

Ohio Administrative Code Annotated _5101 Job and Family Services Department _5101:2 Job and Family Services Department--Social Services Division _Chapter 5101:2-13. Licensing Type a Family Care Homes

OAC Ch. 5101:2-13, Refs & Annos

OAC 5101:2-13-01

5101:2-13-01 Definitions for licensed type A homes

(A) “Administrator” means the person responsible for the daily operation of the type A home. The administrator and the owner of the type A home shall be the same person and the type A home shall be the primary residence. If the owner of the type A home is a corporation, the agent(s) of the corporation shall include the administrator of the type A home and the administrator shall reside in the type A home. The administrator is also a child care staff member.

(B) “Adult” means an individual who is at least eighteen years of age.

(C) “Advanced practice nurse (APN)” means a registered nurse approved by the board of nursing 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.

(D) “Career pathways model” means an alternative pathway to meeting the requirements for a child care staff member or administrator that uses an approved framework to document the formal education, training, experience, and specialized credentials, and certifications. This allows the child care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.

(E) “Certified nurse practitioner (CNP)” means a registered nurse who holds a valid certificate of authority issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a CNP in accordance with section 4723.43 of the Revised Code and rules adopted by the board of nursing.

(F) “Child” means an infant, toddler, preschool child or school child.

(G) “Child care staff member” means any adult employee of a type A home who is primarily responsible for the care and supervision of children.

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(H) "Child care" means administering to the needs of infants, toddlers, preschool children and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four-hour day, in a place or residence other than a child's own home.

(1) "Administering to the needs" means giving care, maintenance, training, and supervision such as the providing of food, shelter, security, recreation, safety, and guidance. Educational instruction may or may not be given to infants, toddlers, preschool children, or school children.

(2) Care given to children who are in a grade of kindergarten or above, and are cared for in a school building in a program which is owned and operated by a public school, a chartered nonpublic school, or a nonchartered nonpublic school, regardless of the hours care is given, shall be considered within school hours and shall not be considered child care.

(3) "Parents or guardians, custodians, or relatives by blood, marriage, or adoption" shall mean:

(a) The child's lawful mother or father to include the natural or adoptive mother or father, or the stepmother or stepfather, if no subsequent judicial decree has divested one or both of them of the statutory co-guardianship, as created by their marriage; or

(b) Any individual or agency whose status with respect to the child has been established by judicial decree.

(4) Parents, guardians, custodians, or relatives by blood, marriage, or adoption shall be considered to be administering to the needs of their own children if they are present in the same building at all times their own children are in care and if they are in a position to continue to directly maintain control over their own children as determined by the department, except that child care provided on the premises of a parent's, custodian's, or guardian's place of employment shall be licensed in accordance with Chapter 5104. of the Revised Code.

(I) "Cot" shall mean a narrow bed made of washable material. The bottom of the cot's sleeping surface shall stand at least three inches and not more than eighteen inches off the floor. The cot shall be firm enough to support the child, but shall be resilient under pressure. The cot's materials shall be easily sanitized. Each cot shall be at least thirty-six inches in length and at least as long as the child assigned to the cot is tall.

(J) "Date of admission" means the first day the child attends the type A home.

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(K) "Department" means the Ohio department of job and family services.

(L) "Director" means the director of the Ohio department of job and family services.

(M) "Director's representative" means the child care licensing staff authorized by the Ohio department of job and family services.

(N) "Employee" means a person who is at least fifteen years old, receives compensation for duties performed in a type A home or has assigned work hours or duties. Employee shall not include a parent or guardian of a child enrolled in a type A home when the parent or guardian is not assigned specific working hours or duties in the type A home and when the parent or guardian is not left alone with children or used to meet the staff/child ratio requirements of rule 5101:2-13-20 of the Administrative Code.

(O) "Employer" means a person, firm, institution, organization, or agency that operates a type A home that is subject to licensure and rules promulgated pursuant to Chapter 5104. of the Revised Code and Chapter 5101:2-13 of the Administrative Code.

(P) "Field trips" means infrequent or irregularly scheduled excursions from the home.

(Q) "Food supplement" means any substance, including a vitamin, which is an addition of a food or nutrient to a meal or diet.

(R) "Infant" means a child who is under eighteen months of age.

(S) "License capacity" means any combination of, but no more than twelve total: infants, toddlers, preschool or school children.

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(T) "Licensee" means the owner of a type A home that is licensed according to Chapter 5104. of the Revised Code and who is responsible for ensuring the home's compliance with Chapter 5104. of the Revised Code and Chapter 5101:2-13 of the Administrative Code.

(U) "Medication" means any substance or preparation which is used to prevent or treat a wound, injury, infection, infirmity, or disease. This includes medication that is over the counter, or prescribed or recommended by a physician or advance practice nurse certified to prescribe medication, and permitted for administration or application by parent.

(V) "Modified diet" means any diet eliminating the use of any one or more of the four food groups or altering the amount of food required to be served to meet one-third of the recommended dietary allowance as required by rule 5101:2-13-39 of the Administrative Code.

(W) "Owner" includes a person, firm, organization, institution, corporation or agency.

(X) "Permanent resident" means the fixed place of one's home, habitation and place of dwelling in which a person intends to be his or her residence and to which he or she intends to return despite temporary absences.

(Y) "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.

(Z) "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.

(AA) "Preschool child" means a child who is at least three years old, or is four or five years old, but is not age eligible to be enrolled in a grade of kindergarten or above.

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

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

(DD) "School child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above, but is less than fifteen years old.

(EE) "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 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.

(FF) "Substitute" means a child care staff member who replaces an assigned staff member on a temporary basis.

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

OAC 5101:2-13-02

5101:2-13-02 Types of licensed type A homes

(A) "Type A home", as defined in Chapter 5104. of the Revised Code, means a permanent residence of the administrator in which child care is provided for seven to twelve children at one time, including any children under six years of age who are related to a licensee, administrator, or employee of the type A home and who are on the premises of the type A home; or for four to twelve children at one time if four or more children at one time are under two years of age, including any children under six years of age who are related to a licensee, administrator, or employee of the type A home and who are on the premises of the type A home.

(B) "Drop-in type A home", as defined in Chapter 5101. of the Revised Code, means a home that provides child care for children on a temporary, irregular basis. "Temporary and irregular" means no more than thirty days a year for any child. Drop-in type A homes shall comply with all rules in Chapter 5101:2-13 of the Administrative Code except:

(1) In reference to rule 5101:2-13-31 of the Administrative Code, the drop-in type A home shall not administer

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any medication, food supplement or modified diet.

(2) In reference to rule 5101:2-13-42 of the Administrative Code, the drop-in type A home shall be required to provide each infant with a separate crib. The crib shall meet the size, construction and safety requirements specified in rule 5101:2-13-42 of the Administrative Code.

(3) In reference to rule 5101:2-13-37 of the Administrative Code, the drop-in type A home shall not be required to obtain verification of a medical examination or immunization record for each child.

(4) In reference to rule 5101:2-13-37 of the Administrative Code, the drop-in type A home shall not be required to maintain on file at the home for at least one year, health and enrollment records for each child.

(C) "Part-time type A home", as defined in Chapter 5104. of the Revised Code, means a type A home that provides child care for no more than four hours per day for any child. Part-time type A homes shall comply with all rules in Chapter 5101:2-13 of the Administrative Code except:

In reference to rule 5101:2-13-14 of the Administrative Code only the part-time type A home which includes outdoor play as part of their scheduled daily program shall be required to comply with all stipulations of this rule.

(D) "School child type A home", as defined in Chapter 5104. of the Revised Code, means a type A home that provides child care for school children only and operates only during that part of the day immediately before or after the public school day of the school district, and/or when the public schools in the district are not open for instruction. School child type A homes shall comply with all rules in Chapter 5101:2-13 of the Administrative Code except:

(1) In reference to rule 5101:2-13-37 of the Administrative Code the school child type A home shall obtain health and enrollment records for each child, except immunization records.

(2) In reference to rule 5101:2-13-37 of the Administrative Code the school child type A home shall not be required to obtain verification of a medical examination for each child.

OAC 5101:2-13-03

5101:2-13-03 License capacity for licensed type A homes

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(A) "License capacity" is the maximum number of children, who may be cared for in a type A home at any one time. License capacity is not the same as the total number of children enrolled. Children away from the home on a field trip or a special outing, and under the supervision of a child care staff member, shall be included in the count for license capacity.

(B) The type A home may not exceed a total of twelve children in attendance at any one time. In addition, all of the following requirements apply:

(1) Occupancy limitations set by the building or fire departments or other applicable agencies shall not be exceeded.

(2) Space shall be available for the maximum number of children present in the home at one time, as required by rule 5101:2-13-13 of the Administrative Code.

(3) Compliance with staff/child ratios as required by rule 5101:2-13-20 of the Administrative Code shall be verified.

(4) The type A home shall provide the department with the work schedule and verification of compliance with rules 5101:2-13-25 and 5101:2-13-26 of the Administrative Code for each person who is employed by the type A home as a child care staff member.

(5) The department shall verify that all equipment, beds, couches, cots, mats, pads and cribs are in compliance with the rules of Chapter 5101:2-13 of the Administrative Code.

OAC 5101:2-13-04

5101:2-13-04 Application and issuance of a provisional license for type A homes

(A) A person desiring to operate a type A home shall complete all of the following for a provisional license:

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(1) Participate in all trainings relating to opening a child care program as determined by the Ohio department of job and family services (ODJFS).

(2) Participate in an application interview with ODJFS.

(3) Submit a completed JFS 01335 "Type A Home Plan of Operation" (rev. 9/2011). The JFS 01335 shall serve as the applicant's written plan of intended compliance with Chapter 5104. of the Revised Code and Chapter 5101:2-13 of the Administrative Code.

(4) Complete and submit the JFS 01210 "Application for Child Care License or Amendment" (rev. 9/2011) with the fee of two hundred fifty dollars to ODJFS.

(a) The application fee submitted with an application is nonrefundable and shall not be credited or transferred to any other application. An application fee submitted without a JFS 01210 shall be forfeited.

(b) The application is considered filed with ODJFS as of the date it is postmarked or received electronically. If the fee is not submitted with the application or if the fee is submitted by check and returned for nonpayment or it is written for the wrong amount, the application is not a valid application and will not be filed.

(i) The application will be deleted from the system after one year if the fee payment is not received.

(ii) The application will be considered filed with ODJFS as of the date the application with valid fee payment is received.

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

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(5) Complete criminal records checks for owners, prospective administrators and all residents of the home who are eighteen years of age and older.

(6) Allow ODJFS to inspect the home to determine compliance with Chapter 5104. of the Revised Code and Chapter 5101:2-13 of the Administrative Code.

(B) A home that is certified as a foster home or a specialized foster home pursuant to Chapter 5103. of the Revised Code shall not be licensed as a type A home.

(C) A home that is certified as a type B home pursuant to Chapter 5104. of the Revised Code shall not be licensed as a type A home.

(D) ODJFS shall not license a type A home if the applicant has previously been certified as a type B child care home and the county department of job and family services (CDJFS) revoked the certification due to the applicant not complying or refusing to comply with criteria for certification resulting in a risk to the health or safety of children.

(E) An initial application is valid for one calendar year from the date it is filed with the ODJFS. If an application is determined to be invalid, a new initial application and fee shall be submitted. If during the application process, ODJFS determines that the license of the owner has been revoked within five calendar years preceding the date of the application, the application process shall cease. This action shall not constitute denial of the application.

(F) A type A home shall submit an initial application and fee in the following circumstances:

(1) Change in ownership, defined as a sale of the child care program in its entirety or a transfer of control and administration by the owner(s) of a child care program to a new controlling entity.

(2) Following legal action resulting in denial or revocation of a type A home's previous application or license.

(G) If ODJFS determines that a type A home is not in compliance with the requirements of Chapter 5104. of the Revised Code and/or Chapter 5101:2-13 of the Administrative Code, ODJFS shall send a written inspection report indicating the noncompliance findings. The administrator shall correct all violations and submit to ODJFS the

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requested verification of these corrections.

(H) After ODJFS has completed all necessary inspections for an initial license and has determined that the type A home has complied with all requirements, a provisional license shall be approved and issued. The provisional license is valid for twelve calendar months from the date of approval. During the twelve month provisional license period the type A home shall comply with the requirements of Chapter 5101:2-13 of the Administrative Code.

OAC 5101:2-13-04.1

5101:2-13-04.1 Procedures for a type A home operating under a provisional license

(A) During the provisional period:

(1) Full time type A homes shall comply with at least three inspections.

(a) All inspections shall be full inspections.

(b) All inspections shall be unannounced.

(2) The following types of type A homes shall comply with at least two unannounced inspections. All inspections shall be full inspections.

(a) Type A homes designated as part time.

(b) Type A homes which operate for only three months during the summer.

(c) Type A homes which operate for more than four hours per day for no more than three weeks during the year.

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(d) Type A homes which are designated as school child homes, which operate only the hours before and after the regular school day.

(B) If by the expiration date of the provisional license the type A home is in compliance with all the following requirements, the provisional license shall be amended to a regular license. The type A home shall:

- (1) Be in compliance with Chapter 5101:2-13 of the Administrative Code.
- (2) Have children enrolled and attending the home.
- (3) Have a qualified administrator named and responsible for the day to day operation of the program.

(C) The Ohio department of job and family services (ODJFS) may propose revocation of a provisional license at any time during the provisional period for any of the following reasons.

- (1) The type A home has furnished or made misleading or false statement of reports to ODJFS.
- (2) The type A home has refused to allow ODJFS staff access onto its premises.

(D) If the type A home is not in compliance with all requirements of this rule by the expiration date of the provisional license, the license shall not be amended to a regular license. ODJFS may either recommend revocation of the provisional license according to the provisions of Chapter 5104. of the Revised Code and rules in Chapter 5101: 2-13 of the Administrative Code or allow the type A home a maximum of thirty additional days to demonstrate compliance with the requirements.

(E) Type A homes which obtain a provisional license prior to the effective date of this rule shall:

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(1) Have a six month provisional period.

