agriculture (USDA) child and adult care food program, child care component, as outlined in 7 CFR 226.20.
    - (c) Dinner may be served at any time in the early evening, but must be served to any child present during the time frame referenced above.
  - (4) Snacks shall be provided mid-morning, mid-afternoon or after school for school age children and when the interval between regular meals is four hours or longer.
    - (a) Snacks shall include two foods from any two of the following groups: dairy, meat or meat alternate, fruit or vegetable or grain.
    - (b) Snacks may be served at anytime. Except when sleeping, a child shall not go longer than four hours without being served a snack or meal.
- (B) A current weekly menu shall be posted in a conspicuous place readily accessible to caretakers and shall include all meals and snacks served by the provider. Any substitutions shall be noted at the time of the change.

- (C) The provider shall provide the food for the preparation or serving of meals and snacks to the child, unless the caretaker chooses to send meals. The in-home aide and the caretaker shall have a written agreement, using the [JFS 01634](#) "Caretaker/Provider Agreement" (rev. ~~7/2009~~ 10/2010), regarding who will provide the food served to the in-home aide, the in-home aide's children who may accompany the in-home aide and the child receiving in-home aide services.
- (1) Children under twelve months of age shall be provided with formula or breast milk unless otherwise directed in writing by a physician, physician's assistant or certified nurse practitioner (CNP).
  - (2) Children older than twelve months but under twenty-four months of age, shall be served breast milk or whole, pasteurized, homogenized vitamin D fortified cow's milk.
  - (3) Children twenty-four months of age or older shall be served fluid one per cent or skim milk that is pasteurized and vitamin A and D fortified. ~~Low fat and skim milk shall be vitamin A and vitamin D fortified.~~ Reconstituted dry powdered milk shall be used only for cooking and shall not be used as a beverage.
  - (4) Only one hundred per cent, undiluted, fruit or vegetable juice shall meet the fruit or vegetable requirement for meals or snacks.
- (D) The provider shall have physician's written instructions for administering a modified diet or food supplement to any child.
- (E) Milk and milk products used or served shall be "Grade-A" pasteurized.
- (F) 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.
- (G) Eating and drinking utensils and meal preparation and serving areas shall be clean and safe.
- (H) The home shall have both hot and cold running water. The temperature of the hot water shall not exceed one hundred twenty-five degrees Fahrenheit unless the provider demonstrates to the satisfaction of the CDJFS that the hot water faucet can be made inaccessible or inoperable when children are in care.
- (I) The water supply shall be of safe and sanitary quality. Water that is not publicly supplied must be sampled by the local health department and determined to be safe by an approved laboratory. The water must be sampled prior to initial certification of the provider's home or receipt of in-home aide services and annually thereafter. A copy of the test results shall be kept on file with the provider or at the home of a child receiving in-home aide services.
- (J) The premises shall be kept in such condition as to prevent an infestation by insects or rodents.
- (K) On-site sewage disposal systems shall not present a public health hazard.
- (L) The in-home aide shall wash dishes used while providing child care services.

Effective: 07/01/2011

R.C. 119.032 review dates: 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 06/01/2011

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011

Prior Effective Dates: 4/1/82, 5/20/83, 9/1/86, 2/15/88, 5/1/89, 10/15/96, 10/1/97 (Emer.), 12/30/97, 4/1/03, 8/14/08, 12/1/09

**CCMTL 91**

***Effective Date: August 14, 2008***

- (A) Each day infants shall be allowed to safely and comfortably sit, crawl, toddle, walk and play according to the infant's stage of development, in a designated space that does not allow the infant to access the underside of the crib.
- (B) The provider shall devise and implement a program of activities suitable to the age level and ability of the infant in care.
  - (1) Each infant shall be removed from the crib, swing, infant seat, exercise seat or other equipment throughout the day for individual attention.
  - (2) Outdoor play shall be provided on a daily basis for infants in suitable weather.
- (C) The provider shall maintain a daily written record for each infant that is given to the infant's caretaker on a daily basis. The record shall include the following information:
  - (1) Food intake.
  - (2) Sleeping patterns.
  - (3) Times and results of diaper changes.
  - (4) Information about daily activities.
- (D) Each infant shall be removed from his or her crib for all feedings. Infants shall be held or fed sitting up for bottled feedings. At no time shall a bottle be propped for an infant.
- (E) Infant food shall be prepared and served in a manner appropriate to the developmental needs of each child. The provider shall introduce new foods only after consultation with the caretaker. The provider shall comply with written feeding instructions from the caretaker, infant's physician, physician's assistant or certified nurse practitioner (CNP), which shall include the following:
  - (1) Type of food and/or formula.
  - (2) Amount of food and/or formula.
  - (3) Feeding times or frequency of feedings.
- (F) Formula, breast milk, or other liquids in a bottle shall not be heated in a microwave oven.
  - (1) If formula or breast milk is to be warmed, bottles shall be placed in a container of hot, not boiling, water or be placed in a commercial bottle warmer. The container of water shall be emptied and cleaned each day. The bottle shall be shaken well, and the formula or breast milk temperature tested before feeding.
  - (2) Frozen breast milk shall be thawed under cold running water or in the refrigerator.
- (G) The unused portion of formula, breast milk or food remaining in a container from which the infant has been directly fed shall not be reheated or served again.
- (H) The provider shall store, prepare and serve food, formula and breast milk in a safe and clean manner.
- (I) When infant formula is prepared by the provider, it shall be prepared according to the manufacturer's instructions or instructions from the infant's physician, physician assistant or CNP.

- (J) Providers that care for formula-fed infants shall have the appropriate commercially prepared formula for the infant available in the home in the event that the caretaker does not provide a quantity sufficient to meet the infant's daily needs.
- (K) Open containers of ready to feed and concentrated formula shall be covered, dated and refrigerated according to the manufacturer's instructions. Prepared formula and food shall be discarded or sent home daily if not used.
- (L) All formula or prepared food shall be labeled with the infant's name and date of preparation. All formula shall be refrigerated immediately after preparation or upon arrival if the formula is prepared by the caretaker and sent home daily. All commercially prepared food shall be stored according to manufacturer's instructions and not served after the expiration date.
- (M) If breast milk is provided by the caretaker, it shall be labeled with the infant's name and the date expressed. Providers shall follow the chart below in regard to storing breast milk:

Breast milk storage

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

Replaces: 5101:2-14-08, 5101:2-14-32

Effective: 08/14/2008

R.C. 119.032 review dates: 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 07/24/2008

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011

Prior Effective Dates: 4/1/82, 5/20/83, 10/1/83, 9/1/86, 9/25/86, 2/15/88, 5/1/89, 10/15/96, 10/1/97 (Emer.), 12/30/97, 4/1/03

**CCMTL 91**

**Effective Date: August 14, 2008**

**Most Current Prior Effective Date: April 1, 2003**

- (A) The provider shall ~~regularly~~ check diapers at least every two hours for wetness and feces. ~~and change~~ Diapers shall be changed immediately when wet or soiled. Clothing shall ~~also~~ be changed immediately when wet or soiled.
- (B) When changing diapers ~~for any non toilet trained child,~~ the provider shall comply with the following:
- (1) The provider shall wash all soiled areas of the child's body with either a wash cloth which is then appropriately sanitized or a disposable wipe.
  - (2) The provider shall wash ~~his/her~~ his or her hands for at least fifteen seconds with liquid soap and running water after each diaper change. Hand washing after diaper changes shall occur in a sink that is not used for meal preparation and is away from the food serving area. ~~and away from the meal preparation and serving area.~~
  - (3) If a diaper-changing surface is used to change more than one child, the provider shall place a disposable separation material between the child and the changing surface. A different separation material shall be used for each child. ~~The provider shall clean the surface with a disinfectant solution after each use~~ The diaper changing surface shall be sanitized after each diaper change with an appropriate germicide. If the surface is visibly soiled, it shall be cleaned with soap and water prior to sanitizing.
  - (4) If an infant's diapers are to be changed in his crib, there shall be a separation material between the infant and the crib sheet. If the bedding becomes wet or soiled during the diaper change, it shall be replaced with clean bedding.
  - (5) No child shall be left unattended on the diaper changing table.
- (C) The caretaker shall provide a clean supply of diapers and an extra change of clothing that shall be available at all times.
- (D) The provider shall store and launder soiled diapers or clothing as follows:
- (1) If soiled diapers or clothing are to be sent home with a caretaker, the provider shall store the diapers or clothing for no longer than one day in an individual covered container or plastic bag away from the child's belongings.
  - (2) The provider shall store soiled diapers and diapering washcloths which are to be laundered in the home in a covered container with sanitizing ~~disinfectant~~ solution.
  - (3) If soiled diapers are to be commercially laundered, the provider shall hold them for laundering pickup for no longer than seven days.
  - (4) The provider shall store soiled disposable diapers in a plastic-lined covered container that is not easily accessible to children and discard diapers daily or more frequently as needed to eliminate odor.
  - (5) ~~Containers used to store soiled diapers and other materials used in diapering shall be emptied and cleaned with a disinfectant solution at least weekly.~~
- (E) Toilet training shall occur based on a child's readiness and consultation with the caretaker regarding practices in the child's home. The provider shall ensure that toilet training is never forced.