(2) Receive at least one provisional inspection to assess the compliance with all requirements of Chapter 5104. of the Revised Code and Chapter 5101:2-13 of the Administrative Code.

(3) Be amended to a regular license if ODJFS finds the home is in compliance with all requirements by the expiration date of the provisional license.

(4) Not be amended to a regular license and may be recommended for revocation according to the provisions of Chapter 5104. of the Revised Code if ODJFS finds the home is not in compliance by the expiration date of the provisional license.

OAC 5101:2-13-05

5101:2-13-05 License amendments for licensed type A homes

(A) A license is valid only for the owner, administrator and address designated on the license.

(1) If the type A home proposes a change to the administrator or type A home name, the owner or administrator of the type A home shall complete and submit the JFS 01210 "Application for Child Care License or Amendment" (rev. 9/2011) to the Ohio department of job and family services (ODJFS) within five business days to request an amended license. There is no fee for an amended license in this circumstance nor is a new license number assigned or provisional period required.

(2) If a type A home proposes a change to its owner, the type A home shall forward written notice of the proposed change to ODJFS. All requirements of the initial application process, as specified in rule 5101:2-13-04 of the Administrative Code shall be met, including completion of the JFS 01210, payment of an initial application fee, issuance of a new license number, and completion of a provisional license period, as specified in rule 5101:2-13-04.1 of the Administrative Code.

(3) If the type A home proposes a change of address, the owner or administrator of the type A home shall complete and submit the JFS 01210 and submit the fee of one hundred twenty-five dollars to ODJFS a minimum of thirty days before the proposed move.

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(a) A new license number will be issued but a provisional period is not required if the original site was operating under a regular license.

(b) The type A home shall also comply with the following requirements before the license is issued:

(i) Rule 5101:2-13-10 of the Administrative Code.

(ii) Rule 5101: 2-13-11 of the Administrative Code.

(iii) Complete and submit a JFS 01335 "Type A Home Plan of Operation" (rev. 9/2011).

(iv) Complied with an inspection completed at the new location by ODJFS staff. Submit all required compliance material in a timely manner. The inspection shall include the determination of license capacity for the new location as outlined in rule 5101: 2-13-03 of the Administrative Code.

(c) Child care operations at the original home location shall cease at the time the license is issued for the new address.

OAC 5101:2-13-06

5101:2-13-06 Procedures for renewal of a type A home license--Repealed

OAC 5101:2-13-07

5101:2-13-07 Inspection of licensed type A homes with a regular license and the investigation of unlicensed homes

(A) The Ohio department of job and family services (ODJFS) shall investigate and inspect each type A home with a regular license and shall provide a written inspection report to the licensee and administrator after each inspection.

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(B) Type A homes with a regular license shall be inspected at least once during every twelve month period and ODJFS may conduct additional inspections as needed. All inspections shall be unannounced.

(C) Every person, firm, partnership, organization, institution, or agency shall cooperate with ODJFS or any state or local official when performing inspection duties required by Chapter 5104. of the Revised Code and Chapter 5101:2-13 of the Administrative Code. The type A home shall:

(1) Provide access to all areas of the premises at any time during operation for either announced or unannounced inspections.

(2) Provide access to pertinent records upon request, or furnish records to ODJFS within ten business days if records are not required to be on file at the home.

(3) Provide any other information or documentation ODJFS determines is necessary to assess the type A home's compliance with the requirements of Chapter 5104. of the Revised Code and/or Chapter 5101:2-13 of the Administrative Code.

(4) Provide any materials to correct noncompliances detailed in the written inspection report and as requested by ODJFS, within the timeframe noted in the inspection report.

(D) Failure of any person, firm, partnership, organization, institution, or agency to cooperate with the director's representative or any state or local official when performing duties required by Chapter 5104. of the Revised Code and Chapter 5101:2-13 of the Administrative Code shall be grounds for denial or revocation of a license, pursuant to administrative hearing rights afforded by Chapter 119. of the Revised Code.

(E) ODJFS shall investigate and may inspect any type A home upon receipt of any allegations that the home is out of compliance with the requirements of Chapter 5104. of the Revised Code and/or Chapter 5101:2-13 of the Administrative Code.

(F) The type A home owner, administrator, or designee may use the following process to request a review of the investigation and/or findings.

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(1) If the administrator or designee of a licensed type A home disagrees with any of the findings and an informal discussion with the licensing specialist does not provide a resolution of issues, the administrator or designee may submit a written request for review of findings. This request must be submitted within seven business days of receipt of the finding to the appropriate licensing supervisor. The licensing supervisor shall review the findings and may meet with the administrator or designee . The licensing supervisor shall prepare a written decision of the review.

(2) If the administrator or designee of a licensed type A home disagrees with the decision of the licensing supervisor, the administrator or designee may submit a written request for review of findings to the chief of the licensing section, within seven business days of receipt of the decision of the licensing supervisor. The chief of the licensing section shall review the findings, the materials and the decision of the supervisor, and may meet with any or all parties. The chief of the licensing section shall prepare a written decision of the review . The decision of the chief of the licensing section shall be final and does not entitle the type A home to any hearing rights under Chapter 119. of the Revised Code, unless the department initiates action to deny or revoke the license.

(G) ODJFS may hold hearings, issue subpoenas, compel testimony, and make adjudications as required by Chapter 119. of the Revised Code and Chapter 5101:2-13 of the Administrative Code.

(H) Upon receiving a complaint or otherwise being advised that the type A home is providing child care without a license, the department shall investigate and inspect all areas of the home.

(I) Upon determining that a type A home is operating without a license, the department shall notify the attorney general, the prosecuting attorney of the county in which the home is located, or the city attorney, village solicitor, or other chief legal officer of the municipal corporation in which the home is located, that the type A home is operating without a license. Upon receipt of this notification, the attorney general, prosecuting attorney, city attorney, village solicitor, or other chief legal officer of a municipal corporation shall file a complaint in the court of common pleas of the county in which the home is located, requesting that the court grant an order enjoining the owner from operating such type A home in violation of section 5104.02 of the Revised Code.

(J) The department may petition for injunctive relief against type A homes in the following instances:

(1) When a type A home is operating and has not applied for a license.

(2) When a type A home has applied for a license, but is operating without a license issued by the department.

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(3) When a type A home is operating after an adjudication order revoking a license is final according to Chapter 119. of the Revised Code.

OAC 5101:2-13-08

5101:2-13-08 Complaint investigations for licensed and unlicensed type A homes

(A) The department shall investigate and may inspect any licensed type A home upon receipt of any complaint that the home is out of compliance with the requirements of Chapter 5104. of the Revised Code or Chapter 5101:2-13 of the Administrative Code.

(B) The investigation may also include any number of contacts with persons such as, but not limited to:

(1) Building inspectors, fire department inspectors, public health officials or other state and local officials.

(2) Neighbors.

(3) Parents and relatives of children in care.

(4) Staff of the public children services agency (PCSA).

(5) Persons mentioned by the complainant.

(6) Health agency or law enforcement personnel.

(7) Current and past type A home employees.

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(8) Other witnesses.

(C) The department shall complete the JFS 01295 "Complaint/Disposition Report" (rev. 01/2007) for each complaint at the conclusion of the investigation. This report shall outline all allegations, the results of the investigation, and the expectations for correction of any confirmed violations of the rule requirements. The reports shall be kept on file at the Ohio department of job and family services (ODJFS). A copy of the summary report of findings containing any substantiated or discovered noncompliance findings shall be provided to the administrator or licensee.

(D) The administrator or licensee may submit a written response to a complaint investigation to the department. The response shall be kept on file at ODJFS.

(E) The type A home owner, administrator, or designee shall use the following process to request a review of the complaint summary of findings:

(1) If the administrator or designee of a licensed type A home disagrees with any of the findings and an informal discussion with the licensing specialist does not provide a resolution of issues, the administrator or designee may submit a written request for review of findings. This request must be submitted within seven business days from receipt of the summary report of findings to the appropriate licensing supervisor. The licensing supervisor shall review the findings and may meet with the administrator or designee. The licensing supervisor shall prepare a written decision of the review.

(2) If the administrator or designee of a licensed type A home disagrees with the decision of the licensing supervisor, the administrator or designee may submit a written request for review of findings to the chief of the licensing section, within seven business days of receipt of the decision of the licensing supervisor. The chief of the licensing section shall review the findings, the review materials and decision of the supervisor, and may meet with any or all parties. The chief of the licensing section shall prepare a written decision of the review. The decision of the chief of the licensing section shall be final and does not entitle the type A home to any hearing rights under Chapter 119. of the Revised Code, unless ODJFS initiates action to deny or revoke the license.

(F) The department shall immediately notify the local PCSA upon receipt of a complaint when the allegations include child abuse or child neglect. The department shall send to the PCSA a report which includes:

(1) A summary of the allegations.

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(2) The department's plan for investigation of the complaint in accordance with requirements of Chapter 5104. of the Revised Code and Chapter 5101:2-13 of the Administrative Code.

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

(G) A copy of the type A home's licensing record, with confidential information deleted, shall be provided to any person who submits a written request to the director. The type A home's written response to the findings of an investigation that are submitted within thirty days of the center's receipt of the complaint investigation report shall become part of the complaint record and be included in public records requests. The licensing record shall include all complaint investigation documents. The department's report shall not disclose the results of investigations of abuse or neglect conducted by the PCSA.

OAC 5101:2-13-09

5101:2-13-09 Denial or revocation of a type A home application or license

(A) The department of job and family services (ODJFS) may deny an application or revoke a type A home license for any of the following reasons:

(1) A type A home has failed to comply with the requirements of Chapter 5104. of the Revised Code and Chapter 5101:2-13 of the Administrative Code.

(2) The owner or administrator has pleaded guilty to or been convicted of an offense described in division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code and is not eligible for or has not met the standards of rehabilitation in rule 5101:2-13-26 of the Administrative Code.

(3) The type A home has furnished or made misleading or false statements or reports to ODJFS.

(4) A type A home refuses or fails to submit documents or information requested by ODJFS within the required time frames.

(5) The type A home has refused to allow ODJFS access onto its premises.

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(B) ODJFS may propose the following actions that afford the right to a prior adjudicatory hearing in accordance with the requirements of Chapter 119. of the Revised Code:

(1) The proposal of ODJFS to deny an initial type A home license.

(2) The proposal of ODJFS to revoke an existing type A home license, either provisional or regular.

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

(4) The issuance of a type A license by ODJFS with authorization for license capacity which does not agree with the authorization sought by the type A home.

(5) The proposal of ODJFS to deny a regular type A home license at the expiration of the type A home's provisional license.

(C) ODJFS may propose actions that are of a ministerial nature and are not subject to the right to an administrative hearing. This includes, rejection by ODJFS of any application for a license for procedural reasons such as, but not limited to, improper fee payment, incomplete submission of required materials or use of invalid forms.

(D) The surrender of a type A home license to ODJFS or the withdrawal of an application for a type A home license by the owner or administrator of the type A home shall not prohibit ODJFS from instituting any of the requirements of this rule.

(E) When ODJFS revokes a type A home license, ODJFS shall not issue a license to the owner of the type A home within five years from the date of the revocation of the license.

OAC 5101:2-13-10

5101:2-13-10 Building department inspection for licensed type A homes

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(A) Type A homes shall be inspected by the local building department having jurisdiction. Building inspections shall be obtained:

(1) Upon initial application for licensure.

(2) At the time of any major modification, or alteration of any existing structure presently being used for a type A home but prior to the continued use of modified or altered parts of the structure for child care purposes. A "major repair, modification or alteration" shall include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support or the removal or change of any required means of escape, or rearrangement of parts of the structure affecting the exit requirements. Major repairs shall include addition to, alteration of, replacement or relocation of any gas, oil, water, soil, waste or vent piping, electrical wiring or heating, ventilating or air-conditioning equipment.

(3) Prior to the use of any area of the structure not previously inspected and approved for use for child care.

(B) The building department inspection shall be documented on the JFS 01336 "Type A Home Building Inspection Report" (rev. 4/2003).

(C) The type A home shall abide by any stipulations or limitations that are noted on the building inspection report form.

OAC 5101:2-13-11

5101:2-13-11 Fire department approval for licensed type A homes

(A) Type A homes shall secure a fire inspection according to the provisions of section 3737.83 of the Revised Code and written approval from the state fire marshal or the local fire safety inspector for the municipality or township having jurisdiction. The written approval shall be documented by completion of the JFS 01303 "Fire Inspection Report" (rev. 7/2010) or the inspection form used by the state fire marshal. The report shall be completed by the state fire marshal or the local fire safety inspector for the municipality or township having jurisdiction. The type A home shall abide by any stipulations or limitations documented on the JFS 01303 or the form used by the state fire marshal.

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(B) Fire inspection and approval shall be obtained in the following circumstances:

(1) Upon initial application for licensure or anytime the program is relocated.

(2) At least once annually within each twelve months from the date of the last fire approval report.

(3) At the time of any major modification, major repair or alteration of any existing structure presently being used for a type A home.

(4) Prior to the use of any areas of the structure not previously inspected and approved for use for type A home care as required by rule 5101:2-13-10 of the Administrative Code.

(5) Prior to caring for infants and non ambulatory children of any age other than on the first floor of the type A home.

(C) Failure to comply with the provisions of this rule shall be grounds for denial of licensure or for revocation of a license. All such actions of the department shall be in conformity with Chapter 119. of the Revised Code.

OAC 5101:2-13-12

green and orange

5101:2-13-12 Meal preparation and service and water sanitation for licensed type A homes

(A) The department shall inspect the type A home and shall determine that the type A home is in compliance with the meal preparations and meal service requirements set forth in this rule. Compliance with this rule shall be a prerequisite for licensure.

(B) Food shall be obtained from sources that comply with all laws relating to food and food products.

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(1) Home canned foods shall not be served or used.

(2) Milk and milk products used or served shall be pasteurized. Dry milk and dry milk products shall be used for cooking and baking only.

(3) Only government inspected meat shall be served.

(4) Home canned foods, unpasteurized milk, and meat that is not government inspected when available on the premises to feed the administrator or his family members, shall be stored separately, shall be clearly distinguishable from food and food containers to be used in the operation of the type A home, and shall not be served to the family members during the operation of the type A home.

(C) All food shall be prepared and served in a sanitary manner.

(1) Food shall be free from spoilage, filth and contamination, and safe for human consumption.

(2) All employees and children shall thoroughly wash their hands and the exposed portions of their arms with soap and running water after using the bathroom facilities and before handling food or utensils.

(3) Food contact surfaces, tableware, kitchenware, and utensils shall be smooth, free of breaks, open seams, cracks, chips, pits and similar imperfections, and able to be thoroughly cleaned.

(4) All surfaces, appliances and equipment in the kitchen area shall be kept clean and in good repair.

(5) Food shall not be served on bare tables. Food for infants may be placed directly on an individual high chair tray if the tray is removed, washed and sanitized after each use.

(6) All eating utensils and dishes shall be suitable for the age and developmental level of the children.

(7) Kitchenware, tableware, and utensils shall be thoroughly washed and rinsed, either manually or by machine, after each use. After washing and rinsing, kitchenware, tableware, and utensils shall be air dried.

(8) The premises shall be kept in such condition as to prevent the harborage or feeding of rodents, flies, cockroaches, and other insects. Openings to the outside shall be effectively protected against the entrance of rodents. Outside openings shall be protected against the entrance of insects by tight-fitting doors, closed windows, screening, or other means. Screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings to the outside shall be tight-fitting and free of breaks.

(9) A child or an employee suspected of having a communicable disease shall be served with common utensils when the utensils are washed, rinsed, sanitized by an approved technique, and air dried after each use. Approved sanitizing techniques include:

(a) Immersion for at least one minute in a clean solution containing one tablespoon of bleach per one gallon of water and at a temperature of at least seventy-five degrees fahrenheit. The bleach must contain at least 5.25 per cent sodium hypochlorite; or

(b) Immersion for at least one-half minute in clean hot water at a temperature of at least one hundred seventy degrees fahrenheit.

(D) The type A home shall provide for the safe storage of all food.

(1) Unless its identity is unmistakable, bulk food, such as cooking oil, syrup, salt, sugar or flour, not stored in the original product container or package, shall be stored in an approved container identifying the food by common name.

(2) Refrigeration equipment shall be used for the storage of potentially hazardous foods and shall maintain food temperatures of forty-five degrees fahrenheit or below.

(a) "Potentially hazardous food" means a food that is natural or synthetic and that requires temperature

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control because it is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms, the growth and toxin production of clostridium botulinum, or in raw shell eggs, the growth of salmonella enteritidis.

(b) The administrator shall have a numerically scaled indicating thermometer in the refrigerator to monitor refrigeration temperatures.

(c) Ice intended for human consumption shall not be used as a medium for cooling stored food, food containers, or food utensils.

(3) Leftover portions of food shall not be served again, except that a leftover portion can be served once to the same individual if the leftover portion has been labeled with the individual's name and refrigerated or properly stored between servings.

(4) If safe storage of milk is not available on routine trips or field trips, milk may be served at snack instead of at the meal.

(E) The water supply shall be of safe and sanitary quality. The water supply system shall meet the applicable standards of the Ohio department of health (private water supplies) or the Ohio environmental protection agency (public water supply).

(1) The type A home shall have both hot and cold running water. The temperature of the hot water shall not exceed one hundred twenty degrees fahrenheit.

(2) All potable water not provided directly by pipe to the home from the source shall be transported in bulk water transport system and shall be delivered to a closed-water system. Both systems shall be inspected and approved by the local health department. A copy of the inspection results shall be maintained on file at the type A home for review by the director's representative.

(3) Bottled and packaged potable water shall be obtained from a source that complies with applicable laws and shall be handled and stored in a way that protects it from contamination. Bottled and packaged potable water shall be dispensed from the original container.

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(4) Water that is not publicly supplied shall be sampled by the local health department and determined to be safe by an approved laboratory prior to initial licensure approved and at least annually thereafter. A copy of the test results shall be maintained on file at the type A home for review by the director's representative.

(5) A non-potable water system may be used for flushing water closets and for other uses not requiring potable water, provided such water shall not be accessible for drinking or for cooking. A non-potable system shall be readily distinguishable from the potable system by color coding approved by the local health department and shall be so marked at outlets to be readily identified as non-potable.

(6) Onsite sewage disposal systems shall not present a public health hazard.

OAC 5101:2-13-13

5101:2-13-13 Indoor floor space requirements in licensed type A homes

A type A home shall have at least thirty-five square feet of usable wall-to-wall indoor floor space per child for the total number of children who are present at one time. Usable indoor floor space shall not include bathrooms, hallways, storage rooms, or other areas not available for the type A home care.

OAC 5101:2-13-14

5101:2-13-14 Outdoor play requirements in licensed type A homes

(A) The type A home shall provide outdoor play each day in suitable weather for any toddler, preschool, and school child who is in attendance four or more consecutive daylight hours.

(B) Child care staff members shall watch for potential hazards while observing children and shall actively supervise all children to prevent injury. When seven or more children are present at the home and a group of children is outdoors the child care staff member responsible for the group shall be able to summon another adult without leaving the group alone or unsupervised.

(C) The type A home shall have onsite, or safely accessible, a safe, sanitary outdoor play space free of hazardous conditions. The play area shall meet all of the following requirements:

(1) Provides at least sixty square feet of usable space per child using the area at one time.

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(2) Is arranged so that all areas are visible to staff at all times.

(3) Is well defined by a fence in good repair or a natural or other barrier. Fencing is not considered outdoor equipment.

(4) If gates are used, they shall be equipped with functional latches that cannot be easily opened by young children. Gates shall not be padlocked when children are present at the home.

(5) Is protected from traffic and animals.

(6) Is maintained free of heating and air conditioner units, generators, foreign objects and rubbish or these items are fenced or made inaccessible to children.

(7) Provides a shaded area as needed.

Green &

Pale Yellow

(8) Provides access to bathroom facilities and drinking water during play times.

(9) Provides for storage of accumulated trash, rubbish and garbage outside of the play area. A trash can with a lid is permitted in the play area if it is emptied daily and kept in a clean condition so as not to attract insects.

(D) A type A home that is approved to use an off site play space may use the play space regardless of change of ownership unless it is determined, upon inspection, that the play space or its accessibility is unsafe.

(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 and slides shall meet all of the following requirements:

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(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, protruding bolts, or tripping hazards.

(f) Have no completely bound 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. Equipment shall be able to pass inspection using the head probe, torso probe and protrusion gauge as indicated in appendix B of the consumer product safety commission "Public Playground Safety Handbook" (Publication #325, revised April 2008 available at <http://www.cpsc.gov/cpsc/pub/pubs/playpubs.html>).

(g) Have protective barriers on platforms that are thirty inches high or over. A protective barrier means an enclosing device around an elevated platform that is intended to prevent both inadvertent and deliberate attempts to pass through the device.

(h) Be assembled and installed, according to manufacturers' guidelines.

(2) Trampolines more than four feet in diameter shall not be permitted for use when children are in care.

(3) Except during the home's daylight hours of operation, all sandboxes shall be covered with a lid or other

covering.

(F) Outdoor play equipment designated for climbing, or bouncing, and swings and slides, shall have a fall zone of protective resilient material on the ground under and around the equipment. The material shall be, but not limited to, washed pea gravel, mulch, sand, wood chips, synthetic material such as rubber mats or tiles manufactured for this purpose. This equipment shall not be placed over grass, concrete, asphalt, blacktop, dirt, rocks, or any hard surface. Synthetic surfaces shall follow manufacturers' guidelines for depth.

(G) The type A home shall not use outdoor porches, above the first floor, as play areas unless the porches are fully enclosed and determined to be structurally sound by the local building department having jurisdiction.

OAC 5101:2-13-14, App.

5101:2-13-14 Appendix Depth of Protective, Resilient Surface Needed for Playground Equipment



Image 1 within document in PDF format.

OAC 5101:2-13-15

green purple pale yellow

5101:2-13-15 Safe and sanitary equipment and environment in licensed type A homes

(A) The type A home shall provide furniture, materials, equipment, and an environment which are safe.

(1) Fire arms and ammunition materials shall be kept in locked storage areas.

(2) The home shall maintain an indoor temperature which will not fall below sixty-five degrees Fahrenheit.

(3) If the type A home's temperature exceeds eighty-five degrees, ventilation that produces air movement or air conditioning shall be provided.

(4) Equipment, materials, and furniture shall be sturdy and safe, easy to clean and maintain, and free of sharp points or corners, splinters, protruding nails, loose or rusty parts, paint which contains lead or other poisonous materials, or other hazardous features as determined by the director's representative.

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(5) 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, lead hazards, asbestos, wells, traffic, employees' personal belongings; lawn mowers, tools and machinery and other environmental hazards. If area rugs are used, they shall have a non-skid backing. Floor surfaces shall be maintained to prevent injuries. Lawnmowers, tools, machinery and other equipment shall not be used or stored where children have access to them.

(6) Furniture, equipment and materials which are not usable due to breakage or hazards shall be removed immediately and stored away from children until repaired.

(7) Toys or other materials small enough to be swallowed shall be kept out of the reach of infants and toddlers.

(8) 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.

(9) Mercury thermometers shall not be permitted in the home.

(10) Renovations and remodeling to the home shall be conducted in a safe manner to ensure that lead poison hazards are not introduced into the environment as required by Chapter 3742. of the Revised Code.

(11) A pet or animal is permitted if it presents no apparent threat to the safety or health of the children. All pets shall be properly housed, cared for, and inoculated. Verification of inoculations, for each pet requiring such inoculations, shall be on file at the type A home for review by the department. Children shall not be directly exposed to animal urine or feces.

(12) 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.

(13) The home's air conditioners, heat pumps, electric fans, and heaters shall be mounted or placed out of the children's reach or have safeguards which prevent children from being injured. All space heaters shall be

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approved in writing by the fire department.

(14) Unless toilets and sinks are of suitable height for use by the children, the type A home shall provide a sturdy, non-slip platform on which the children may stand.

(15) All areas used by children shall be ventilated. All doors and windows shall be screened when used for ventilation, and shall be in good repair to prevent rodents, insects or other hazards from entering the home.

(16) 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. If climbing equipment is over three feet high, landing mats at least one and one-half inches thick shall be used. The protective covering shall be used and placed according to the manufacturer's guidelines.

(17) Any children's equipment equipped with straps shall be used in accordance with manufacturers' guidelines.

(18) Spray aerosols shall not be used when children are in attendance.

(19) In accordance with section 2923.1212 of the Revised Code, the type A home shall post a sign that contains a statement in substantially the following form:

"Unless otherwise authorized by law, pursuant to the Revised Code, no person shall knowingly possess, have under the person's control, convey or attempt to convey a deadly weapon or dangerous ordnance on these premises."

(B) The type A home shall provide a clean and healthy environment and furniture, materials, and equipment which are sanitary.

(1) Toilet tissue, liquid soap, running water, individually assigned towels or disposable toweling shall be provided in all bathrooms. Toilets shall be flushed after each use.

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(2) Equipment, furnishings, and materials shall be kept clean, sanitized and in good repair. The cleaning schedule contained in appendix A to this rule shall be followed in regards to cleaning and sanitizing equipment and facilities in the home.

(3) Trash, rubbish and garbage inside the home shall be contained in trash receptacles that are emptied daily.

(4) The home shall be cleaned daily and kept in a sanitary condition at all times.


(5) Running water shall be publicly supplied or supplied by a well that meets local zoning standards. Water that is not publicly supplied shall be sampled by the local health department and determined to be safe by an approved laboratory prior to the approval of initial licensure and at least annually thereafter. A copy of the test result shall be maintained on file at the home for review by the department.

(6) Individual servings or individual packages of food or drink that have been served to a child shall be discarded or sent home with the child if not consumed during meal or snack time. Food or drink that is individually packaged and the package has not been opened may be stored at the type A home to be served again or sent home.

(7) All dishes, cups, containers or silverware shall be discarded or cleaned and sanitized after each use, with the exception of individual, labeled containers used only for water. Water containers that are labeled with the child's name shall be permitted to be used throughout the day but shall be washed and sanitized before being used again on another day. Dishes, cups, containers, and silverware sent by the parent/guardian shall be cleaned and sanitized by the type A home or sent home daily for cleaning

OAC 5101:2-13-15, App.

5101:2-13-15 Appendix Schedule for Cleaning and Sanitizing Items for Child Care Centers and Type A Homes

 Image 1 within document in PDF format.

OAC 5101:2-13-15.1

5101:2-13-15.1 Handwashing and standard precautions in licensed type A homes

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(A) Liquid soap, a handwashing facility and individually assigned or disposable toweling or air dryers shall be provided with all restrooms.

(1) A "handwashing facility" is a permanent type fixture with running water which conforms to the Ohio plumbing standards of division 4101:3 of the Administrative Code.

(2) Handwashing facilities shall not be used for formula or food preparation or for washing dishes or bottles.

(B) All employees shall wash their hands with liquid soap and running water:

(1) Upon arriving at the type A home.

(2) After toileting or after assisting each child with toileting.

(3) After each diaper or pull up change.

(4) After handling pets, pet cages or other pet objects that have come in contact with the pet.

(5) After returning inside from outdoor activities.

(6) Before eating, serving or preparing food or bottles or feeding a child.

(7) After contact with bodily fluids or cleaning up spills or objects contaminated with bodily fluids.

(8) Before and after administering medication, first aid or completing a medical procedure.

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(9) After taking off disposable gloves.

(C) Hand sanitizer is permitted to be used by adults in the home after wiping children's noses, when a staff member is outside or alone in a room and needed in the staff/child ratio, and running water is not readily available. Staff must thoroughly wash hands with soap and running water as soon as staff/child ratio allows or upon re-entry to the building. The use of hand sanitizer does not replace the requirement of washing hands with running water and liquid soap.

(D) Children shall be instructed and assisted as needed, to wash their hands:

(1) After toileting.

(2) After returning inside after outdoor play.

(3) After contact with bodily fluids.

(4) After handling pets, pet cages or other pet objects that have come in contact with the pet.