Effective: 08/14/2008

R.C. 119.032 review dates: 11/30/2007 and 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 07/24/2008

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011

Prior Effective Dates: 4/1/82, 5/20/83, 9/1/86, 2/15/88, 5/1/89, 10/1/97 (Emer.), 12/30/97, 4/1/03

**CCMTL 91**

**Effective Date: August 14, 2008**

**Most Current Prior Effective Date: April 1, 2003**

- (A) Each infant in attendance shall be provided with a separate crib that meets the requirements of this rule. ~~There shall be one crib available which meets the requirements of this rule for each infant in attendance at the home.~~
- (1) Cribs and mattresses shall be thoroughly ~~and regularly cleaned with an appropriate disinfectant and regularly sanitized~~ cleaned with soap and water and sanitized with an appropriate germicide at least monthly and before use by another child.
  - (2) Cribs shall be defined by size as follows:
    - (a) "Full size crib" has an interior dimension greater than fifty-two inches (plus or minus five-eighth inch) in length and twenty-eight inches (plus or minus five-eighths inch) in width. With the mattress support in its lowest position and the crib side in its highest position. ~~The~~ the vertical distance from the upper surface of the mattress support to the upper surface of the crib side or end panel shall not be less than twenty-six inches.
      - (i) Only children under thirty-five inches tall shall use a full size crib.
      - (ii) Children thirty-five inches or taller shall use a cot.
    - (b) "Porta crib/playpen" has dimensions less than those specified for a full size crib. Only children under thirty inches tall shall use a porta crib/playpen.
    - (c) "Porta cribs/playpen" with dimensions less than thirty-six inches in length and twenty-four inches in width shall not be used. With the mattress support in its lowest position and the crib side in its highest position, the vertical distance from the upper surface of the mattress support to the upper surface of the crib side or end panel shall not be less than twenty-two inches.
  - (3) At all times, cribs and porta cribs shall be used with the mattress supports in their lowest positions and the crib sides in their highest positions.
  - ~~(3)~~(4) ~~A child eighteen~~ An infant sixteen months or older may use a cot with written caretaker permission. The crib assigned to the sixteen month old infant may be placed in storage in the residence once the infant is no longer using it.
  - ~~(4)~~(5) If the use of a crib or playpen is considered hazardous for an infant, regardless of age, for example, children who are capable of climbing out of a crib or playpen, the infant may use a cot with written permission from the caretaker. ~~For example, children who are capable of climbing out of a crib or playpen.~~
- (B) Each crib or playpen shall be of sturdy construction, with closely spaced bars and with corner posts that do not exceed one sixteenth of an inch above the top of the end panel.
- (1) Spaces between the bars of the crib or playpen and between the bars and end panels of the crib or playpen shall not exceed two and three-eighths inches.
  - (2) Playpen mesh openings shall be less than one quarter inch.
  - (3) Stacked cribs shall be prohibited.

- (C) **Mattress:** Each crib shall have a firm mattress that is at least one and one half inches thick. Each playpen shall have a firm mattress or pad that shall not exceed one inch in thickness.
- (1) The space between the mattress and the side or end panels of the crib or playpen shall not exceed one and one-half inches.
  - (2) Each mattress shall have a properly fitted clean sheet which is changed at least weekly, or more often as necessary. If a crib or playpen is used by more than one child, the crib shall be washed with soap and water and sanitized with an appropriate germicide and the sheet shall be changed before use by another child.
- (D) **Sanitation and safety:** Cribs and playpens shall be thoroughly cleaned and **disinfected** sanitized.
- (1) Each mattress shall be securely covered with a waterproof material which can be thoroughly sanitized and is not dangerous to children. The waterproof cover shall be free of rips or tears.
  - (2) Bumper pads shall not be used.
  - (3) Nothing shall be placed or be hung over the side that obstructs the provider's visibility of the infant.
  - (4) Infants shall not be placed in cribs, porta cribs or playpens with bibs or any other items which could pose a strangulation or suffocation risk.
  - (5) Infants shall be placed in their cribs or playpens for sleeping, and shall not be allowed to sleep in bassinets, swings, car seats or other equipment. If a medical condition exists where a child needs to sleep in equipment other than a crib or playpen, written permission shall be obtained from a physician and shall be on file for review.
  - (6) Infants shall be placed on their backs **or sides** to sleep unless the caretaker provides written authorization on the JFS 01930 "Sleep Position Waiver" (8/2008) signed by the child's physician to the provider for the child to be placed on his/her his or her stomach or side to sleep, and which The JFS 01930 shall be maintained on file for review by the county department of job and family services (CDJFS). Infants who are able to turn themselves over shall be placed initially on their back for sleeping but allowed to sleep in a position they prefer.
  - (7) Cribs or playpens shall not be used for storage of toys and other materials.

Effective: 08/14/2008

R.C. 119.032 review dates: 11/30/2007 and 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 07/24/2008

Promulgated Under: 119.03

Statutory Authority: 5104.011, 5104.11

Rule Amplifies: 5104.011, 5104.01

Prior Effective Dates: 4/1/82, 9/1/86, 5/1/89, 10/1/97 (Emer.), 12/30/97, 4/1/03

**CCMTL 91**

**Effective Date: August 14, 2008**

**Most Current Prior Effective Date: April 1, 2003**

- (A) A certified type B home provider with a swimming pool located on the premises shall make the pool inaccessible to children who are in care, by a fence or other physical barrier that prevents children from accessing the water. Providers with a swimming pool on the premises shall not allow use of the pool by children who are in care, except for wading pools under two feet in depth. Wading pools shall be filtered or emptied daily, and portable wading pools shall be disinfected daily or more often if needed. The provider shall supervise children at all times while a wading pool is in use and shall be able to clearly see all parts of the wading area.
- (B) The use of saunas, hot tubs, and spas by children who are in care at the type B home is prohibited, and these areas shall be inaccessible to them.
- ~~(B)~~(C) Approved off-site swimming sites shall meet all state and local guidelines for environmental health inspections. Activities in pools two or more feet in depth shall be supervised by individuals who are currently certified as lifeguards or water safety instructors by the American Red Cross or an equivalent water safety program, as determined by the county department of job and family services (CDJFS). Swimming activities shall not be permitted in lakes, rivers, ponds, creeks, or other similar bodies of water.
- ~~(C)~~(D) The type B home provider or in-home aide shall obtain written permission from the caretaker: ~~before the child is permitted to swim at approved sites. The written permission shall be signed and dated and shall include the following:~~
- (1) Before the child is permitted to swim in water two or more feet in depth.
  - (2) Before infants and toddlers use wading pools.
  - ~~(1) The child's name;~~
  - ~~(2) A statement indicating whether the child is a swimmer or a non-swimmer;~~
  - ~~(3) The caretaker's permission for the child to participate in water activities.~~
- ~~(D)~~(E) The written permission ~~agreement~~ shall be valid for twelve months or until withdrawn by caretaker. The written permission shall be signed and dated by the caretaker, be on file for review and shall include all of the following:
- (1) The child's name and date of birth.
  - (2) A statement indicating whether the child is a swimmer or a non-swimmer.
  - (3) The location of any approved off-site swimming site.
  - (4) The date or dates that swimming will occur.
  - (5) A statement that the caretaker grants permission for the child to participate.
- ~~(E) The provider shall keep the permission agreement on file at the type B home or the home of a child receiving in-home aide services.~~
- (F) The provider shall always accompany and closely supervise children for all approved water activities.

R.C. 119.032 review dates: 11/30/2007 and 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 07/24/2008

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.11, 5104.12

Prior Effective Dates: 10/15/96, 10/1/97 (Emer.), 12/30/97, 4/1/03

**CCBMTL 3**

**Effective Date: November 15, 2010**

**Most Current Prior Effective Date: August 14, 2008**

- (A) ~~An applicant, certified professional type B or limited home provider, and professional or limited certified in-home aide shall be informed in writing of the right to request a county appeal review when questioning the actions of the~~ The county department of job and family services (CDJFS) with respect to their certification shall inform an applicant, a certified type B professional or limited provider or a certified professional or limited in-home aide of the right to request a county appeal if the provider questions the actions of the CDJFS in the certification process.
- (B) ~~The~~ A provider may appeal the following actions of the CDJFS are subject to appeal:
- (1) ~~The CDJFS has denied~~ Denial of an application for certification or ~~has acted upon an application erroneously~~ errors made in acting on an application.
  - (2) ~~The provider disagrees with any~~ A decision rendered made on an inspection or complaint investigation ~~conducted by the CDJFS in accordance with rule 5101:2-14-03 of the Administrative Code.~~
  - (3) ~~The CDJFS has notified the provider that his or her certificate has been or will be revoked~~ Proposal to revoke a certificate.
  - (4) ~~The CDJFS has notified the provider that his or her~~ Notice that a certificate will not be renewed.
  - (5) ~~The CDJFS has not renewed~~ Non-renewal of the provider's certificate within the time frames prescribed in rule 5101:2-14-04 of the Administrative Code.
  - (6) ~~The CDJFS has notified the provider that it is taking~~ Notification of action to recover ~~a child care an overpayment that the CDJFS made to the provider.~~
- (C) ~~The provider shall submit the request for a county appeal review in writing shall be submitted in writing to the CDJFS no later than fifteen calendar days after the mailing date of the CDJFS notification that there will be an of a proposed adverse action taken on the an application for certification or the certification. The CDJFS shall not discourage, limit or interfere with an applicant's or provider's the right to request a county appeal review.~~
- (D) When the CDJFS receives a request for a county appeal review, the CDJFS shall date stamp the request, retain a copy in the applicant or provider's file, and ~~forward the original date stamped request to the county director or designee responsible for conducting~~ schedule the county appeal review.
- (E) ~~The CDJFS, upon receipt of a request for a county appeal review, shall send a written notice notify the applicant or provider in writing of the time, date, and place of the county appeal review. The notice shall also contain the name, address, and telephone number of the person to contact in the event the applicant or provider cannot attend the scheduled county appeal review. When the applicant or provider is unable to attend the county appeal review as scheduled, documentation must be submitted to the CDJFS, prior to the scheduled appeal review, indicating why he or she is unable to attend. In circumstances which the CDJFS determines rescheduling is warranted, efforts shall be made to schedule the appeal at a time, date, and place convenient to all parties involved. Written notice of the new date and time shall be sent to the applicant or provider. Any disputes regarding attendance shall be resolved by the individual responsible for conducting the county appeal review. The CDJFS shall retain a copy of the written notice in the case file.~~

- (1) The notice shall contain the name, address and telephone number of the person to contact if the applicant or provider cannot attend the scheduled county appeal review.
  - (2) If the applicant or provider is unable to attend the county appeal review as scheduled, the applicant or provider must contact the CDJFS prior to the time of the scheduled appeal review, indicating why the applicant or provider is unable to attend. The CDJFS shall determine if rescheduling of the appeal review is warranted and it shall make efforts to schedule the appeal at a time, date, and place convenient to all parties involved.
  - (3) The CDJFS shall resolve any disputes regarding attendance and shall retain copies of all written notices in the case file.
- (F) ~~When an applicant or provider requests a county appeal review, the~~ The CDJFS shall conduct the county appeal review within fifteen working days of receipt of the request, unless an extension is required pursuant to paragraph (E) of this rule. The extension shall not exceed ~~more than~~ ninety days from the date of the original request.
- (G) The CDJFS ~~director or designee~~ shall be responsible for conducting the county appeal review. The individual responsible for conducting the county appeal review shall not ~~have been~~ be someone who was a party to the decision that is the subject of the review. Evidence presented at the county appeal review shall be recorded by stenographic means or by use of audio-electronic recording devices as determined by the ~~county director or designee at the time of the appeal review~~ CDJFS. ~~Such record shall be made at the expense of the~~ The CDJFS shall pay for the cost of this record and, upon request, one copy of the verbatim transcript, in the same medium in which the CDJFS appeal review was recorded, shall be provided to the applicant or provider at no cost.
- (H) The following individuals may be present at the county appeal review:
- (1) Legal representatives for all involved parties, including union staff or a union steward from the American federation of state, county, and municipal employees, Ohio council 8, AFL-CIO/child care providers together.
  - (2) Agency staff who are a party to the CDJFS action involving the applicant or provider.
  - (3) Witnesses called by the individual or CDJFS to present relevant testimony or evidence.
- (I) The applicant or provider requesting a county appeal review shall have the opportunity to:
- (1) Present the case.
  - (2) Examine the contents of the case file that are relevant to the CDJFS decision to deny or revoke the certificate, including all records and documents to be used by the CDJFS at the county appeal review, except for confidential information protected from release as addressed in rule [5101:2-14-62](#) of the Administrative Code, within a reasonable time prior to the county appeal review.
  - (3) Bring witnesses.
  - (4) Submit evidence to establish all pertinent facts and circumstances.
  - (5) Advance arguments without undue interference.
  - (6) Question or refute any testimony or evidence, presented by CDJFS witnesses or staff.
- (J) If the applicant or provider requests documents that are relevant to the issue under appeal, the CDJFS shall provide one copy of each document at no cost, except for confidential information protected from release.

- (K) The CDJFS ~~director or designee~~ shall start the county appeal review by providing the following introductory information:
- (1) His or her name and role.
  - (2) Explanation of how the county appeal review will be conducted, including order of presentation and questioning.
  - (3) The time frame within which a decision shall be issued.
  - (4) How the individual will be notified of the decision.
- (L) Following the presentation of introductory information the ~~county director or his designee~~ CDJFS shall:
- (1) Explain the reasons for the proposed action.
  - (2) Cite the regulations upon which the proposed action is based.
  - (3) Provide relevant case information and documents.
  - ~~(1) Request that CDJFS staff:~~
    - ~~(a) Explain the reasons for the agency's action.~~
    - ~~(b) Cite the regulations upon which the action was based.~~
    - ~~(c) Provide relevant case information and documents.~~
  - ~~(2)~~(4) Provide the applicant or provider with the opportunity to present the case, submit evidence, establish pertinent facts, advance arguments, present witnesses, question or refute the testimony or evidence presented by the CDJFS, and question CDJFS witnesses or staff.
  - ~~(3)~~(5) Question testimony or evidence presented by the applicant or provider, witnesses, or CDJFS staff, if applicable.
- (M) The CDJFS ~~director or designee~~ is responsible for preparing and issuing a written decision to the applicant or provider within ten working days from the date of the county appeal review. The decision shall be based upon:
- (1) Facts and evidence presented at the county appeal review.
  - (2) Ohio department of job and family services (ODJFS) regulations governing certified professional or limited type B homes, certified professional or limited in-home aides, or any additional county requirements approved by ODJFS in accordance with rule [5101:2-14-61](#) of the Administrative Code.
- (N) The county appeal review decision shall include the following information:
- (1) The action which was appealed.
  - (2) Findings of facts:
    - (a) Indicating which facts were mutually agreed upon by all parties.
    - (b) Discussing any resolution of factual disputes.
    - (c) Discussing facts which were not mutually agreed upon.
  - (3) Citation and summarization of relevant Administrative Code rules which support the facts established.
  - (4) Outcome of the appeal on each issue addressed.

(O) ~~When the county appeal review decision has been issued the~~ CDJFS shall promptly implement the decision.

(P) The county appeal review decision is final in regards to the appeal procedures contained in rule.

Effective: 11/15/2010

R.C. 119.032 review dates: 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 10/14/2010

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011

Prior Effective Dates: 3/15/96, 10/1/97 (Emer.), 12/30/97, 1/1/01, 4/1/03, 8/14/08

**5101:2-14-55 Application, and Approval and Renewal for Limited Certification as a Type B Home Provider or In-Home Aide**

**CCBMTL 6**

**Effective Date: July 1, 2011**

**Most Current Prior Effective Date: December 1, 2009**

- (A) Individuals interested in limited certification as an agency inspected (AI) type B home provider, as a parent/provider inspected (PPI) type B home provider, or as an in-home aide (IHA) to provide publicly funded child care shall contact the county department of job and family services (CDJFS) to request an application for certification. The CDJFS shall accept and approve or deny all applications for limited certification as an AI type B home provider, a PPI provider or IHA within one hundred twenty days from the date the CDJFS receives the application. The CDJFS shall deny an application if the CDJFS determines that within the last five years the applicant was previously certified as a limited or professional provider and his or her certificate was revoked, in this state or another state, or the applicant voluntarily withdrew from the certification program as a result of CDJFS notification of its intent to revoke the certificate.
- (B) Within seven working days of receiving a request for information about obtaining limited certification, the CDJFS shall send the provider or the caretaker of the family requesting child care services the following information:
- (1) [JFS 01642](#) "Application/Inspection Form for Type B Limited Certification" (rev. ~~8/2008~~ 10/2010).
  - (2) [JFS 01329](#) "Statement of Nonconviction for Type B Homes and In-Home Aides" (rev. 8/2008).
  - (3) Rules [5101:2-14-01](#), [5101:2-14-11](#), [5101:2-14-40](#), and 5101:2-14-55 to [5101:2-14-62](#) of the Administrative Code.
  - (4) Items necessary to complete the bureau of criminal identification and investigation (BCII) and federal bureau of investigation (FBI) criminal records checks.
  - (5) [JFS 01280](#) "Provider Medical Statement" (rev. 8/2008) for the provider's physician, physician's assistant, advanced practice nurse or a certified nurse practitioner to complete.
  - (6) [JFS 01932](#) "Child's Medical Statement" (rev. 8/2008) for each child in care.
  - (7) [JFS 01297](#) "Child Enrollment and Health Information" (rev. 8/2008).
  - (8) [JFS 01634](#) "Caretaker/Provider Agreement" (rev. ~~7/2009~~ 10/2010).
  - (9) [JFS 01302](#) "Request for Child Abuse and Neglect Report Information" (rev. 9/2006).
- (C) After receiving the information, the caretaker and provider shall complete and return to the CDJFS the following documents:
- (1) JFS 01642.
  - (2) JFS 1634.
    - (a) The provider shall give a copy of the completed JFS 01634 to the caretaker immediately and to the CDJFS within five days of completion.
    - (b) The CDJFS shall maintain a copy in the provider's file.
  - (3) JFS 01329.
  - (4) JFS 01302.

- (5) BCII and FBI standard fingerprint impression sheets or electronically submit their fingerprints according to the process of BCII for the IHA, the AI home provider, each adult residing in the AI home, the PPI and each adult residing in the PPI home.
- (D) Any provider certified after the effective date of this rule shall not be a specialized care foster home.
- (E) If there are other adults living in the type B limited provider's home, each adult shall complete the JFS 01329. The completed form shall be returned to the CDJFS.
- (F) If the caretaker and provider need help in completing the forms, the CDJFS shall provide them with assistance.
- (G) When the CDJFS determines a caretaker is eligible to receive publicly funded child care, the CDJFS shall contact the caretaker to set up an interview with the caretaker and provider at the provider's home or at the agency. During the interview the CDJFS shall:
  - (1) Review the completed JFS 01642, and advise the provider of any areas of noncompliance and the corrective action to be taken by the provider before the home can be certified.
  - (2) Review the completed JFS 01329 for the provider and all household members and any other adult residing in the provider's home.
  - (3) Determine the child or children in need of child care and what other children the provider is caring for now.
  - (4) Clarify days of the week and hours of the day child care is needed.
  - (5) Review the payment schedule for providing child care services and procedures for collection of the copayment and other fees.
  - (6) Review the methods for recording days and hours of care.
  - (7) Review the methods for submitting bills to the CDJFS.
  - (8) Review the requirement that a type B home provider can provide child care for one to six children at one time and no more than three children can be under age two. If the provider indicates, or when the CDJFS determines that a provider cannot comply with the definition of limited certification, pursuant to paragraph (S) of rule [5101:2-14-01](#) of the Administrative Code, the CDJFS shall:
    - (a) Terminate the limited certification process.
    - (b) Offer the applicant the opportunity to complete the professional certification process.
  - (9) Review the requirement that publicly funded child care may be provided in a child's own home only by an in-home aide. The limited certified IHA provider may not provide child care services for any children, other than the caretaker's while in the caretaker's home, except for paragraph (G)(10) of this rule, and shall only care for children whose child care services have been approved by the CDJFS. The CDJFS may approve child care services to be provided by a limited certified IHA to any number of the caretaker's children who reside on the premises.
  - (10) The in-home aide may bring no more than two of his or her own children to the caretaker's home while providing child care services and only with the caretaker's prior consent.
  - (11) Review procedures and fees associated with having a criminal records check done on the IHA, AI, PPI home provider and adults residing in the AI and PPI home. The CDJFS shall provide the provider with the items necessary to complete the BCII and FBI criminal records checks.