(5) Whenever hands are visibly dirty.

(6) Before eating food.

(E) Standard precautions are primarily designed to prevent the spread of diseases that are spread by blood or other bodily fluids. Standard precautions are designed to protect staff from potentially infectious diseases and shall be followed as defined below.

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(1) Vinyl gloves shall be worn during contact with blood or bodily fluids which contain blood, such as vomit or feces in which blood can be seen.

(2) Disposal of materials that contain blood requires a sealable, leakproof plastic bag or double bagging in plastic bags that are securely tied.

(3) 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.

(4) 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 out of durable, rigid material which safely stores the lancets or needles until the parent can take them home for disposal. Sharps containers must be stored out of the reach of children.

(5) Surfaces contaminated with blood or bodily fluids containing blood shall first be cleaned with hot, soapy water, and then sanitized with an appropriate bleach solution which is prepared on a daily basis, following the product guidelines, or other acceptable disinfectant solution which is environmental protection agency (EPA) rated as hospital disinfectant with a label claim for mycobactericidal activity.

OAC 5101:2-13-15.2

5101:2-13-15.2 Diapering and toilet training for licensed type A homes

(A) Diapering shall be handled in conformity with the following methods.

(1) When a central diaper changing station is used, there shall be a disposable separation material, that acts as a barrier placed between the child and the changing surface, which is discarded after each use.

(2) The type A home shall have disposable gloves available for diapering. The use of gloves or hand sanitizer does not eliminate the need for proper handwashing.

(3) The central diaper changing station shall be cleaned when visibly soiled and sanitized after each diaper

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change. Children shall not be left unattended on a changing table.

(4) If an infant's crib is used to change the diaper, there shall be 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) Children's clothing that becomes soiled with fecal matter may be sent home without being rinsed. It shall be placed in a plastic container or bag, sealed and stored away from the rest of the child's belongings and out of the reach of children.

(6) Soiled diapers shall be disposed of in plastic lined receptacle that prevents hand contamination. The receptacle shall be covered or otherwise enclosed and be inaccessible to children. These containers shall be emptied, cleaned and sanitized at least daily, or more frequently as needed to eliminate odor.

(7) Soiled diapers to be laundered at the type A home shall be stored in an appropriate germicidal solution, out of the reach of children, until laundered. If a commercial laundering service is used, soiled diapers shall be held for laundering for no more than five consecutive days. Soiled cloth diapers from the home shall be stored in an individual plastic lined, covered container and sent home daily.

(8) If disposable wipes or paper towels are used during diaper changing, they shall be discarded after each use. If washcloths are used, they shall be used once and stored in an appropriate germicidal solution, out of the reach of children, until laundered.

(9) Any product used during diapering, which is used on more than one child, shall be used so that the container does not touch the child. Any product obtained from a common container shall be removed and applied in such a manner so as not to contaminate the product or its container. Common containers shall be cleaned and sanitized when soiled.

(B) Toilet training shall occur based on a child's readiness and consultation with parents/guardians regarding practices in the children's homes. The type A home shall ensure that toilet training is never forced.

(C) Potty chairs shall be emptied into the toilet, rinsed, cleaned, and sanitized after each use.

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(D) When children under two and one half years of age are enrolled, there shall be handwashing facilities available for diapering within the space(s) where groups which include these children receive care. When handwashing facilities are located elsewhere within the type A home the following requirements shall be met:

(1) Staff child ratios and supervision, as required by rule 5101:2-13-20 of the Administrative Code are maintained at all times.

(2) For the purposes of diaper changing, no more than one infant per child care staff member shall be removed at any time from the space(s) where the infants receive care.

(3) For the purposes of diapering, toileting or toilet training, no more than four toddlers per child care staff member shall be removed at any time from the space(s) where the toddlers receive care, except when the restroom is located directly adjacent to or directly across from the space(s) used for child care.

OAC 5101:2-13-15.3

5101:2-13-15.3 Smoke free environment for licensed type A homes

(A) The type A home shall provide a smoke free environment for the children and adhere to the following requirements.

(1) Smoking shall only be allowed on the premises of the type A home during its hours of operation if persons who are smoking cannot be seen by the children and if they smoke in either of the following.

(a) An indoor area that is separately ventilated from the rest of the type A home. "Separately ventilated" means stand alone ventilation, separate from the type A home heating and cooling source.

(b) An outdoor area that is so far removed from the children being cared for that the children cannot inhale any smoke.

(2) If smoking is permitted in the type A home during hours that the home is not operating, the administrator shall provide written notice to the parent, custodian, or guardian of each child enrolled that smoking occurs at

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the center outside of center operating hours.

(3) The administrator shall post in a conspicuous place at the main entrance of the type A home, a notice stating that smoking is prohibited.

OAC 5101:2-13-15.4

5101:2-13-15.4 Toothbrushing in licensed type A homes

(A) Toothbrushing may be conducted in type A homes. If toothbrushing is practiced it shall be done in compliance with the following requirements.

(B) If a single tube of toothpaste is used for more than one child when brushing teeth, a pea sized amount shall be dispensed onto a clean piece of paper or paper product for each child. It shall not be placed directly on the toothbrush.

(C) Each toothbrush shall be labeled with the child's name and stored with the bristles to air dry in such a way that the toothbrushes cannot contact or drip on each other and the bristles are not in contact with any surface.

(D) A toothbrush must be discarded and replaced if it becomes contaminated through contact with another brush, is used by more than one child, if the child has a communicable illness requiring medical attention, if the toothbrush comes in contact with the toilet or toileting area, and at least every three months.

(E) Racks and devices used to hold toothbrushes for storage shall be labeled and shall be washed and sanitized or replaced on a monthly basis or whenever visibly soiled or after any contamination with body fluids.

OAC 5101:2-13-16

5101:2-13-16 Requirements for programming and equipment in licensed type A homes

(A) The type A home shall provide, on a daily basis, a well balanced program of activities and opportunities for both quiet and active play suitable to the developmental levels and abilities of each child in care.

(B) A copy of the daily program schedule shall be posted in a conspicuous place. The department shall also observe this program for each age group.

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(C) The home's program and environment shall:

(1) Include outdoor play each day except as limited by rule 5101:2-13-14 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 in the type A home'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.

(D) The type A home shall ensure that equipment, materials, and furnishings provided for both indoor and outdoor play are sufficiently varied 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 the home is authorized to serve can be actively involved in play with developmentally appropriate equipment or materials.

(E) Equipment and materials shall be available and representative of all of the following categories for each age group.

(1) Infant:

(a) Pretend or dramatic play materials.

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(b) Language arts and auditory equipment.

(c) Sensory perceptual motor materials.

(d) Manipulative materials and equipment.

(e) Music equipment.

(f) Gross motor activities.

(g) Large blocks.

(h) Transportation toys.

(2) Toddler and preschool child:

(a) Art supplies.

(b) Blocks.

(c) Transportation toys.

(d) Language arts and auditory equipment and materials.

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(e) Pretend or dramatic play materials.

(f) Gross motor equipment.

(g) Manipulative materials and equipment.

(h) Music equipment.

(i) Science-nature equipment.

(j) Sensory motor 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.

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(f) Pretend or dramatic play materials.

(g) Music equipment.

(h) Blocks.

(i) Transportation toys.

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

OAC 5101:2-13-17

5101:2-13-17 Swimming and water safety requirements in licensed type A homes

(A) All swimming sites shall meet all state and local guidelines for environmental health inspections and for private pools. Verification of these inspections shall be maintained in the home.

(1) Swimming activities shall not be permitted in lakes, rivers, ponds, creeks or other similar bodies of water, with the exception of school children who have the written permission from the parent or guardian.

(2) Activities in bodies of water two or more feet in depth shall be supervised by persons 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 department. The lifeguard may be a child care staff member when the swimming pool is onsite at the type A home.

(3) Child care staff members shall be actively supervising children and shall be able to clearly see all parts of the swimming area including the bottom of pools.

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(B) Wading pools shall be filtered or emptied daily. Portable wading pools shall be sanitized daily, or more often, if needed.

(C) Child care staff members shall review swimming and water safety rules with children each time they participate in water activities. Included in these rules shall be the description of a system for checking to ensure that each child is safe when in the water.

(1) The use of saunas, hot tubs, and spas by children is prohibited, and these items shall be inaccessible to them.

(2) Swimming pools, wading pools, and other swimming/wading sites shall be made inaccessible to the children when adult supervision is not available.

(D) The type A home administrator shall have written permission from the parent or guardian:

(1) Before the child swims in water two or more feet in depth.

(2) Before the child participates in activities near water two or more feet in depth.

(3) Before infants and toddlers use wading pools.

(4) Before school children participate in swimming activities in lakes, rivers, ponds, creeks, or other similar bodies of water.

(E) The written permission shall be signed and dated by the parent or guardian, and be on file for review. The permission shall include the following:

(1) The child's name and birth date.

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(2) A statement indicating whether the child is a swimmer or a nonswimmer.

(3) Location of the swimming site.

(4) A statement that the parent or guardian grants permission for the child to participate.

OAC 5101:2-13-18

5101:2-13-18 Transportation procedural requirements for licensed type A homes

(A) In order to ensure the safety and adequate supervision of children traveling off the premises of the home while under the care of a type A home employee, children shall be supervised at all times. The following requirements shall apply:

(1) Staff/child ratio requirements of rule 5101:2-13-20 of the Administrative Code shall be met on field trips and routine trips , except that parents, guardians or adults authorized by the type A home may be drivers on field trips provided that staff/child ratio requirements are met at the destination. Children shall be assigned to specific child care staff members for all trips.

(a) When children are transported in a parent's, guardian's or authorized adult's vehicle they shall be seated and restrained in a child restraint system according to the requirements of section 4511.81 of the Revised Code.

(b) The child care staff member responsible for each child on the field trip shall maintain a written record of which vehicle each child is being transported in and the cellular phone number of the adult in that vehicle who could be contacted in an emergency.

(2) On routine trips the driver shall be an employee or child care staff member.

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(3) At no time are children to be left unattended in a vehicle.

(4) An additional adult shall be present in the vehicle with the child care staff member whenever five or more children are being transported and one or more of the children are infants. An additional adult shall be present when there are seven or more children being transported and no infants are present.

(5) An additional adult shall be present with the child care staff member in the vehicle for every ten school children, or the driver shall have a means of immediate communication, such as cellular phone, to summon a second adult when only school children are transported in a vehicle.

(6) The additional adult in the vehicle may be a parent or volunteer.

(7) During walking routine trips or walking field trips, an additional adult shall be present for every group of five children that includes an infant or for any combination of seven or more toddlers, preschool and school children or for every ten school children if the group of children on the walk includes only school children.

(B) The type A home shall have written permission from the parent or guardian before transporting or walking children off the premises. The permission form signed by the parent or guardian shall include:

(1) The child's name.

(2) The specific destination(s).

(3) The dated signature of the parent or guardian.

(4) For field trips, the date of the field trip and the approximate time frame the children will be on the trip.

(5) A statement notifying parent or guardian that their child will be participating in activities near water, if

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water that is more than two feet in depth will be accessible to children on the field trip.

(6) A statement notifying parent or guardian how their child will be transported, such as if the child will be transported by vehicles provided by the home, other parents' vehicles or public transportation.

(C) Permission for routine trips shall be updated at least annually, or as needed.

(D) Written permission shall be retained on file for at least one year and shall be available for review by the Ohio department of job and family services (ODJFS).

(E) If the vehicle used to transport children is manufactured with seat belts, they shall be utilized by adults and children, and no more than one person may be strapped in each seat belt. Children or adults shall not be permitted to stand in a moving vehicle, sit on the floor or ride in a vehicle where all seats are not securely anchored.

(F) Children shall be seated and restrained in a child restraint system according to the requirements of section 4511.81 of the Revised Code.

(G) Children under twelve years of age shall not be permitted to ride in the front seat of any vehicle.

(H) The driver shall see that each child boards and exits the vehicle from the curb side of the street and out of the path of moving vehicles.

(I) The driver shall conduct a check of the vehicle at the completion of each trip to ensure that no child has been left on the vehicle.

(J) Prior to transporting children, staff shall check the fuel level of the vehicle and fill it if necessary. Children shall not be in the vehicle when it is being refueled except when a trip is of such a length as to require refueling after starting with a full tank.

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(K) Smoking shall be prohibited in all vehicles when occupied by children.

(L) A person trained in first aid and management of communicable disease and CPR in accordance with rule 5101:2-13-27 of the Administrative Code shall be present at the destination on all field trips and a person trained in first aid/management of communicable disease in accordance with rule 5101:2-13-27 of the Administrative Code shall be present in the vehicle for routine trips. The person providing coverage for this requirement must have both first aid and management of communicable diseases. Another staff member present at the destination of the field trip may provide coverage for CPR.

(M) A completed JFS 01234 "Child Enrollment and Health Information" (rev. 2/2009) shall be available for each child on all trips, except for routine walks.

(N) The following shall be available on all trips including routine walks:

(1) First aid supplies as required by rule 5101:2-13-36 of the Administrative Code. These supplies shall be available at all field trip destinations and on all vehicles used for routine trips;

(2) The completed JFS 01236 "Child Medical/Physical Care Plan" (rev. 09/2006) or equivalent form for any child who has health conditions which could require special procedures or precautions during the course of the trip. The type A home shall also take supplies needed to provide treatment;

(3) A record listing each child on the trip.


(4) A working cellular phone or other means of immediate communication which shall not be used by the driver while the vehicle is in motion.

(O) Except for routine trips to and from the child's school or home, each child on the trip shall have identification attached containing the type A home name, address, and a telephone number to contact in the event the child becomes lost.

OAC 5101:2-13-18, App. A

5101:2-13-18 Appendix A National Highway Traffic Safety Administration (NHTSA) Child Safety Seat

Recommendations

 Image 1 within document in PDF format.

OAC 5101:2-13-18.1

5101:2-13-18.1 Transportation/vehicle requirements for licensed type A homes

(A) Any vehicle operated by the type A home or driven by the type A home staff to transport children for routine trips or field trips shall be mechanically safe at all times.

(B) Requirements for type A home vehicles used for transportation of children.