- (12) Review procedures and information necessary for the CDJFS to access records from the public children services agency (PCSA) concerning any abuse or neglect report made pursuant to section 2151.421 of the Revised Code.

Effective: 07/01/2011

R.C. 119.032 review dates: 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 06/01/2011

Promulgated Under: 119.03

Statutory Authority: 5104.011, 5104.30, 5104.38

Rule Amplifies: 5104.011, 5104.32

Prior Effective Dates: 11/1/91(Emer.), 1/20/92, 7/1/95, 3/15/96, 10/1/97(Emer.), 12/30/97, 4/1/03, 1/1/07, 8/14/08, 12/1/09

**5101:2-14-56 Issuance and Renewal of A Certificate for Limited Certification as a Type B Home Provider or In-Home Aide**

**CCBMTL 6**

**Effective Date: July 1, 2011**

**Most Current Prior Effective Date: August 14, 2008**

- (A) A child care certificate for provisional limited certification may be issued when the county department of job and family services (CDJFS) determines that all of the following are met:
- (1) The caretaker is eligible to receive publicly funded child care benefits according to the requirements found in Chapter **5101:2-16** of the Administrative Code.
  - (2) The **JFS 01642** "Application/Inspection Form for Type B Limited Certification" (rev. **8/2008** **10/2010**) is completed and signed by the provider and has been submitted to the CDJFS.
  - (3) The provider and all persons over eighteen years of age residing in the home have indicated on the **JFS 01329** "Statement of Nonconviction For Type B Homes and In-Home Aides" (rev. 8/2008) that he or she has not been convicted of or pleaded guilty to, offenses listed in division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code and that no child has been removed from his or her home according to section 2151.353 of the Revised Code.
  - (4) The in-home aide (IHA), agency inspected (AI), and parent/provider inspected (PPI) home provider and other adults living in the AI or PPI home have returned the bureau of criminal identification and investigation (BCII) and federal bureau of investigation (FBI) standard fingerprint impression sheets or have electronically submitted their fingerprints according to the process of BCII to the CDJFS. Any fees charged to these individuals shall be collected at this time.
  - (5) The IHA, AI and PPI home provider and other adults living in the AI and PPI home have submitted information necessary for the public children services agency (PCSA) registry verification.
- (B) At the time the CDJFS issues the provisional limited certificate, the certified provider shall complete and submit a provider agreement and all information required in the provider portal which is located at: <http://jfs.ohio.gov/cdc/childcare.stm>. This information must be submitted by the first day publicly funded child care services are provided. Any child care services provided prior to the date ODJFS receives this provider portal information will not be reimbursed. The CDJFS ~~it~~ will mail the provider the following information:
- (1) The billing and record keeping forms.
  - (2) The date which publicly funded child care can begin.
  - ~~(3) The **JFS 01224** "Purchase of Child Care Services Contract" (rev. 1/2008) to be completed, signed and returned to the CDJFS.~~
- (C) The CDJFS shall complete a home inspection no later than ten business days after the issuance of the provisional certificate if an inspection has not been completed prior to the provisional certification. The JFS 01642 must be completed by the caretaker and provider within ten business days when a PPI is issued a provisional certificate prior to the caretaker and provider completing the report.
- (D) A limited certificate shall be issued no later than sixty days after issuance of the provisional certificate when all of the following are met:

- (1) The CDJFS has verified that the provider meets limited certification health and safety requirements as indicated on the JFS 01642.
  - (2) The BCII and FBI criminal records checks and the JFS 01329 indicate that the provider and all adults residing in the home have not been convicted of or pleaded guilty to the offenses listed in divisions (A)(8) and (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code, and have not had a child removed from the home pursuant to section 2151.353 of the Revised Code.
  - (3) The provider has submitted a [JFS 01280](#) "Provider Medical Statement" (rev. 8/2008) affirming that he or she is in good health and capable of caring for children.
  - (4) The CDJFS has received information from the public children services agency (PCSA) in response to the [JFS 01302](#) "Request for Child Abuse and Neglect Report Information" (rev. 9/2006). The CDJFS shall consider any information provided by the PCSA within the totality of circumstances to determine if the provider may endanger the health, safety, or welfare of children.
  - (5) The CDJFS has received verification that first aid and CPR training have been completed and the provider's trainings have not expired.
  - (6) The CDJFS has received verification that the provider has completed, not more than six months prior, the eight hour [JFS 01750](#) "Health and Safety in Family Child Care" (rev. ~~5/2003~~ 7/2010) course.
- (E) A limited certificate shall be in effect for two years, unless:
- (1) It is revoked or terminated by the CDJFS.
  - (2) The provider notifies the CDJFS of his or her voluntary withdrawal from the certification program.
  - (3) The provider moves to a new address.
- (F) The limited certificate shall be issued under one of the following:
- (1) PPI type B home limited certifications.
  - (2) AI type B home limited certification.
  - (3) IHA limited certification.
- (G) A limited certificate is valid only for the provider, address, and maximum number of children designated on the certificate.
- (H) ~~As of the effective date of this rule, only one~~ One limited certificate shall be issued for each address. For providers that had more than one certificate issued to the address on or before ~~the effective date of this rule~~ August 14, 2008, the certificates will remain valid as long as the certificate does not lapse and both providers are in compliance with Chapter 5101: 2-14 of the Administrative Code and Chapter 5104. of the Revised Code.
- (I) ~~As of the effective date of this rule, a~~ As of August 14, 2008 a limited certificate shall not be issued to any address that is licensed as a type A child care home. Limited type B home providers that are ~~currently~~ certified on or before August 14, 2008 at the same address as a type A child care home shall have their certificate remain valid as long as the certificate or license does not lapse and both child care providers are in compliance with Chapter 5104. of the Revised Code and Chapter 5101:2-14 and Chapter ~~5101:2-12~~5101:2-13, respectively, of the Administrative Code.

- (J) If the provider moves, a new certificate ~~and contract~~ shall be issued to the provider at the new address upon determining that the provider is in compliance with the requirements of Chapter 5101:2-14 of the Administrative Code and Chapter 5104. of the Revised Code at the new address. The provider shall not be eligible for reimbursement for publicly funded child care services until:
- (1) A certificate is issued for the new address.
  - (2) The provider completes and submits to ODJFS, a new provider agreement and all information required in the provider portal.
- (K) The voluntary surrender of a certificate to the CDJFS or the withdrawal of an application for certification shall not prohibit the CDJFS from revoking a certificate or denying an application for certification, if the provider or in-home aide is out of compliance with Chapter 5101:2-14 of the Administrative Code or Chapter 5104. of the Revised Code.
- (L) As part of the recertification process, the CDJFS shall obtain current information from the PCSA about the provider and adult residents by completing a new JFS 01302.
- (M) Prior to recertification every four years, the CDJFS shall obtain the results of the BCII criminal records check for the provider, in-home aide and any other adults residing in the home. Additionally, the CDJFS may request the FBI criminal records check every four years. When each new BCII criminal records check is received the CDJFS shall act in accordance with rule [5101:2-14-11](#) of the Administrative Code.
- (N) The CDJFS shall renew a limited certificate when it determines:
- (1) The caretaker is still eligible to receive publicly funded child care benefits according to the requirements of Chapter 5101:2-16 of the Administrative Code.
  - (2) The provider remains in compliance with limited certification requirements contained in Chapter 5101:2-14 of the Administrative Code.
- (O) An individual certified by the CDJFS as a type B home provider or as an in-home aide to provide publicly funded child care services is an independent contractor and is not an employee of the CDJFS that issued the certificate.
- (P) The provider shall post the certificate in the home in a conspicuous place that is accessible to the caretaker at all times. The CDJFS shall provide a copy of the certificate to the caretaker of a child receiving in-home aide services.

Effective: 07/01/2011

R.C. 119.032 review dates: 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 06/01/2011

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011

Prior Effective Dates: 8/14/08

**5101:2-14-57 Limited Certification Compliance Inspection of Inspection and Investigation for Limited Certification as a Type B Home Provider or Provider or In-Home Aide**

**CCBMTL 6**

**Effective Date: July 1, 2011**

**Most Current Prior Effective Date: August 14, 2008**

- (A) The provider shall allow the county department of job and family services (CDJFS) to inspect all areas of the home and property for the purposes of certification, recertification, investigation of a complaint, and to monitor compliance with the Administrative Code.
- (B) If the caretaker waives an agency inspection of the parent/provider inspected (PPI) home for purposes of certification and recertification, the caretaker and provider shall verify in writing on the JFS 01642 "Application/Inspection For Limited Certification" (rev. ~~8/2008~~10/2010) that minimum health and safety requirements are being met in the home.
- (C) The CDJFS shall make home inspections of the agency inspected (AI) type B home provider or the home of the family receiving in-home aide (IHA) services to verify compliance with health and safety requirements. The CDJFS shall complete the JFS 01642 for each inspection. A home inspection shall be:
- (1) Completed for provisional limited type B homes no later than ten business days after the issuance of the certificate.
  - (2) Completed prior to issuance of a limited certificate.
  - (3) Conducted one time a year after the initial AI type B home or IHA limited certificate has been issued.
  - (4) Announced or unannounced. At least one of the annual inspections shall be unannounced.
  - (5) Conducted upon the provider's relocation to a new residence. When the CDJFS determines that the provider is in compliance with Chapter 5101:2-14 of the Administrative Code at the new residence, a new certificate ~~and contract~~ shall be issued for the new address. The provider shall not be entitled to reimbursement for publicly funded child care until ~~a new certificate and contract are issued.~~
    - (a) The CDJFS issues a certificate for the new address.
    - (b) The type B provider completes and submits a provider agreement and all information required in the provider portal which is located at: <http://jfs/ohio.gov/cdc/childcare.stm>. Any child care services provided prior to the date the information is submitted to ODJFS shall not be reimbursed.
- (D) For each inspection of an AI type B home or IHA, the CDJFS shall complete the JFS 01642 and give one copy to the provider within fifteen working days after the inspection. The CDJFS, after removal of confidential information, shall provide a copy of the JFS 01642 to any person who submits a request to the CDJFS. Inspection reports shall be kept on file at the CDJFS.
- (E) The caretaker and provider shall conduct home inspections of the PPI type B home provider to verify compliance with health and safety requirements. The caretaker and provider shall complete the JFS 01642 for each inspection completed. A home inspection shall be conducted:
- (1) No later than ten business days after the issuance of a provisional limited type B home certificate.
  - (2) Prior to the initial issuance of a limited type B home certificate.

- (3) By the provider and each eligible caretaker whose children will be cared for by the provider.
  - (4) Prior to recertification.
  - (5) Upon the provider's relocation to a new residence. When the CDJFS determines that the provider is in compliance with Chapter 5101:2-14 of the Administrative Code at the new residence, a new certificate ~~and contract~~ shall be issued for the new address. The provider shall complete and submit a new provider agreement and information required for the provider portal. The provider shall not be ~~entitled to reimbursement for publicly~~ reimbursed for publicly funded child care services that are provided prior to ~~until the provider portal information being completed and submitted to ODJFS,~~ and a new certificate ~~and contract are~~ being issued.
- (F) A completed JFS 01642 shall be submitted to the CDJFS thirty days prior to the expiration of the two year certification period which was established with the first eligible family receiving subsidized child care from the provider.
- (G) The CDJFS, after removal of confidential information, shall provide a copy of the JFS 01642 for the PPI to any person who submits a request to the CDJFS. Inspection reports shall be kept on file at the CDJFS.
- (H) The CDJFS shall conduct an interview at the home of the (PPI) type B provider or at the agency to verify compliance with the safety, sanitary and health requirements listed on the JFS 01642. This interview shall be conducted before a type B PPI limited certificate has been issued or within ten business days after the issuance of a provisional limited certificate. At the discretion of the CDJFS subsequent interviews may be conducted:
- (1) Upon recertification at the time that the two year limited certification period expires.
  - (2) Upon relocation by the PPI type B home provider. The provider shall not be entitled for reimbursement for publicly funded child care until a new certificate and contract are issued.
- (I) When the CDJFS determines the type B home provider or in-home aide is not in compliance with this chapter or Chapter 5104. of the Revised Code and the CDJFS does not propose revocation of the certificate, the CDJFS shall forward to the provider written notification which includes:
- (1) A statement of the specific rule violations.
  - (2) A statement of what must be done to correct the rule violations.
  - (3) The date, not to exceed thirty business days, by which the correction shall be completed.
  - (4) A statement of the consequences if the provider fails to correct violations within the specified time frame.
  - (5) A statement that the provider has the right to appeal the actions of the CDJFS and request a county appeal review in accordance with procedures outlined in rule [5101:2-14-40](#) of the Administrative Code.
- (J) Failure of the caretaker whose child is receiving in-home aide services to cooperate with the CDJFS or failure to comply with this chapter and Chapter 5104. of the Revised Code shall be cause for the CDJFS to terminate the in-home aide arrangement, revoke the in-home aide limited certificate and inform the caretaker of alternative child care arrangements.
- (K) The child care provider shall make available all inspection reports within the current certification period upon request of the caretaker.

Effective: 07/01/2011

R.C. 119.032 review dates: 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 06/01/2011

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011, 5104.11, 5104.12

Prior Effective Dates: 11/1/91 (Emer.), 1/20/92, 3/15/96, 10/1/97, 12/30/97, 4/10/03, 8/14/08

**5101:2-14-58 Provider Qualifications and Responsibilities for Limited Certification as a Type B Home Provider or In-Home Aide**

**CCBMTL 6**

**Effective Date: July 1, 2011**

**Most Current Prior Effective Date: December 1, 2009**

- (A) The provider shall be at least eighteen years of age.
- (B) The eight hour JFS 01750 "Health and Safety in Family Child Care Training" (rev. ~~5/2003~~ 7/2010) shall be completed by:
  - (1) Providers issued a provisional limited certificate, prior to or within sixty calendar days of the issuance of the provisional limited certificate. The training shall be taken no more than six months prior to the issuance of the limited certificate.
  - (2) Providers issued a limited certificate prior to the issuance of the certificate. The training shall be taken no more than six months prior to the issuance of the limited certificate.
- (C) First aid and cardiopulmonary resuscitation (CPR) shall be completed and current certification maintained by:
  - (1) Providers issued a provisional limited certificate, within sixty calendar days of the issuance of the provisional certificate.
  - (2) Providers issued a limited certificate, prior to the issuance of the initial limited certification.
  - (3) Individuals currently approved by the CDJFS shall complete and maintain current certification in both first aid and CPR.
- (D) The provider shall be examined by a licensed physician, physician's assistant, advanced practice nurse (APN) or certified nurse practitioner (CNP) not more than six months prior to initial certification and every three years from the initial examination thereafter. The provider shall have the JFS 01280 "Provider Medical Statement" (rev. 8/2008) signed by a licensed physician, physician's assistant, APN or CNP which includes at a minimum:
  - (1) Verification that the provider is currently free of communicable tuberculosis.
  - (2) Immunization against measles, mumps and rubella.
    - (a) A history of having measles or mumps disease may be substituted for the vaccine for a person born on or before December 31, 1956.
    - (b) Only a laboratory test demonstrating detectable rubella antibodies shall be accepted in lieu of the rubella vaccine.
    - (c) A provider may be exempt from this immunization requirement for religious reasons upon filing a written statement with the county department of job and family services (CDJFS), or for medical reasons upon filing a written statement signed by a licensed physician, physician's assistant, APN or CNP with the CDJFS.
  - (3) Immunized against tetanus and diphtheria. At the time the next booster for tetanus and diphtheria is due, the provider must also be immunized against pertussis (Tdap). All providers must have verification of being immunized against pertussis by January 1, 2017.
  - (4) Any special health problems which might interfere with the health of a child or might prohibit the individual from providing adequate care for young children.

- (5) The CDJFS may require the provider, at any time prior to or subsequent to the issuance of a certificate, to submit a current JFS 01280 signed by a physician, physician's assistant, APN or CNP. Failure to obtain a new medical statement may be grounds for revocation of a certificate.
- (E) The provider shall be physically, intellectually and emotionally capable of complying with Chapter 5101:2-14 of the Administrative Code and performing activities normally related to child care. These include, but are not limited to, providing meals, dealing with emergencies in a calm manner, carrying out methods of child guidance and discipline in a courteous, respectful and patient manner, and keeping accurate records as required by this Chapter.
- (F) The provider shall provide a safe, sanitary and healthy environment when children are present. Any individual whose behavior or health may endanger the health, safety and well being of children shall not be present or reside in the type B home or home of a child receiving in-home aide services.
- (G) The provider shall always be within sight or hearing of a child.
- (H) The provider shall not provide child care to more than six children at one time, with no more than three children under age two, and shall always operate under the definition of limited certification. This child count shall include the provider's children when present, who are under six years of age.
- (I) The provider shall not be a certified specialized care foster home.
- (J) The provider who is a foster parent must notify the CDJFS and the caretaker within one business day when the provider is, or will be, providing care to foster children. Documentation of this notification and the date that the CDJFS and the caretaker were notified shall be maintained at the home and made available for review by the CDJFS.
- (K) The provider shall assure that he or she and any other person living in the type B home:
- (1) Are not under the influence of drugs or alcohol.
  - (2) Have no evidence of drug or alcohol addiction.
  - (3) Are not trafficking in drugs.
  - (4) Have not been convicted of or pleaded guilty to crimes or offenses listed in ~~divisions~~ division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of 5104.09 of the Revised Code and that no child has been removed from his or her home according to section 2151.353 of the Revised Code.
  - (5) Have not been indicted, are awaiting trial on charges, or pending outcome of a trial of any of the crimes listed in division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code. The provider shall report this information, as well as any investigation being conducted by a public children services or law enforcement agency, immediately to the CDJFS.
- (L) The home shall provide for a smoke free environment for the children during the hours that child care is being provided.
- (1) Smoking on the property shall be permitted only if all of the following requirements are met:
    - (a) Smoking shall not occur within the home or attached building areas.
    - (b) Persons smoking cannot be seen by children, including children arriving or departing the home.
    - (c) The area where smoking is occurring is so far removed from the children being cared for that the children cannot inhale any smoke.