(1) Effective January 1, 2017, type A homes that were licensed prior to September 1, 2008 shall not be permitted to use converted cargo vans or passenger vans designed by the manufacturer to carry ten or more passengers.

(2) Effective September 1, 2008:

(a) Type A homes that are issued a provisional license shall not be permitted to use converted cargo vans or passenger vans designed by the manufacturer to carry ten or more passengers.

(b) Type A homes that replace or add a vehicle shall not be permitted to use converted cargo vans or passenger vans designed by the manufacturer to carry ten or more passengers. This applies to all vehicles that are owned, leased or contracted.

(c) Vehicles used for transporting children which are purchased, leased or contracted with after September 1, 2008 and which are required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, must have factory installed passenger restraint anchorages and passenger restraints that are suitable for use in transporting children of any age who are to be transported. "Factory installed" means installed by the manufacturer or retrofitting that is accompanied by a certification document from the manufacturer. Add-on restraints such as infant carriers, car seats or

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booster seats are designed to be installed by the end user and are not subject to these requirements.

(C) Vehicles, as defined in paragraph (A) of this rule, shall receive an annual safety check from an automotive service excellence (ASE) certified mechanic. Verification of the safety check shall be documented on the JFS 01230 "Vehicle Inspection Report" (rev. 9/2006). This verification shall include notation and correction of any safety violation and shall be maintained on file at the type A home for review by the department. A vehicle sticker issued from the Ohio state highway patrol in the past twelve months indicating the vehicle has passed a school bus or personal vehicle inspection may be used to meet this requirement.

(D) For all vehicles used for transporting children, the type A home shall maintain documentation that staff have performed weekly inspections followed by any necessary repairs or other appropriate actions, for the following items:

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

(E) Emergency exiting procedures shall be practiced with children on a monthly basis by all staff responsible for transporting children. This practice shall occur during months that the vehicle is used for transporting children and shall take place on the type A home's premises or other safe location that is protected from traffic and other hazards to assure the safety of the children involved. A written record shall be kept of the dates when the emergency exiting procedure was practiced and the staff the were involved.

(F) Parents, who are not employed by the type A home, who use their vehicles for transportation to occasional fieldtrips shall not have to meet the requirements of paragraphs (C), (D) and (E) of this rule. "Occasional" means

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three or fewer times per calendar year.

OAC 5101:2-13-18.2

5101:2-13-18.2 Transportation/driver requirements for licensed type A homes

(A) The driver for all trips shall meet all of the following requirements:

(1) Drivers who are used in the staff/child ratio or are employees of the type A home must meet the following requirements:

(a) Be at least eighteen years old.

(b) Hold a currently valid driver's license required for the vehicle driven in accordance with Ohio law.

(i) A copy of each driver's current driver's license shall be kept on file at the home.

(ii) The administrator is responsible for assuring that the copy of the driver's license on file is kept current.

(c) Not be under the influence of any substance which could impair driving abilities.

(d) Meet the requirements of paragraphs (A), (B) and (D) of rules 5101:2-13-25 and 5101:2-13-26 of the Administrative Code and this documentation shall be on file at the type A home.

(2) For drivers who are not used in the staff/child ratio and who are not employees of the type A home the administrator shall secure a JFS 01266 "Contracted Driver Qualification Statement" (9/2011) that has been completed at least annually by the driver's employer.

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(B) Training shall be completed prior to the driver assuming driving duties and the training shall meet all of the following requirements.

(1) The curriculum for this training shall be developed by the Ohio department of job and family services (ODJFS) and shall include:

(a) The proper weekly safety inspection of the vehicle set forth in paragraphs (D)(1) to (D)(5) of rule 5101:2-13-18.1 of the Administrative Code.

(b) The proper use of child safety restraints per national highway transportation safety administration (NHTSA) recommendations as referenced in appendix A to rule 5101:2-13-18 of the Administrative Code.

(c) The proper procedures for loading/unloading and recording attendance of children being transported as stated in rule 5101:2-13-18 of the Administrative Code.

(d) The proper procedures for evacuation drills in the vehicle as required in rule 5101: 2-13-18.1 of the Administrative Code.

(e) The developmentally appropriate practices applicable to the behavior management of children during transportation as limited by rule 5101:2-13-22 of the Administrative Code.

(2) This training for transportation shall be completed at least annually for all drivers and any child care staff members who accompany drivers who have not received the training.

(3) This training shall be provided by the administrator or designee.

(4) This training shall be documented and kept on file in the employees file for review by ODJFS.

OAC 5101:2-13-19

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5101:2-13-19 Sleeping, napping, resting and overnight care requirements for type A homes

(A) The type A home shall provide a quiet space for children who want to rest, nap or sleep. Naptime shall be in accordance with the developmental needs of the child.

(1) No child shall be permitted to rest, nap or sleep on the floor. No toddler or preschool child shall sleep on anything other than a cot, couch or bed. Each toddler and preschool child, who attends the type A home for more than five hours on a given day or who participates in a nap time program, shall be provided with a cot, couch or bed, except that siblings of the same sex may be assigned to the same bed.

(2) School children, who rest, nap, or sleep may be provided with a clean, washable pad, mat, or comfortable furniture instead of a cot, couch or bed. The pad, mat or furniture shall be of a length and width that is appropriate for the child. When children rest, nap, or sleep on mats or pads, floors shall be clean, warm, dry and draft free.

(3) A type A home that operates more than five hours but less than seven hours on a given day and does not intend for the program to include a nap or rest period shall not be required to provide for naps.

(4) Rest areas shall be lighted enough to allow for visual supervision of children at all times.

(5) Any child who does not fall asleep after an appropriate length of time during a designated nap time shall have the opportunity to engage in quiet activities.

(6) Cots, pads or mats shall be assigned individually to each child, and shall be disinfected 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.

(7) Evacuation routes shall not be blocked by resting children. Each child shall have a free and direct means of egress. Child care staff members shall have a clear path to each resting child.

OAC 5101:2-13-20

5101:2-13-20 Supervision and staff/child ratios in licensed type A homes

(A) Supervision of children is the function of actively observing and guiding a child or group of children. This includes awareness of and responsibility for the activity of each child and being near enough to intervene if needed. Supervision means child care staff members have knowledge of children's needs, accountability for their care, and knowledge of which children they are responsible for at all times. Child care staff members of the type A home shall always be within sight or hearing of all children.

(1) Children shall be out of sight of the child care staff member only when all the following conditions are met:

(a) The children are engaged in activities which pose no risk to their safety.

(b) The children are within hearing of the child care staff member.

(c) The child care staff member checks on the children at least every five minutes.

(2) If the type A home uses a monitor, the child care staff member shall be within a distance to hear the children without the aid of the monitor.

(3) When children are outside, child care staff members shall be outside with the children, be within sight and hearing at all times and maintain the required staff/child ratios.

(B) No administrator or employee shall be under the influence of any substance that impairs the person's ability to supervise children and/or perform the employee's duties.

(C) The type A home shall employ sufficient staff so that the following staff/child ratios are maintained:

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(1) When only one child care staff member is present at the home, that child care staff member may care for children according to the following age combinations:

Number of infants present	Is an infant younger than 12 months present?	Then you may have this number of toddlers, preschool and/or school age children present with the infant(s)*
0	N/A	6
1	Yes	4
1	No	5
2	Yes	3
2	No	4
3	Yes	2
3	No	3

* No more than 3 of the total number of children you are caring for may be infants (younger than 18 months of age.)

(2) When two child care staff members are present each staff member may care for children according to the following age combinations:

Number of infants present*	Then each staff person may have this number of toddlers, preschool and/or school age children present with the infant(s).*
0	6
1	5
2	4

* No more than 3 of the total number of children cared for by each staff person may be infants (18 months of age or younger).

(D) The following factors shall be used when calculating the staff/child ratios:

(1) Child care staff members shall not be counted in the staff/child ratio if they are engaged in duties that interfere with their supervision of children.

(2) Child care staff members shall not be counted in the staff/child ratio if they are engaged in telephone conversations or conversations with parents, which prevent the child care staff member from adequately supervising the children.

(3) Children under six years of age, and related to the type A home administrator or any employee shall be included in the total number of children in care. "Related to" means any of the following persons: 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 by blood, marriage or adoption. Children receiving foster care from the type A home are not considered to be related to the provider.

(4) Children six years of age through fourteen years of age who are related to the administrator shall not be included in the total number of children in care.

(5) Children under fifteen years of age and not related to the type A home administrator shall be included in the total number of children in care.

(E) To show compliance with staff/child ratios, a current JFS 01306 "Employee Record Chart" (rev. 9/2011) shall be completed and maintained by the type A home and shall be available for review by the Ohio department of job and family services (ODJFS). The JFS 01306 shall include:

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(1) The name of each employee.

(2) Position of employee.

(3) Date of employment.

(4) Days and hours the employee is assigned to work.

(F) The type A home shall implement a written policy for all of the following:

(1) Arrival and departure of children to assure that a child care staff member is aware of each child's presence at the home.

(2) Release of a child to persons other than the parent or guardian. A child shall only be released to persons sixteen years of age or older, except when parent or guardian permission is on file. This written permission shall be signed and dated by the parent or guardian and administrator.

(3) Determining the whereabouts of a child when the child is absent, but is scheduled to be at the type A home. The procedure shall only be for children who do not arrive at the type A home with their parent or guardian.

(G) School children may leave the type A home for specific activities, including walking to and from the home or school, walking to their own home or to another destination. Written permission shall be obtained from the parent or guardian and kept on file at the type A home. The written permission shall specify all of the following:

(1) The child's name.

(2) The child's destination.

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(3) Arrangements for transportation to and from the activities.

(4) Time of arrival and departure.

(5) Time period for which permission is given.

(6) Parent or guardian's signature and date.

(H) If a regularly employed child care staff member is unable, for any reason, to fulfill the responsibilities for the care of children, the staff member shall be replaced immediately by another child care staff member. A list of substitutes and verification of their qualifications shall be kept on file for review by ODJFS.

(I) A record of daily attendance shall be kept for each child enrolled, beginning on the child's first day.

(1) The child care staff member responsible for each group of children shall keep a record of daily attendance. These attendance records shall remain with the group at all times throughout the day including during outdoor play and emergency evacuations. This record shall specify all of the following:

(a) The names and birth dates of children.

(b) The names of the child care staff members responsible for the group.

(c) For type A homes caring for children on both a part time and a full time basis, the attendance records shall include the days and hours of enrollment for each child.

(2) The child care staff member responsible for the child shall record attendance upon the child's arrival and

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when the child departs.

(3) A child attending the type A home on a drop in basis shall be listed on an attendance sheet.

(4) The written records of attendance shall be kept for a period of one year. A copy of attendance records shall remain at the type A home at all times, and shall be available for review by ODJFS.

OAC 5101:2-13-21

5101:2-13-21 Care and nurturing of children for type A homes

(A) Staff shall be responsible for the well being and safety of each child to which they are assigned and for meeting each child's basic needs.

(1) Diapers and clothing shall be checked for wetness and feces. Type A homes must secure a statement in writing from the child's parents or guardians, stating the frequency in which they want their child's diaper checked. Diapers shall be changed immediately when found to be wet or soiled.

(2) Clothing shall be changed immediately when wet or soiled with urine, vomit or fecal matter. Wet clothing from other sources such as water play, drinks or painting shall be changed at the end of the activity.

(3) Staff shall assist with the needs of children such as tying shoelaces, toileting, hand washing and basic hygiene. Staff shall acknowledge and respond appropriately to children who are crying or who show distress.

(4) The administrator and each employee of a type A home are required under section 2151.421 of the Revised Code to immediately report their suspicions of child abuse or neglect to their local children's protective services agency.

(5) The administrator and each employee of a type A home shall protect or remove children from a situation that is determined to be unsafe.

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(6) All children shall be served food that is not a choking hazard and is developmentally appropriate in size, amount and texture. A list of foods that are examples of choking hazards for young children is provided in appendix A to this rule. Food provided to children in care must conform to the safety measures listed in the appendix to this rule.

(7) Eating utensils and dishes shall be suitable for the age and developmental level of the children. Children must be permitted the opportunity and encouraged to learn to feed themselves as their developmental levels allow.

(8) No person shall climb over barriers such as, but not limited to, gates, shelving units or furniture, while holding a child.

(9) Children shall not be exposed to inappropriate language, conversations, or behavior by center employees or any form of media.

(B) Staff shall implement practices supportive of individual developmental needs when caring for children with special needs.

(1) Type A homes who care for children with special needs or who require treatment for health conditions shall make appropriate adjustments as needed for these children.

(2) Information obtained from service providers, service coordinators and other professional involved in the child's care must be documented in the child's written record. This information must be shared with any child care staff member responsible for caring for the child.

(3) A child with developmental delays may receive care in a group of children which best meets the child's individual needs in consultation with the parent/guardian.

OAC 5101:2-13-21, App. A

5101:2-13-21 Appendix A Choking Hazards



Image 1 within document in PDF format.

OAC 5101:2-13-22

5101:2-13-22 Child guidance and management for licensed type A homes

blue and green

(A) Child care staff members assigned to supervise a child or group of children shall be responsible for their guidance and management.

(B) Child guidance and management measures shall take place at the time of the incident as soon as the issue can be safely addressed and shall be; developmentally appropriate for the child, consistent, and explained to the child.

(C) The child care staff member shall:

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

(a) Setting clear limits.

(b) Redirecting the child to an appropriate activity.

(c) Showing children positive alternatives.

(d) Modeling the desired behavior.

(e) Reinforcing appropriate behavior.

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

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

(3) Use developmentally appropriate separation from the situation only as necessary. The separation must last no more than one minute for each year of age of the child and must not be used with infants. When the child is to return to the activity, the child care staff member shall review the reason for the separation with the child and discuss with the child what behavior is expected.

(4) Communicate and consult with parents or guardians prior to implementing any specific behavior management plan. This plan shall be in writing and signed by the parent/guardian and must be consistent with the requirements of this rule.

(D) Employees and child care staff members 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.

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(a) Prone restraint of a child is prohibited. Prone restraint is defined as all items or measures used to limit or control the movement or normal functioning of any portion, or all of a child's body while the child is in a face-down position.