- (2) Smoking may be permitted in the home during hours that the home is not providing child care if the provider has provided to the caretaker of each child enrolled, a written notice that smoking occurs at the home outside of hours of child care operation.
- (3) The provider shall post in a conspicuous place at the main entrance of the home, a notice stating that smoking is prohibited in any indoor or outdoor space that is part of the home during the hours the home is providing child care services.
- (4) The provider shall not permit any person to smoke in a vehicle while transporting children.
- (M) The in-home aide is prohibited from smoking in the home where child care is being provided.
- (N) The provider shall maintain the home where child care is provided in compliance with the requirements of the [JFS 01642](#) "Application/Inspection for Type B Limited Certification" (rev. ~~8/2008~~ 10/2010).
- (O) The provider shall have immediate access at all times to a working land-line telephone on the premises that is capable of receiving incoming calls and making outgoing calls.
- (P) The provider shall have an individual space in the form of a crib, bed, cot, sofa, pad or mat for each child napping at the home. Each child in care during evening and overnight hours shall be provided with an individual crib, bed, mattress, cot, sofa or bed and blankets. The provider shall ensure that no child sleeps on the floor.
- (Q) When transporting children the provider shall never leave children unattended in a vehicle.
- (R) The provider shall call the CDJFS when he or she suspects that a child receiving care has been or will be abused or neglected.
- (S) The provider shall not use or allow anyone in the home to use methods of discipline that will harm a child. These would include but are not limited to: striking, hitting, biting or pinching a child; withholding food, liquid, rest, or toilet use as a form of punishment; placing a child in a dark or enclosed area; tying up a child; having another child discipline a child; punishing a child for failure to eat, sleep, or for toilet training accidents.
- (T) The provider shall have the [JFS 01297](#) "Child Enrollment and Health Information" (rev. 8/2008) on file for all of the children in care by the first day of attendance. This record shall be reviewed and updated annually by the caretaker. The caretaker shall re-sign and date the JFS 01297 to verify that the information has been reviewed and updated if needed. Each provider shall set a policy regarding whether to provide child care services to children whose caretakers refuse to grant consent for transportation to the source of emergency treatment.
- (U) The provider shall have on file for each child attending, including any child of the provider or in-home aide who is not attending a grade of kindergarten or above, a completed [JFS 01932](#) "Child's Medical Statement" (rev. 8/2008) or head start physical examination form. This shall be on file at the home within thirty days of the child beginning to attend. The medical statement shall verify a date of exam within the past twelve months and every thirteen months thereafter, until the child is attending a grade of kindergarten or above.
- (V) The provider shall keep a file with the following information: child's name, date of birth, days of week and hours in child care, date child care services began and proposed ending date of child care services.
- (W) The provider shall maintain a daily attendance record, signed by the caretaker, indicating the hours of care provided for each child and in a manner prescribed by the CDJFS.
- (X) The provider shall have a written plan for medical or dental emergencies which shall be included on the [JFS 01929](#) "Medical, Dental and General Emergency Plan" (rev. 8/2008). The JFS 01929 shall be posted by the telephone and on each floor in the home that is used for child care.

- (Y) The provider shall obtain, prior to administering any nonprescription or prescription medication, written permission of the caretaker and physician as required, using the [JFS 01644](#) "Permission to Administer Medication" (rev. 8/2008). The provider shall assure that all medications are stored out of the reach of children, refrigerated as needed and are able to be immediately accessed if needed. When giving prescription medicine the provider shall ensure the bottle has the child's name on it, the dosage, and the name of the doctor who prescribed the medicine. The provider shall ensure that when dispensing prescription medications to a child that the instructions of the physician who prescribed the medication are followed. The provider shall call the physician who prescribed medication for a child in his or her care to report all unfavorable or dangerous side effects from the use of the medication.
- (Z) The provider shall prepare a report to be given to the child's caretaker on the day of the incident/injury/illness and kept on file in the home using the [JFS 01299](#) "Incident/Injury Report" (rev. 6/2007) when any of the following occurs:
- (1) A child becomes ill or receives an injury which requires first aid treatment.
  - (2) A child is transported in accordance with this rule to a source of emergency ~~assistance~~treatment.
  - (3) A child receives a bump or blow to the head.
  - (4) An unusual or unexpected incident occurs which jeopardizes the safety of a child or staff, such as; a child leaving the home unattended.
  - (5) A medication error. A medication error includes errors ~~in~~regarding the child to whom the medication was administered, the medication administered, the dosage of medication administered, the time the medication was administered or the route that medication was administered.
- (AA) When any of the following incidents occur, the provider shall give the CDJFS written notification within twenty-four hours on the JFS 01299. The report shall be faxed or mailed to the CDJFS to arrive no later than three business days from the occurrence. This notification does not replace reporting to the county children's protective services agency if there are concerns of child abuse or neglect. The CDJFS shall fax the report to the ODJFS bureau of child care and development within one business day from receipt of the report.
- (1) Death of a child at the home.
  - (2) Serious incident, injury, or illness to a child. A serious incident, injury, or illness includes any situation that requires a child to be removed from the home for medical treatment, professional consultation or transported for emergency treatment.
  - (3) An unusual or unexpected incident as described in paragraph (Z)(4) of this rule.
- (BB) The provider shall provide nutritious, varied, and appropriately timed meals and snacks for the child.
- (CC) The provider shall not prop an infant bottle when feeding an infant or leave a bottle in an infant's mouth while he or she is sleeping.
- (DD) The provider shall contact the CDJFS within twenty-four hours or on the next working day of any change in family composition or when the provider discontinues caring for children.
- (EE) The provider shall report any error in payment for publicly funded child care to the CDJFS within ten days after receiving the payment.
- (FF) The provider shall post the certificate in the home.
- (GG) The provider shall not be involved in any activities which interfere with the care of children. The provider shall not be involved in any employment during the hours in which child care is provided.

- (HH) The provider shall not use or disclose any information concerning eligible individuals for any purpose not directly related to the delivery of purchased child care services, except upon written consent of the eligible individual or a responsible caretaker.
- (II) The provider shall provide the caretaker with a written receipt for all payments made.
- (JJ) The provider shall complete one of the following:
- (1) Obtain and maintain liability insurance insuring the provider against liability arising out of, or in connection with, the operation of the type B home.
    - (a) The liability insurance shall cover any cause the type B home would be liable, in the amount of at least one hundred thousand dollars per occurrence and three hundred thousand dollars in the aggregate.
    - (b) Proof of insurance shall be maintained at the home.
    - (c) If the provider is not the owner of the home where the type B home is located and the provider obtains liability insurance described in paragraph (JJ)(1) of 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:
      - (i) The owner requests the provider in writing to add the owner to the liability insurance policy as an additional insured party.
      - (ii) The addition of the owner does not result in cancellation or nonrenewal of the insurance policy.
      - (iii) The owner pays any additional premium assessed for coverage of the owner.
  - (2) Provide a caretaker of each child receiving care with a [JFS 01933](#) "Liability Insurance Statement for Type A and Type B Family Child Care Homes" (8/2009). The JFS 01933 shall be signed by the caretaker and on file by the child's first day of attendance. For children currently enrolled in the type B home the JFS 01933 shall be on file within thirty days of the effective date of this rule.
    - (a) If the provider is not the owner of the home where the type B home is operating, the statement shall also include; the owner of the home may not provide for coverage of any liability arising out of, or in connection with, the operation of the type B home.
    - (b) The JFS 01933 shall be maintained at the home.
- (KK) The provider shall prepare and give to each child's caretaker a copy of the JFS 01332 "Certified Child Care Handbook for Caregivers" (rev. ~~7/2009~~ 11/2010).
- (1) If the information in the JFS 01332 is changed or updated, the provider must give a copy of the new information to each child's caretaker.
  - (2) After the JFS 01332 is reviewed with the caretaker and all questions answered, the caretaker shall sign a statement indicating the handbook and policies have been reviewed and the caretaker agrees to follow the policies.
  - (3) The provider shall give a copy of the signed handbook statement to the CDJFS within five days of completion. The CDJFS shall maintain a copy in the provider's file.

Effective: 07/01/2011

R.C. 119.032 review dates: 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 06/01/2011

Promulgated Under: 119.03

Statutory Authority: 5104.011, 5104.041

Rule Amplifies: 5104.011, 5104.012, 5104.013, 5104.041

Prior Effective Dates: 11/1/91 (Emer.), 1/20/92, 7/1/95, 10/15/96, 10/1/97, (Emer.), 12/30/97, 1/1/01, 4/1/03, 8/14/08, 12/1/09

**5101:2-14-60 Denial, Termination and Revocation and Withdrawal of Limited Certification as a Type B Home Provider or In-Home Aide**

**CCMTL 91**

**Effective Date: August 14, 2008**

**Most Current Prior Effective Date: April 10, 2003**

- (A) If the county department of job and family services (CDJFS) determines the home applicant or provider does not meet limited certification health and safety requirements and will not be able to come into compliance, the medical statement indicates the applicant or provider is not in good health, or the BGH criminal records check and/or JFS 01301 "Child Care Convictions Statement" indicates the applicant or provider, or other adults residing in the home have been convicted of or pleaded guilty to offenses listed in section 2151.86, 5104.013 or 5104.09 of the Revised Code, the CDJFS shall: is not in compliance with Chapter 5101:2-14 of the Administrative Code and Chapter 5104. of the Revised Code, the CDJFS shall deny the application or may revoke the certificate. The applicant, provider or any other relative who resides in the home cannot reapply for limited or professional certification for at least one year following denial of the application, or five years following revocation of the certificate or the provider's voluntary withdrawal from the certification program as a result of CDJFS notification of its intent to revoke the provider's certificate. The CDJFS shall also:
- (1) Inform the applicant or provider in writing of the denial of the application or revocation of the certificate and the reason.
  - (2) Inform the caretaker of the availability of publicly funded child care in another child care setting.
  - (3) Inform the applicant or provider that he/she he or she cannot reapply for certification for at least one year following denial of the application, and for at least five years following revocation of the certificate, or the provider's voluntary withdrawal from the certification program as a result of CDJFS notification of its intent to revoke the provider's certificate.
  - (4) Inform the applicant or provider of his/her his or her right to appeal the decision and request a county appeal review in accordance with procedures outlined in rule 5101:2-14-40 of the Administrative Code.
  - (5) Inform the caretaker and the applicant or provider that the CDJFS shall not provide publicly funded child care services upon denial or revocation of the limited certificate.
  - (6) Inform the Ohio department of job and family services (ODJFS), the appropriate child care resource and referral agency and the Ohio department of education (ODE), office of nutritional services, when a provider's certification has been revoked.
- (B) Reasons for ~~the CDJFS to deny an application or revoke a certificate~~ denial of an application or revocation of a limited certificate may include, but are not limited to, the following:
- (1) Noncompliance with Chapter 5101:2-14 of the Administrative Code and Chapter 5104. of the Revised Code.
  - (1) ~~The applicant or provider's home does not meet state limited certification health and safety requirements;~~
  - (2) Noncompliance with any additional CDJFS requirements approved by the ODJFS pursuant to rule 5101:2-14-61 of the Administrative Code.
  - (3) The CDJFS determines that the applicant was previously certified in this state or any other state as a limited or professional provider, and that in the last five years his or her certificate was

revoked or the applicant voluntarily withdrew from the certification program as a result of CDJFS or other similar agency's notification of its intent to revoke the certificate.

- ~~(2) The applicant or provider is not in good health and is unable to care for children in accordance with the rules of this chapter;~~
- ~~(3) The applicant or provider is not in compliance with Chapter 5101:2-14 of the Administrative Code and Chapter 5104. of the Revised Code;~~
- ~~(4) The applicant or provider fails~~ Failure to cooperate with the CDJFS in the certification process or complaint investigation, including, but not limited to, consistently being unavailable for announced and unannounced inspections conducted by the CDJFS;
- (5) Fraudulent billing or accepting payment from the CDJFS for authorized services not rendered or for unauthorized services.
- ~~(5)(6) The applicant or provider misrepresents~~ Misrepresentation, falsification or withholding of ~~or withholds~~ information;
- ~~(6)(7) The applicant or provider has delinquent~~ Delinquent child care overpayments owed to any CDJFS;
- ~~(7) The applicant or provider has falsified billing, payment or enrollment records, or provided care for children not authorized for care under the definition of limited certification;~~
- (8) An individual under the age of eighteen resides in the home and has been adjudicated a delinquent child for being convicted of or pleading guilty to a violation of any section listed in divisions (A)(8) or (A)(9) of section 109.572 or division (A)(1) of 5104.09 of the Revised Code.
- ~~(8)(9) The applicant or provider and any household members or any other adult residing in the type B home have~~ An individual eighteen years of age or older resides in the home and has been convicted of or pleaded guilty to a violation of any ~~been convicted of or pleaded guilty to~~ offenses listed in ~~section 2151.86, 5104.013 or~~ divisions (A)(8) or (A)(9) of section 109.572 or division (A)(1) of 5104.09 of the Revised Code ~~or a child has been removed from his/her home according to section 2151.353 of the Revised Code,~~ unless the individual meets all of the criteria for rehabilitation in rule 5101:2-14-11 of the Administrative Code and is approved by the CDJFS.
- ~~(9)(10) The CDJFS has determined through the results of the JFS 01302 or any other means, determines that an individual of any age resides in the home whose behavior or health may the conditions in the type B home or the home of a child receiving in-home aide services endanger the health, safety or well being of children and are in violation of the rules in this chapter.~~
- (11) The provider is responsible for a delinquent child care copayment owed to a child care provider, unless satisfactory arrangements have been made to pay the delinquent copayment.

~~(C) The CDJFS may terminate or not renew the limited certificate when the provider has not provided publicly funded child care for more than six months. If a certificate is terminated for this reason and during the course of the year the provider submits an application for certification, no waiting period for application shall be applied.~~

~~(D) The applicant or provider cannot reapply for limited or professional certification for at least one year following denial of the application, revocation of the certificate, or the provider's voluntary withdrawal from the certification program as a result of CDJFS notification of its intent to revoke the provider's certificate.~~

(C) The CDJFS shall not revoke a certificate prior to conducting a county appeal review in accordance with procedures in rule 5101:2-14-40 of the Administrative Code unless:

- (1) The public children services agency (PCSA), CDJFS or a law enforcement agency determines that children are at risk of being abused or neglected or conditions in the type B home or the home of a child receiving in-home aide services endanger the health, safety or well-being of children.
- (2) The PCSA, a law enforcement agency or the court have determined that children have been abused or neglected while in the type B home or under the care of the type B home provider or in-home aide.
- (3) Results from the bureau of criminal identification and investigation (BCII) or federal bureau of investigation (FBI) criminal records check indicate the type B home provider, adults residing in the type B home or the in-home aide have been convicted of or pleaded guilty to the offenses or violations listed in divisions (A)(8) or (A)(9) of section 109.572 or division (A)(1) of 5104.09 of the Revised Code, and the CDJFS has determined they do not meet the criteria for rehabilitation outlined in rule 5101:2-14-11 of the Administrative Code.
- (4) New adults residing in the type B home fail to comply with the BCII or FBI criminal records check requirements as outlined in rule 5101:2-14-11 of the Administrative Code.
- (5) An individual under the age of eighteen resides in the type B home and has been adjudicated a delinquent child after being convicted of or pleading guilty to a violation of any section listed in divisions (A)(8) or (A)(9) of section 109.572 or division (A)(1) of 5104.09 of the Revised Code.

(D) When the CDJFS has identified that any of the conditions listed in paragraph (C) of this rule have occurred, the CDJFS shall immediately revoke the type B home or in-home aide certificate and send, within two working days, written notification to the provider which contains the following information:

- (1) The reason for revocation of the certificate.
- (2) The rule of statute violated, as applicable.
- (3) The right of a provider to appeal the decision and request a county appeal review in accordance with procedures outlined in rule 5101:2-14-40 of the Administrative Code.
- (4) The effective date the certificate was revoked.
- (5) Notice that reapplication for limited or professional certification cannot occur for at least five years following revocation, or the provider's voluntary withdrawal from the certification program as a result of CDJFS notification of its intent to revoke the provider's certificate.

(E) If the CDJFS denies the application or proposes to revoke a certificate due to any of the conditions listed in paragraph (B) of this rule, the CDJFS shall send written notification to the applicant or provider which contains the following information:

- (1) The reason for denial or proposed revocation.
- (2) The rule or statute violated, if applicable.
- (3) The right of the applicant or provider to appeal the decision to deny the application or revoke the certificate and request a county appeal review in accordance with procedures outlined in rule 5101:2-14-40 of the Administrative Code.
- (4) Notice that failure to receive a request for a county appeal review will result in immediate revocation of the certificate.
- (5) Notice that reapplication for limited or professional certification cannot occur for at least one year following denial of the application, and five years following revocation of the certificate, or the provider's voluntary withdrawal from the certification program as a result of CDJFS notification of its intent to revoke the provider's certificate.

- (F) When a certificate is revoked or has expired or the contract is not renewed, the CDJFS shall contact the caretaker who is receiving publicly funded child care services from the provider, by telephone with follow up written notification, to inform the caretaker of the following:
- (1) The provider's certificate has been revoked or has expired or the contract has not been renewed.
  - (2) The availability of alternate child care services.
- (G) The CDJFS shall be responsible for maintaining a copy of all written notices to the provider in the provider's file.
- (H) When a provider voluntarily withdraws from the certification program, the CDJFS shall:
- (1) Request the provider to submit the voluntary withdraw request in writing.
  - (2) Record the date the provider voluntarily withdrew from the limited certification program and file a copy of the written withdrawal in the provider's file.
  - (3) Notify the provider, in writing, of the effective date of voluntary withdrawal from the certification program.
  - (4) Notify each caretaker receiving publicly funded child care services from the provider, in writing, of the following:
    - (a) The provider has voluntarily withdrawn from the certification program and the effective date of voluntary withdrawal.
    - (b) The availability of alternate child care services.
- (I) The CDJFS shall notify ODJFS, the appropriate child care resource and referral agency and ODE, office of nutritional services, when a provider's certification has been revoked, has expired, or the provider has voluntarily withdrawn from the certification program.
- (J) The provider shall not receive publicly funded reimbursement for child care services from the CDJFS upon revocation of a certificate or voluntary withdrawal from the certification program.
- (K) The CDJFS may terminate or not renew the limited certificate when the provider has not provided publicly funded child care for more than six months. If a limited certificate is terminated for this reason and during the course of the year the provider submits an application for limited or professional certification, no waiting period for application shall be applied.

Effective: 08/14/2008

R.C. 119.032 review dates: 11/30/2007 and 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 07/24/2008

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011

Prior Effective Dates: 11/1/91 (Emer.), 1/20/92, 7/1/95, 3/15/96, 10/1/97, 4/10/03

5101:2-14-61 County Department of Job and Family Services Certification Responsibilities for Certified Type B Providers and In-Home Aides

**CCBMTL 6**

**Effective Date: July 1, 2011**

**Most Current Prior Effective Date: August 14, 2008**

- (A) The county department of job and family services (CDJFS) shall accept a complete application for certification as a type B home or in-home aide from providers who will serve families that are eligible for publicly funded child care. The CDJFS shall approve or deny these applications within one hundred twenty calendar days of receipt of the complete application.
- (B) The CDJFS shall assure that all individuals that are contracted with or employed by the CDJFS to inspect or investigate type B homes are trained using the curriculum provided by the Ohio department of job and family services (ODJFS).
  - (1) The training shall be documented using the form included with the curriculum. Documentation shall be maintained on file at the CDJFS and available for review. The documentation shall remain on file for at least three years after the individual is no longer conducting inspections or investigations of type B homes.
  - (2) The training shall be completed prior to the individual conducting inspections or investigations.
  - (3) Individuals conducting inspections or investigations prior to the effective date of this rule shall complete the training within one year of the curriculum being released.
  - (4) When the curriculum is revised the CDJFS shall document that all individuals conducting inspections or investigations have reviewed the revised materials or have completed the training again.
- (C) The CDJFS shall maintain a case file on all certified providers and shall retain provider records according to the county retention schedule.
- (D) The CDJFS shall:
  - (1) Submit all additional requirements in writing to the ODJFS, bureau of child care and development for approval prior to implementation. Each approval shall be valid for two years. ODJFS shall notify the CDJFS of its determination within thirty days of receipt of the request.
  - (2) Notify all providers and applicants of the additional requirements, upon approval.
  - (3) Make the requirements available in writing to the public upon request.
- (E) The CDJFS shall submit all requests for form modifications which exceed the form requirements to ODJFS, bureau of child care and development for approval prior to implementation.
- (F) The CDJFS shall provide a ~~required~~ training of at least eight hours using the **JFS 01750** "Health and Safety in Family Child Care" (rev. ~~3/2003~~ 7/2010) at least quarterly for certified type B home providers, in-home aides, and emergency and substitute caregivers. If there are no new providers that need this course, the CDJFS does not need to offer the training.
- (G) The CDJFS shall provide or purchase, from a qualified trainer, a minimum of eighteen hours of training per year for certified providers on subjects contained in rule 5101:2-14-13 of the Administrative Code. The CDJFS may charge providers a nominal fee for participation in the training event provided that the aggregate amount does not exceed the cost of the event. All fees received must be reported on the **JFS 02827** "Monthly Financial Statement." (rev. 11/2000.) The CDJFS shall notify providers in advance of the scheduled training.