(b) Prone restraint includes physical or mechanical restraint.

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

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

(9) Humiliate, threaten or frighten children.

(10) Subject children to profane language or verbal abuse.

(11) Make derogatory or sarcastic remarks about children or their families.

(12) Punish children for failure to eat or sleep or for toileting accidents.

(13) Withhold any food, including snacks and treats, rest or toilet use.

(14) Punish an entire group of children due to the unacceptable behavior of one or a few.

(15) Isolate and restrict children from all activities for an extended period of time.

OAC 5101:2-13-23

5101:2-13-23 Evening and overnight care for licensed type A homes

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(A) A type A home is considered to be providing evening and overnight care when children are in attendance any time between the hours of seven p.m. and six a.m. Care being provided during these hours shall comply with all applicable rules of Chapter 5101:2-13 of the Administrative Code and the additional requirements of this rule.

(B) Evening and overnight care shall ensure that children are safe and the type A home is secure.

(1) Child care staff members shall remain awake, until all children are asleep.

(2) The type A home shall provide adequate lighting indoors in all areas, including bathrooms, hallways, and sleeping rooms to ensure that child care staff members are able to see children.

(3) Persons on the premises during evening and overnight care hours shall be limited to persons authorized by the administrator and parents and guardians of children in care.

(4) The type A home shall provide a written security plan that ensures that access to the home is limited to parents and guardians of children in care and authorized persons. The type A home shall ensure that children are appropriately supervised at all times during limited access hours.

(5) Outdoor walkways and entrances shall be adequately lighted for safety and security.

(6) The type A home shall ensure areas where children sleep during evening and overnight care are on the building's ground floor unless another floor has been approved for the care of sleeping children by the local fire official having jurisdiction.

(7) Bedtime routines shall be developed in consultation with parents or guardians.

green and blue

(8) The type A home shall have a program of activities before bedtime, which allows for children's individual

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choices and needs. Activities may include meals, play, homework, relaxation, personal grooming, and outdoor play during daylight hours.

(9) Each child in care during evening and overnight hours shall be provided with an individual blanket and a crib, cot, couch or bed, as required in rule 5101:2-13-19 or 5101:2-13-42 of the Administrative Code.

(10) Each child who sleeps at the type A home for four or more hours shall have clean comfortable sleeping garments.

(11) Storage spaces for personal belongings and clothing shall be provided.

(C) The type A home shall provide a sanitary environment, and shall provide for these additional hygiene requirements during evening and overnight care:

(1) School boys and girls shall be separated during washing and while changing clothes to ensure privacy.

(2) Child care staff members shall assist children during washing and changing clothes according to children's developmental needs.

(3) Bed linens shall be changed at least weekly, or when soiled or assigned to a different child.

(4) Each child shall be provided by the type A home with a clean, individual washcloth, towel, and toothbrush if the parent does not provide these items. Anything to be re-used shall be labeled for each child and stored in a sanitary manner such that items do not touch and do not promote bacterial growth.

(5) Children shall have access to running water, liquid soap, and toothpaste.

(6) If bathing facilities are used at the type A home, bath tubs and showers shall be cleaned and disinfected

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after each use, and shall be equipped to prevent slipping. All children shall bathe separately.

OAC 5101:2-13-24

5101:2-13-24 Administrator responsibilities and qualifications for type A homes

(A) The administrator who is also the permanent resident of the type A home, named on the license, shall be responsible for the daily operation of the type A home and with maintaining compliance with Chapter 5101:2-13 of the Administrative Code.

(1) The administrator and the owner of the type A home shall be the same person and the type A home shall be the primary residence. Administrators who do not meet this requirement shall have two years from the effective date of this rule to comply with this requirement.

(2) The administrator shall be onsite a minimum of one half of the hours that the type A home is in operation during the week, or a minimum of forty hours per week, whichever is less.

(3) The administrator shall have time each week to complete administrative duties.

(4) The administrator shall post scheduled hours of availability in a conspicuous place for parents.

(B) Whenever the administrator is not on the premises, a child care staff member shall be designated as the person in charge. The person designated as in charge is not required to meet administrator educational requirements. Child care staff members and employees shall be aware of the person designated to be in charge. This designated person shall handle all emergencies and have access to all records required by Chapter 5101:2-13 of the Administrative Code.

(C) Written documentation verifying the administrator's qualifications shall be kept on file at the type A home. Administrators shall meet the following qualifications:

(1) The administrator shall have completed a high school education verified by one of the following:

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(a) 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.

(b) 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).

(c) A copy of the degree or transcript verifying completion of an associates degree or higher.

(2) In addition the administrator of the type A home shall have one of the following:

(a) Two years of college training verified by a transcript including two courses in child development. Two years of training shall be sixty semester or ninety quarter hours from an accredited college, university or technical college. Two courses shall be six semester hours or nine quarter hours from an accredited college, university or technical college. Child development is defined in rule 5101:2-13-28 of the Administrative Code.

(b) Twenty-four calendar months, for at least twelve hours a week of experience, working as a child care staff member in a licensed child care center or type A home, or twenty-four calendar months for at least twelve hours a week of experience as a child care home provider verified by documentation from past employers or other documented evidence. Care of one's own children shall not be counted as experience.

(c) A currently valid child development associate credential issued by the national child development associate credentialing commission. In order to remain as the administrator the child development associate (CDA) credential must be currently valid.

Additional information on the CDA process may be obtained at: <http://www.cdacouncil.org/>.

(d) Completion of a two year vocational child care training program approved by the state board of education verified by a transcript or diploma.

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(e) A prekindergarten associate certificate that is issued by the state board of education.

(f) A Montessori preprimary/early childhood credential from the American Montessori society, association of Montessori international, national center for Montessori education, or other Montessori program accredited by the Montessori accreditation council for teacher education.

(D) The administrator shall complete the type A home rules review course provided by the Ohio department of job and family services.

(1) Administrators shall complete the rules review course within six months of the date of their appointment.

(2) Verification of completion of the rules review course shall be on the JFS 01243 "Type A Administrator Rules Training Certificate" (rev. 9/2011). This form shall be kept on file at the type A home.

(3) Type A administrators who have completed the child care center administrator training within the last three years shall not be required to complete the type A administrator training. Three calendar years shall be calculated from the date the administrator is named at the type A home. It is the administrator's responsibility to provide the documentation of completion of administrator training.

OAC 5101:2-13-25

5101:2-13-25 Employee and child care staff member requirements for licensed type A homes

(A) Every administrator, employee and child care staff member of a type A home shall be mentally and physically able to carry out their duties. No type A home shall employ as a child care staff member a person whose physical or mental disability would prevent such person from recognizing and acting upon any hazards to a child's safety and well being.

(1) Each administrator, employee, and child care staff member shall receive a medical examination from a licensed physician, physician's assistant, advanced practice nurse or a certified nurse practitioner within twelve months prior to the first day of employment.

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(2) A completed form, verifying the exam, shall be on file the first day of employment for review by the director's representative.

(3) The medical statement form shall include:

(a) The date of the examination; and

(b) The signature, business address, and telephone number of the licensed physician, physician's assistant or certified nurse practitioner who completed the examination.

(4) The medical form shall be signed by the physician, physician's assistant or certified nurse practitioner verifying that the employee is:

(a) Physically fit for employment in a home caring for children; and

(b) Immunized against measles, mumps and rubella (MMR), except that for persons born on or before December 31, 1956, a history of measles or mumps disease may be substituted for the vaccine. A history of rubella disease shall not be substituted for rubella vaccine. Only a laboratory test demonstrating detectable rubella antibodies shall be accepted in lieu of rubella vaccine.

(c) Immunized against tetanus and diphtheria. At the time the next booster is due, the employee shall also be immunized against pertussis (Tdap). All employees must have verification of being immunized against pertussis by January 1, 2017.

(5) An employee may be exempt from the immunization requirement for religious reasons upon filing a written request with the center, and for medical reasons upon filing a written request signed by a licensed physician.

(6) An additional report or examination by a licensed physician or mental health professional may be required when there is concern about an employee's ability to perform required duties.

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(B) Except as otherwise provided in this rule, a child care staff member shall be at least eighteen years of age and have completed a high school education.

(1) There shall be on file at the type A home on the first day of employment evidence to verify each child care staff member's high school education. Verification of high school shall be one of the following:

(a) 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.

(b) 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).

(c) A copy of a transcript from an accredited college, university or technical college indicating that the student has completed the high school education requirement and has been accepted to or is in the process of taking college coursework.

(d) A copy of the degree or transcript from an accredited college, university or technical college verifying completion of an associates degree or higher.

(2) A graduate of a two year vocational child care training program approved by the state board of education may be less than eighteen years of age and be a child care staff member. There shall be on file at the type A home evidence to verify the child care staff member's graduation from an approved program. Evidence shall be:

(a) A copy of a diploma or a transcript verifying graduation from an approved vocational child care training program; or

(b) A copy of other written evidence approved by the director.

(C) A child care staff member may include a student that is less than eighteen years of age if the student is enrolled

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in the second year of a vocational child care training program approved by the state board of education which leads to high school graduation. The following requirements shall be met:

(1) The student shall perform duties under the supervision of an experienced child care staff member. A child care staff member shall be on the premises at all times a student is responsible for the care and supervision of children.

(2) The student shall receive periodic supervision from the teacher coordinator of the vocational child care training program.

(3) There shall be on file at the type A home a signed statement from the teacher coordinator of the vocational child care training program that verifies that the student is in the second year of a vocational child care training program and that the student is receiving periodic supervision

(D) The type A home shall maintain documentation for each current employee, and for at least three years after each employee's departure. Information shall include days and hours worked, and duties.

(E) A parent or guardian of a child enrolled in the type A home shall be exempt from the requirements in this rule unless the parent or guardian is acting as an employee or child care staff member. Parents who do not meet the requirements of this rule may not be counted in staff/child ratio or be left alone with children, except as a driver for a field trip as specified in paragraph (A) of rule 5101:2-13-18 of the Administrative Code.

(F) At the time of employment the administrator shall review all type A home policies, procedures, and licensing rules with each employee. A copy of the licensing rules shall be kept on the type A home's premises and be accessible to employees. All employees shall sign a statement, to be kept on file at the home, verifying the review of the licensing rules and review and receipt of the following:

(1) The type A home's parent/staff policies and procedures,

(2) The type A home's medical and dental emergency plan.

OAC 5101:2-13-26

5101:2-13-26 Statement of nonconviction and criminal records check for licensed type A homes

Rules are complete and appendices are current through April 30, 2014

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(A) Definitions.

(1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(2) "Employee" has the same meaning as in section 5104.01 of the Revised Code.

(B) All persons who are employees in any capacity in a type A home, anyone who owns or operates a type A home, any administrator, anyone eighteen years of age or older residing in the type A home, and any person described in paragraph (I) of this rule shall follow the requirements of this rule.

(C) The JFS 01328 "Statement of Nonconviction for Child Care Centers and Type A Homes" (rev. 7/2010) shall be completed and kept on file at the type A home for the following persons at the following times:

(1) All administrators and owners of type A homes.

(a) Prior to the issuance of a provisional license.

(b) By the date of hire.

(c) Annually from the date of hire.

(2) All employees.

(a) By the date of hire.

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(b) Annually from the date of hire.

(3) All persons eighteen years of age or older who reside in a type A home.

(a) By the fifth day after moving into the type A home.

(b) By the fifth day after turning eighteen year of age.

(c) Annually from the date the form was signed.

(D) Each owner, administrator, employee, or person eighteen years of age or older residing in the type A home shall sign a statement attesting that he or she has not had a child removed from his or her home pursuant to section 2151.353 of the Revised Code. This statement is included on the JFS 01328. Any person who has had a child removed from their home shall not own, be an administrator of, be an employee of, or reside in a type A home.

(E) The owner/administrator of a type A home shall indicate on the JFS 01328 that no one who resides in the type A home and who is under eighteen years of age has been adjudicated a delinquent child for committing a violation of 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.

(F) Criminal records check.

(1) Type A homes shall submit fingerprints according to the requirements of the bureau of criminal identification and investigation (BCII). Information on how to obtain a criminal records check can be found at <http://www.ohioattorneygeneral.gov/Services/Business/WebCheck> .

(2) All criminal records check results shall be dated, have an authentication number and the last four digits of

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the social security number of the person for whom the criminal records check was completed.

(3) Each type A home shall pay to BCII the prescribed fee for each requested criminal records check. If the type A home chooses to charge an employee or anyone eighteen years of age or older residing in the type A home, the type A home administrator shall notify the employee or resident in writing of the amount of the fee and the procedure for reimbursement of the fee to the type A home.

(4) Criminal records check results are not public records and shall not be made available to any person other than the person who is the subject of the criminal records check or his or her representative, the type A home administrator, owner, the owner's designee or the Ohio department of job and family services (ODJFS).

(5) Division (B)(1) of section 109.572 of the Revised Code requires that this rule applies to records of convictions that have been sealed pursuant to section 2953.32 of the Revised Code.

(6) A conviction or a plea of 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 shall not prevent the hiring of an employee or the issuance of a provisional license if the owner, administrator, or anyone eighteen years of age or older who resides in the type A home, or an employee provides evidence that he or she 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 when all conditions have been performed or have transpired.

(7) If the result of a criminal record check for an employee indicates the possibility of a prohibited offense but does not include a conviction of or plea of guilty to the offense, the administrator shall secure the needed court documents to verify the final disposition. The administrator shall keep this documentation in the employee's file.

(8) If the employee or anyone eighteen years of age or older who resides in the type A home fails to obtain a criminal records check, he or she shall not be an employee or a resident of the type A home.

(G) Before the issuance of an initial provisional license, owners and administrators, and anyone eighteen years of age or older residing in a type A home shall complete a criminal records check and ODJFS shall review and approve the results.

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(1) The owner and administrator shall have the results of the BCII and federal bureau of investigation (FBI) criminal records checks, including results of anyone eighteen years of age or older residing in the type A home, sent to ODJFS. These criminal records checks shall be repeated and submitted to ODJFS every four years thereafter.