- (H) ~~The CDJFS shall reimburse certified or licensed providers, with whom it has a valid contract or with whom a JFS 01140 "Certificate of Authorization for Payment of Publicly Funded Child Care" (COAP) (rev. 1/2007) has been validated in accordance with the requirements contained in Chapter 5101:2-16 of the Administrative Code.~~
- (I) The CDJFS shall comply with all requirements set forth in Chapter 5104. of the Revised Code and Chapters 5101:2-14 and 5101:2-16 of the Administrative Code.
- (J) The CDJFS may contract with a government entity or private nonprofit entity to inspect and certify type B home providers and in-home aides.
- (K) The CDJFS shall provide paper or electronic copies of the rules proposed for Chapters 5101:2-14 and 5101:2-16 of the Administrative Code for each certified type B home provider and in-home aide at least thirty days prior to the date of the public hearing in accordance with section 5104.011 of the Revised Code. Prior to the effective date of the rule, the CDJFS shall provide, each certified provider with a paper or electronic copy of the adopted rules for Chapters 5101:2-14 and 5101:2-16 of the Administrative Code.

Effective: 07/01/2011

R.C. 119.032 review dates: 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 06/01/2011

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011, 5104.013, 5104.11, 5104.12

Prior Effective Dates: 4/1/82, 5/20/83, 10/1/83, 9/1/86, 2/15/88, 5/1/89, 11/1/91 (Emer.), 1/20/92, 7/1/95, 3/15/96, 10/1/97 (Emer.), 12/30/97, 4/1/03, 8/14/08

**CCMTL 91**

**Effective Date: August 14, 2008**

**Most Current Prior Effective Date: December 30, 1997**

- (A) Except as provided in paragraphs (B) and (C) of this rule, the county department of job and family services (CDJFS) shall not disseminate confidential information, which includes but is not limited to, the following:
- (1) Child abuse and neglect investigative records, pursuant to section 2151.421 of the Revised Code and **Rule** rule 5101:2-34-38 of the Administrative Code;
  - (2) The identity of an information source or witness to whom confidentiality has been reasonably promised;
  - (3) Any information, when such information would reasonably tend to disclose the identity of one to whom such confidentiality has been reasonably promised;
  - (4) Results of any criminal records check ~~conducted by the bureau of criminal identification and investigation (BCII)~~ on an applicant, provider, adult residing in the type B provider's home, emergency caregiver or substitute caregiver, except that these records are available to the person who is the subject of the criminal records check, his or her representative, and any court, hearing officer, or other necessary individual involved in a case dealing with denial or revocation of certification related to the criminal records check.
  - (5) The disposition of any investigation requested by a county department of job and family services (CDJFS) from the public children services agency (PCSA) concerning reports of child abuse or neglect on an applicant, provider, adult residing in the type B home, emergency caregiver or substitute caregiver. The CDJFS shall not provide to the person who is the subject of the records check any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports.
  - ~~(5)~~(6) Provider medical records pertaining to the medical history, diagnosis, prognosis, or medical condition of the provider, which are generated and maintained in the process of medical treatment, except as authorized by section 1347.08 of the Revised Code if requested by the subject of the report.
- (B) The CDJFS is responsible for sharing all provider, client, and fiscal information with the Ohio department of job and family services (ODJFS) ~~ODJFS~~ during the course of a monitoring review of its certification program or when the ODJFS is investigating a complaint involving the CDJFS.
- (C) As needed, the CDJFS shall share information with the ~~public children services agency (PCSA)~~ PCSA or a law enforcement agency concerning an investigation of alleged child abuse or neglect.
- (D) When information is disseminated, the following shall be documented in the provider's record:
- (1) Date information was disseminated;
  - (2) Agency, organization, or individual to whom information was disseminated;
  - (3) Reason for dissemination;
  - (4) Specific information disseminated.

Effective: 08/14/2008

R.C. 119.032 review dates: 11/30/2007 and 03/31/2013

Certification: CERTIFIED ELECTRONICALLY

Date: 07/24/2008

Promulgated Under: 119.03

Statutory Authority: 5104.011

Rule Amplifies: 5104.011, 5104.11, 5104.12

Prior Effective Dates: 3/15/96, 10/1/97 (Emer.), 12/30/97, 4/1/03

## **Child Care Manual Appendix**

All forms are maintained in the Child Care Manual.

**[Child Care Forms](#)**

## **Child Care Type B Homes Rule Appendix**

**[OAC 5101:2-14-19](#)**

**Appendix A - Schedule for Cleaning and Sanitizing Items  
for Chapter 14 Child Care Providers**

**[OAC 5101:2-14-32](#)**

**Appendix A - Portion Sizes for Meals Served at Type B  
Child Care Homes**

**Appendix A for Rule 5101:2-14-19**Ohio Department of Job and Family Services  
**Schedule for Cleaning and Sanitizing Items for Chapter 14 Child Care Providers**

Area/Object	Clean	Sanitize	Frequency Requirements	Clean and Sanitizing Details
Any item soiled with blood or bodily fluids	X	X	Immediately	Must use stronger bleach solution.
Blankets/sheets for cots or cribs	X		Weekly, when soiled and before another child uses.	
Carpets	X		Vacuum weekly or when soiled. Clean when soiled.	Clean and dry only when children will not be present.
Changing table	X	X	Clean when visibly soiled and sanitize after each use.	Must use stronger bleach solution.
Cots/Pads/Mats	X	X	Before assigning to a different child, when soiled, and at least every 3 months.	Must use stronger bleach solution.
Cribs	X	X	Monthly, when soiled and before another child uses.	Must use stronger bleach solution.
Diaper receptacles	X	X	Daily or more frequently as needed to eliminate odor.	Must use stronger bleach solution.
Dishes/Cups/Silverware/ Water Containers	X	X	Clean after each use. Water containers that are labeled with the child's name can be used all day, but must be cleaned and sanitized before used again on another day.	Must use the weaker bleach solution.
Dress up clothes and hats (Dramatic Play)	X		Monthly and when soiled.	Hats can harbor eggs from head lice, launder frequently. Use plastic hats and it is recommended to not use wigs.
Floors	X		Weekly and when soiled.	
Food prep area, including sink	X	X	Before and after preparing food and between preparing raw or cooked food.	Must use the weaker bleach solution.
Potty chairs	X	X	After each use, empty contents into toilet, rinse with water, clean and sanitize.	Must use stronger bleach solution.
Toilet bowls	X	X	Clean when visibly soiled. Sanitize weekly.	Must use stronger bleach solution.
Toilet seats, handles and hand washing sinks	X	X	Clean when visibly soiled, sanitize daily	Must use stronger bleach solution.

Area/Object	Clean	Sanitize	Frequency Requirements	Clean and Sanitizing Details
Toys that go into the mouth	X	X	After each child's use.	Must use weaker bleach solution.
Toys- other than those going into the mouth	X		Monthly and when visibly soiled.	
Washable furniture (including fabrics on infant equipment)	X		Weekly and when soiled; upholstered furniture must be steam cleaned when soiled, if not covered by a washable slipcover. Slipcovers must be washed at least every six months and when soiled.	
Wastebaskets, including lids	X	X	Empty daily and more frequently as needed. Clean and sanitize when visibly soiled.	Must use stronger bleach solution.

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

To **sanitize**: providers must use the following chlorine bleach solutions (household bleach with 5.25% hypochlorite) or a commercial product registered by the United States Environmental Protection Agency (US EPA) as a sanitizer that has directions for use that are appropriate for the surface or item you are sanitizing. Questions regarding commercial products must be directed to the manufacturer of the product or the US EPA. Follow manufacturer's instructions exactly when using any product to sanitize.

Daily bleach and water solution:

Stronger chlorine bleach solution = ¼ cup bleach + 1 gallon cool water

Weaker bleach solution = 1 Tablespoon bleach + 1 gallon cool water

**PREPARE BLEACH SOLUTIONS DAILY**

**All bottles of cleaners and sanitizers must be labeled with the contents and/or recipe.**

## Appendix A for Rule 5101:2-14-32

**Portion Sizes for Meals Served at  
Type B Child Care Homes**

Meal	Component	Minimum Serving		
	Age of Child	1 & 2 years	3-5 years	6-12 years
Breakfast	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 1/3 oz.	½ slice 1/3 cup or 1/2 oz.	½ slice ¾ cup or 1 oz.
Lunch or Supper	Meat or Meat Alternative	1 oz.	1 ½ oz.	2 oz.
	Fruit or Vegetable	¼ cup	½ cup	¾ cup
	Grains/Breads/Pasta/Noodles	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	½ slice ¼ cup or 1/3 oz.	½ slice ¼ cup or 1/3 oz.	½ slice ¼ cup or 1/3 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](http://www.fns.usda.gov/cnd/care/ProgramBasics/Meals/Meal_Patterns.htm)