(2) The requirement for a criminal records check shall not apply when an initial application is needed solely because the type A home has changed location.

(3) The initial license application shall be denied or the license revocation process shall begin if ODJFS receives a criminal records report verifying that an owner or administrator or anyone eighteen years of age or older residing in the type A home has a conviction under division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code unless ODJFS determines that the person meets the standards for rehabilitation in this rule.

(4) Owners and administrators and anyone eighteen years of age or older residing in the type A home shall provide ODJFS proof that the standards for rehabilitation have been met. If the owner or administrator or anyone eighteen years of age or older residing in the type A home fail to provide such proof or if the proof offered by the person is inconclusive, no license shall be issued.

(H) A person applying for employment or who at any time, has care, custody or control of a child or is alone with a child or a group of children at the type A home shall complete a criminal records check prior to the first day of employment and every four years thereafter.

(1) The type A home administrator shall assure that a person applying for employment has submitted his or her fingerprints for a BCII electronic criminal records webcheck, including an FBI criminal records check at a BCII authorized webcheck location. This includes all employees of the program who are present during any child care hours and all persons providing contracted services who care for children or are used in the staff/child ratio. The results shall be on file within thirty calendar days from the date of hire and returned directly to the administrator or type A home.

(2) The administrator shall review and approve the results of the criminal records check before any applicant has sole responsibility for the care, custody, or control of a child.

(3) A type A home that uses the services of a student placed by a high school or college as part of a supervised field assignment or student teaching experience has complied with this rule if either the type A home, high school or college requested that the BCII or FBI criminal records check be completed and the results are on file at the type A home.

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(4) A type A home that uses the services of or contracts with individuals or agencies, such as but not limited to, agencies providing temporary employees, speech therapy, computer training, or dance, has complied with this rule if the type A home or the contracted entity requested that the BCII or FBI criminal records check be completed and documentation of the results are on file at the type A home.

(5) The administrator of a type A home shall request an updated BCII and an FBI criminal records check if an employee leaves the type A home's employment and is then rehired.

(6) Administrators may include a FBI criminal records check in addition to the BCII criminal records check every four years.

(I) The administrator shall verify that a BCII criminal records check has been completed.

(1) A BCII criminal records check shall be repeated every four years for every employee.

(2) Administrators may include an FBI criminal records check in addition to the BCII criminal records check every four years.

(J) Any employee who has never had a BCII criminal records check shall obtain a BCII criminal records check and have the results on file at the type A home.

(K) If the criminal records check results indicate that an employee has a conviction under division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code, the type A home administrator shall immediately release the person from employment until the administrator determines and documents that the person meets the standards for rehabilitation in this rule and the type A home chooses to employ the person. It is the employee's responsibility to provide all information to verify that he or she meets the standards for rehabilitation in this rule.

(L) Unless the provisions of paragraph (M) of this rule are met, an individual who has been convicted of or pleaded guilty to a prohibited offense listed in division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section

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5104.09 of the Revised Code shall not:

- (1) Own or operate a licensed type A home.
- (2) Be employed in any capacity in a licensed type A home.
- (3) Reside in the licensed type A home if eighteen years of age or older.

(M) An individual with a prohibited offense as listed in paragraph (L) of this rule may not be an owner, administrator, employee or resident eighteen years of age or older of a licensed type A home unless he or she meets the following standards for rehabilitation:

(1) Where the offense was a misdemeanor, at least three years have elapsed from the date the person was fully discharged from imprisonment, probation or parole in regard to the conviction. A person who has had his or her record of misdemeanor conviction sealed by a court pursuant to section 2953.32 of the Revised Code shall be considered to have met this condition. If the offense was a felony, at least ten years have elapsed since the person was fully discharged from imprisonment, probation or parole.

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

- (a) A person under eighteen years of age.
- (b) A functionally impaired person as defined in section 2903.10 of the Revised Code.
- (c) A mentally retarded person as defined in section 5123.01 of the Revised Code.
- (d) A developmentally disabled person as defined in section 5123.01 of the Revised Code.

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(e) A person with mental illness as defined in section 5122.01 of the Revised Code.

(f) A person sixty years of age or older.

(3) The individual will not jeopardize the health, safety, or welfare of the children served by the type A home. The following factors shall be considered:

(a) The age of the person at the time of the offense.

(b) The nature and seriousness of the offense.

(c) The circumstances under which the offense was committed.

(d) The degree to which the person participated in the offense.

(e) The time elapsed since discharge from imprisonment, probation or parole.

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

(g) Whether the person is a repeat offender.

(h) The person's employment record.

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(i) The efforts at rehabilitation and the results of those efforts.

(j) Whether any criminal proceedings are pending.

(k) Any other relevant factors.

(4) The JFS 01206 "Rehabilitation Criteria" (rev. 9/2011) shall be completed by the administrator or owner in conjunction with the individual who has the prohibited convictions. A copy of the complete disposition report shall be attached to the JFS 01206 for each prohibited conviction.

(5) If it is the owner, administrator or resident of the home who is over eighteen years of age, who has the prohibited conviction, and it is determined by ODJFS that the criteria to be eligible for rehabilitation have been met, ODJFS shall review the completed JFS 01206 and a copy of the complete disposition report and approve or disapprove the individual.

OAC 5101:2-13-27

5101:2-13-27 Training in first aid, CPR, management of communicable disease and child abuse prevention

(A) The child care type A home shall have readily accessible in the home during all operation hours at least one adult employee who has currently valid training in the areas listed in paragraphs (A)(1) to (A) (4) of this rule.

Adult employees trained in the following areas may be four separate persons. Training in these areas may not be taken through electronic media presentation unless approved by the Ohio department of job and family services (ODJFS).

(1) First aid.

(2) Cardiopulmonary resuscitation (CPR) appropriate for all ages of children the type A home is licensed to serve.

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(3) Management of communicable disease.

(4) Child abuse recognition and prevention.

(B) The training in first aid shall be designed for child care staff and shall comply with all of the following:

(1) Be at least six hours in length and follow a curriculum approved by ODJFS; or shall be the length of time required by an approved health organization.

(2) Follow guidelines and curriculum of a first aid course designed for child care staff by a health organization approved by ODJFS.

(3) Be valid for three years unless otherwise specified by an approved health organization.

(C) This first aid training shall be updated by either completion of the full training or completion of a review training.

(D) The first aid trainer shall be one of the following:

(1) An authorized trainer for an approved health organization.

(2) A licensed physician or registered nurse.

(3) An emergency medical service instructor.

(E) The CPR training, if taken separately from first aid, shall:

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(1) Be for the length of time required by an approved health organization;

(2) Follow a curriculum of an approved health organization; and

(3) Be valid for the number of years indicated on the card or form received from the health organization.

(4) Be appropriate for all ages of children the home is licensed to serve.

(F) The CPR trainer shall be an authorized trainer for a health organization approved by ODJFS.

(G) Management of communicable disease training: the training in management of communicable disease shall:

(1) Be at least six hours in length and follow a curriculum approved by the department; or

(2) Follow guidelines and curriculum or a management of communicable disease course designed for child care staff by a health organization approved by ODJFS; and

(3) Be valid for three years.

(H) This management of communicable disease training shall be updated by either completion of the full training or completion of a three hour review training.

(I) The management of communicable disease trainer shall be one of the following:

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(1) An authorized communicable disease trainer for a health organization approved by ODJFS.

(2) A licensed physician or registered nurse.

(J) The training in child abuse recognition and prevention shall meet all of the following:

(1) Be at least six hours.

(2) Be valid for three years.

(3) Include 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, licensing, and the courts in reports of child abuse and neglect.

(f) Helping families who have occurrences of abuse or neglect.

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(g) Prevention of child abuse and neglect in the type A home, including: staff supervision and training, policies and procedures and appropriate discipline.

(K) This child abuse prevention training shall be updated by either completion of the full training or completion of a three hour review training.

(L) The child abuse prevention trainer shall be one of the following:

(1) An authorized trainer for a public children services agency or local child abuse agency approved by ODJFS.

(2) A person with at least an associates degree in social work, child development or related field from an accredited college and 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.

(3) 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.

(M) Documentation of training in first aid, CPR, management of communicable disease and child abuse prevention shall be kept on file at the type A home for review by the director's representative. The following shall be documentation of completion of training:

(1) Completed prescribed form, JFS 01307 "Inservice Training for Child Care Employees" (rev. 7/2010) signed and dated by the trainer; or

(2) Verification cards or forms from health organizations approved by ODJFS that specifies the name of the trainer, the date of the training, the subject content/title of the training, the number of hours of the training and the expiration date of the training.

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(N) The review training for first aid, CPR, management of communicable disease and child abuse prevention shall:

(1) Include all specific topics of the approved curriculum.

(2) Be at least three hours in length or the length of time required by an approved health organization.

(O) Documentation of the completion of the full training shall be verified by ODJFS for a review training to be in compliance.

(P) All trainers with current valid training credentials shall be exempt from the trainings required by this rule.

OAC 5101:2-13-28

5101:2-13-28 Inservice training for licensed type A homes

(A) Each child care staff member and administrator of a type A home shall complete fifteen clock hours of training annually, after the first day of employment, until a total of forty-five hours have been completed. Training hours occurring on or after September 1, 1986 shall count for this requirement.

(B) Child care staff members not completing the forty-five hours, as required, shall not be included in staff/child ratios.

(C) Documentation of the training shall be kept on file at the type A home for review by the director's representative. The following shall be documentation of completion of training:

(1) Transcript of completion of college courses from an accredited university, college, or technical college.

(2) The prescribed form JFS 01307 "Inservice Training for Child Care Employees" (rev. 7/2010) that includes the date of training, number of hours of the training, and the signature of the qualified trainer.

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(3) Certificates indicating continuing education units (CEU). (One CEU equals ten clock hours of training).

(4) Certificates issued by Ohio child welfare training centers.

(D) A type A home administrator or owner shall provide current staff with copies of their inservice training documentation upon request or upon separation from employment.

(E) The forty-five hours of training shall include trainings in child development, health and safety, child abuse recognition/prevention, first aid and management of communicable disease.

(F) At least twenty hours of the forty-five hours of training shall be in the topic of child development as defined in paragraph (P) of this rule.

(G) A child care staff member shall be exempt from the inservice training requirement if:

(1) The staff member provides evidence of completion of a total of at least ninety quarter or sixty semester credit hours or equivalent from an accredited university, college, or technical college with thirty-six quarter or twenty-four semester credit hours or equivalent in child development, as defined in paragraph (P) of this rule;
or

(2) Has a child development associate (CDA) credential from the council for early childhood professional recognition; or

(3) Has a Montessori preprimary/early childhood credential from the American Montessori society, association of Montessori international, national center for Montessori education, or other Montessori program accredited by the Montessori accreditation council for teacher education.

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(H) A person designated and employed as a substitute child care staff member is not required to meet the inservice training requirement.

(I) A trainer in first aid, management of communicable disease, cardiopulmonary resuscitation (CPR) or child abuse prevention shall meet qualifications as required in rule 5101:2-13-27 of the Administrative Code.

(J) Child development topics relate to any of the following.

(1) Growth and development of children ages birth to fourteen years of age.

(2) Children with special needs.

(3) Developmentally appropriate equipment and classroom arrangement.

(4) Working with parents and families.

(5) Nutrition.

(6) Community health, pediatrics or social services resources for children and families.

(7) Planning child care, recreational, or educational programs and activities for children ages birth through fourteen years of age.

(8) Developmentally appropriate child guidance and classroom management.

(9) Administration of child care, educational, and recreational programs.

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(10) Ethics and professionalism in child care.

(11) National child care standards as published by the American academy of pediatrics and American public health association and state licensing requirements.

(12) Other areas as determined by the director.

(K) A trainer in child development topics shall meet at least one of the following qualifications:

(1) Have a masters degree or higher in child development or related field.

(2) Have at least two years experience in the subject area of the training, and provide evidence of completion of a total of at least ninety quarter or sixty semester credit hours from an accredited university, college, or technical college with thirty-six quarter or twenty-four semester credit hours of child development, as defined in paragraph (J) of this rule.

(3) Have at least two years experience in the subject area of the training, and have a currently valid child development associate credential.

(4) Be a licensed physician or a registered nurse and have at least two years experience in the subject area of the training.

(L) Approved health and safety topics include:

(1) Car seat safety.

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- (2) Emergency planning and response.

- (3) Immunizations.

- (4) Use of a fire extinguisher.

- (5) Safeguarding and childproofing the type A home.

- (6) Shaken baby syndrome.

- (7) Special health care needs for children.
 - (a) Asthma.

 - (b) Diabetes.

 - (c) Breathing treatments.

- (8) Sudden infant death syndrome (SIDS).

- (9) Standard precautions/universal precautions.

- (10) Administration of medication.

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(11) Handwashing.

(12) Other topics as determined by the director.

(M) A trainer in health and safety topics shall meet at least one of the following qualifications:

(1) Have a masters degree or higher in the field that they are conducting training.

(2) Have at least two years experience in the subject area of training and provide evidence of currently valid certification or licensure in the subject area.

(3) Have at least two years experience in the subject area of training and provide verification of completion of at least thirty-six quarter hours or twenty-four semester hours from an accredited university, college, or technical college in the training area.

(4) A licensed physician or registered nurse and two years of experience in the subject area.

(N) A trainer in child development or health and safety shall submit to the department, upon request, a detailed course outline of a training. This course outline shall include the course title, goal and focus of the training, a brief summary of information to be discussed, and any resources used to develop the training.

(O) Resource persons who do not meet the trainer qualifications may be utilized during a training if accompanied and supervised by a trainer who meets the requirements of this rule.

(P) For training in child development topics, video, CD/DVD presentations, electronic media resource trainings, and online trainings approved by the department, may be used for a maximum of ten of the child care staff member's forty-five hours of training. This electronic media training shall be documented on the prescribed form. Attendance by child care staff members shall be documented by the type A home administrator. Electronic media training shall not be used for trainings in first aid, CPR, management of communicable disease, or child abuse recognition/prevention unless approved by the Ohio department of job and family services.

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OAC 5101:2-13-29

5101:2-13-29 Unlawful discriminatory practices in licensed type A homes

It shall be unlawful for an administrator, licensee, or child care staff member to discriminate in the enrollment of children in the type A home upon the basis of race, color, religion, sex, or national origin.

OAC 5101:2-13-30

5101:2-13-30 Policies/procedures and insurance requirements for licensed type A homes

(A) At the time of enrollment or employment the administrator shall supply the parent or guardian and all employees with a completed copy of the JFS 01337 "Type A Home Parent and Employee Information" (rev. 9/2011). This document shall contain the written information concerning licensing regulations, the operation of the child care program in the type A home, and all policies and procedures of the type A home. If there are any revisions or additions to this information, the administrator shall provide a written copy of the changes to the parents/guardians of each child and all employees.

(B) The written policies of the type A home shall not conflict with Chapter 5101:2-13 of the Administrative Code.

(C) A copy of the type A home's written information, policies and procedures shall be available at the home for review by the Ohio department of job and family services (ODJFS).

(D) The parent or guardian and each employee shall sign and date a statement verifying the review and receipt of the written policies and procedures. The signed statement shall be kept on file at the type A home for review.

(E) The type A home shall demonstrate in daily practice that all written policies, procedures, and statements given to the parents, guardians, and employees are followed.

(F) The administrator or designee shall interview each child and his or her parent or guardian prior to the child's admission to the program.

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(G) The type A home shall provide the tax identification number to parents or guardians at the time children are accepted into the program or upon request.

(H) The owner of the type A home child care program shall complete one of the following:

(1) Obtain and maintain liability insurance insuring the owner of the program against liability arising out of, or in connection with, the operation of the type A home.

(a) The liability insurance shall cover any cause the owner of the type A home child care program is 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 owner of the child care program is not the owner of the real property where the type A home is located and the owner of the child care program obtains liability insurance described in paragraph (H)(1) of this rule, the owner of the child care program 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 of the property requests in writing the owner of the child care program add the owner of the property to the liability insurance policy as an additional insured party.

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

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

(2) Provide each parent or guardian of children receiving care in the home with a JFS 01933 "Liability Insurance Statement for Type A and Type B Family Child Care Homes" (8/2009). The JFS 01933 is to be signed by the parent or guardian and on file by the child's first day of attendance.

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(a) If the owner of the child care program is not the owner of the real property where the type A home is in operation, the statement shall also include: the owner of the property may not provide for coverage of any liability arising out of, or in connection with, the operation of the type A home.

(b) The signed JFS 01933 for each child shall be maintained at the home.

OAC 5101:2-13-31

5101:2-13-31 Administration of medication requirements for licensed type A homes

(A) The type A home shall set its own policy regarding whether or not the home will administer medication. If a home chooses to administer medication, food supplements, or modified diets, the home shall meet the following requirements:

(1) The type A home shall secure and follow the written instructions of a licensed physician, an advanced practice nurse certified to prescribe medication, or a licensed dentist on the JFS 01217 "Request for Administration of Medication" (rev. 9/2005). All instructions on this form shall be followed. The home shall also secure written instructions from the parent or guardian on the form. A prescription label also serves as written instructions for medications and food supplements 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) Only fever and/or pain reducing medications that do not contain aspirin, or cough or cold medications that do not contain codeine, may be administered by the type A home, without written instructions from a licensed physician, if the following are met:

(a) The type A home secures and follows written instructions from the parent or guardian on the prescribed form provided by the department. These instructions do not exceed manufacturers'

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recommended dosages;

(b) Medication is 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 printed on the container.

(d) The type A home administers the medication for no more than three consecutive days at one time.

(3) Type A homes may apply nonprescription topical products or lotions if the following are met:

(a) The type A home shall secure written instructions from the parent or guardian on the JFS 01217. The form shall be valid for no longer than twelve months; and

(b) The type A home shall follow manufacturers' guidelines regarding application; and

(c) When used for skin irritations, such as diaper rash, the topical product shall be applied by the home for no longer than fourteen consecutive days at any one period of use.

(B) When administering medication, food supplements, modified diets, the type A home shall:

(1) Assure that the medication, food supplement, or modified diet is not administered for any period of time beyond the date indicated by the physician, advanced practice nurse certified to prescribe medication, or licensed dentist, or for twelve months whichever comes first; and

(2) Designate individuals who will administer prescription and nonprescription medication. Any staff member can apply nonprescription topical products or lotions used as a preventative measure; and

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(3) Verify each administration or application of medication by documenting it on the JFS 01217. Application of nonprescription topical products and lotions used only as a preventative measure does not need to be documented; and

(4) Assure that dosages administered by the type A home do not exceed prescribed dosages or manufacturers' recommended dosages; and

(5) Assure that a separate form is used for each medication to be administered; and

(6) Assure that completed forms be kept on file at the type A home for review by the department for at least one year following the administration of the medication, food supplement, or modified diet.

C) When storing medications the type A home shall:

(1) Assure that all medication and food supplements are given directly to type A home personnel for immediate safe storage, except that an inhaler or medication may be available to a school child with a special health condition or in an emergency, in accordance with the home's policy as required in rule 5101:2-13-30 of the Administrative Code; and

(2) Assure that all type A home personnel are made aware of all school children who have immediate access to personal inhalers and that a JFS 01217 is completed for all school children who have immediate access to personal inhalers; and

(3) Refrigerate medication as needed immediately upon arrival at the type A home and store in a separate container to prevent contamination with foods; and

(4) Keep medications out of the reach of children; and

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(5) Remove all medications from the type A home when they are no longer needed or if the label indicates that the medication has expired.

OAC 5101:2-13-32

**5101:2-13-32 Parental participation policies and parent roster requirements for licensed type A homes--
Repealed**

OAC 5101:2-13-33

5101:2-13-33 Management of illness in licensed type A homes

(A) The type A home shall post and follow the JFS 08087 "Ohio Communicable Disease Chart" (rev. 9/2009) for appropriate management of suspected illnesses.

(1) The chart shall be posted in a location readily available to center staff and parents.

(2) The JFS 08087 with a revision date of either 4/2009 or 9/2009 may be posted and followed.

(B) A child care staff member who has successfully completed current and valid training in the management of communicable diseases according to rule 5101:2-13-27 of the Administrative Code or one who has been trained in recognition of communicable diseases meeting the following training requirements shall observe each child daily upon arrival at the type A home and before the child joins a group of children.

(1) This training shall include the symptoms for discharge covered in paragraph (D) of this rule and information included on the JFS 08087.

(2) The training shall be conducted by an individual with current valid training in management of communicable diseases according to rule 5101:2-13-27 of the Administrative Code.

(3) The training shall be documented in the child care staff member's file and include a statement acknowledging that they have completed the training, the date of the training and the name of the individual conducting the training.

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(C) The type A home shall immediately notify the parent or guardian of the child's condition when a child has been observed with signs or symptoms of illness.

(D) A child with any of the following signs or symptoms of illness shall be immediately isolated and discharged to his parent or guardian or person designated by the parent or guardian:

(1) Temperature of at least one hundred degrees Fahrenheit when in combination with any other sign or symptom of illness. Temperature shall be taken by the axillary (armpit) method with a digital thermometer. The thermometer shall be sanitized after each use.

(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) Redness of the eye or eyelid, thick and purulent (pus) discharge, matted eyelashes, burning, itching or eye pain.

(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.

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(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.

(E) All of the following apply to a child isolated due to suspected communicable disease. The child shall be:

(1) Within sight and hearing of an adult at all times.

(2) Cared for in another room or portion of a room away from other children.

(3) Provided with a cot and made comfortable. After use, the cot shall be sanitized with an appropriate sanitizing agent, or if soiled with blood, feces, vomit or other body fluids, the cot shall be cleaned with hot soapy water and sanitized with an appropriate bleach solution which is prepared on a daily basis or other acceptable disinfectant solution which is rated by the environmental protection agency (EPA) as hospital disinfectant with a label claim for mycobactericidal activity.

(4) A school child may be made comfortable on a mat that shall be cleaned as indicated in paragraph (E)(3) of this rule.

(F) The type A home shall implement the following preventative practices for the management of communicable disease on a daily basis:

(1) The home shall ensure that all staff receive training in and follow the handwashing procedures pursuant to rule 5101:2-12-15.1 of the Administrative Code and sanitizing procedures as defined in rule 5101:2-13-15 of the Administrative Code. Employees shall also be provided with training on standard precautions as outlined in paragraph (D) of rule 5101:2-13-15.1 of the Administrative Code prior to working with children.

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(2) The home shall release employees who have a communicable disease or who are unable to perform their duties due to illness.

(3) The type A home shall notify parents, within the next day of operation, when their child has been exposed to a communicable disease.

OAC 5101:2-13-34

5101:2-13-34 Medical, dental, and general emergency plan for licensed type A homes

(A) The type A home shall have a written plan for medical, dental and general emergencies on JFS 01242 "Medical, Dental and General Emergency Plan" (rev. 9/2011). This medical, dental and general emergency plan shall be completed, implemented when necessary, and shall be posted, readily in view, by each telephone.

(B) General emergencies include:

(1) Any threats to the safety of children due to environmental situations or threats of violence.

(2) Natural disasters such as fire, tornado, flood.

(3) Loss of power, heat, or water.

(C) "Serious incident, injury, or illness" includes any situation occurring while a child is in care of the type A home, that requires any of the following:

(1) Emergency medical treatment.

(2) Professional consultation.

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(3) Transportation by parents/guardians or emergency services for emergency treatment.

(D) A fire and weather alert plan shall also be posted in spaces used by the children, and shall include a diagram indicating evacuation routes and basic written instructions for the employees to follow.

(E) A JFS 01201 "Dental First Aid Chart" (rev. 6/2011) shall be completed and posted in each room and space used by children.

(F) The type A home shall have access at all times to a working telephone.

(G) The type A home shall conduct monthly fire drills at varying times. Documentation of these drills shall be posted in a conspicuous location.

(H) The type A home shall conduct monthly weather emergency drills in the months March through September. Documentation of these drills shall be posted in a conspicuous location.

(I) If a child is transported for emergency treatment, the child's health and medical records required by rules 5101:2-13-37 and 5101:2-13-38 of the Administrative Code shall accompany the child. The type A home administrator or a child care staff member shall stay with the child until the parent or guardian assumes responsibility for the child's care.

(J) If the type A home transports in case of emergency, at least one child car safety seat shall be readily available on the premises. The car safety seat shall have the manufacturer's label attached, indicating the weight and age of child it is designed to serve.

OAC 5101:2-13-35

5101:2-13-35 Incident/injury report for licensed type A homes

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(A) An incident/injury report shall be completed by the child care staff member in charge of the child when any of the following occurs:

(1) An illness, accident, or injury which requires first aid treatment;

(2) A bump or blow to the head;

(3) Emergency transporting;

(4) An unusual or unexpected event which jeopardizes the safety of children or staff, such as, a child leaving the home unattended.

(B) The type A home shall document the incident/injury on the JFS 01299 "Incident/injury report" (rev. 6/2007). The completed report shall be given on the day of the incident/injury to the parent, guardian, or person picking up the child from the home. In situations requiring emergency transportation, the incident/injury report shall be available at the type A home for the parent or guardian within at least twenty-four hours following the incident/injury. Copies of incident/injury report forms shall be kept on file at the type A home for at least one year, and shall be available for review by the director's representative.

(C) The type A home administrator or designee shall speak with a representative from the appropriate licensing office within twenty-four hours during the week, or within forty-eight hours if the incident occurs on a weekend or holiday if any of the following occur:

(1) The death of a child at the type A home.

(2) Serious incident, injury, or illness to a child as defined in paragraph (C) of rule 5101:2-13-34 of the Administrative Code.

(3) An unusual or unexpected event as described in paragraph (A)(5) of this rule.

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(D) Written notification shall follow the twenty-four hour verbal notification required by paragraph (C) of this rule and shall be on the JFS 01299. This form shall be faxed, mailed, scanned and emailed or submitted online to the licensing office within three business days from the occurrence. Submission of the JFS 01299 does not fulfill the verbal notification requirements of paragraph (C) of this rule. This notification to the Ohio department of job and family services does not replace reporting to the public children services agency if there are concerns of child abuse or neglect.

OAC 5101:2-13-36

5101:2-13-36 First aid supplies/procedures for licensed type A homes

(A) First aid supplies shall be readily available in a clean and clearly marked unlocked container and kept out of the reach of the children.

(1) The supplies shall include the following items:

(a) Rounded end scissors.

(b) Tweezers.

(c) Digital thermometer.

(d) Assorted sterile adhesive bandages individually packaged.

(e) Assorted sterile gauze squares individually packaged.

(f) Hypoallergenic first aid tape.

(g) Gauze rolled bandage.

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(h) Instant cold pack (or ice).

(i) Disposable non-latex gloves.

(j) Pocket mask or face shield for CPR administration (appropriate for all ages served at the home).

(k) Working flashlight.

(l) Sealable plastic bags (assorted sizes) for soiled materials.

(m) Triangular bandage.

(n) Tooth preservation system or fresh chilled milk in which to transport a lost tooth, required only in programs which serve school-age children.

(2) In addition to the above items, on field trips and/or when in vehicles used for routine transportation, the following items are required:

(a) Soap or waterless sanitizer.

(b) Bottled water.

(3) The first aid kit shall contain a written reference indicating the location of the refrigerator/freezer where ice and milk are stored if an instant ice pack or tooth preservation system is not part of the first aid kit. All other supplies must be stored in the first aid kit. Items not stored in the first aid kit shall be taken with the kit

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whenever it is removed from the home.

(B) The type A home shall have supplies to practice standard precaution procedures, as outline in rule 5101:2-13-15.1 of the Administrative Code.

(C) If the type A home first aid kit contains items other than those listed in this rule, the items must be clearly labeled as to whom they can be administered.

OAC 5101:2-13-37

5101:2-13-37 Children's medical and enrollment records for licensed type A homes

(A) Each child attending the licensed type A home shall secure and have on file verification of a medical exam. Children attending a grade of kindergarten and above in an elementary school are exempt from this requirement.

(1) A medical statement shall verify the date of a medical examination within the past twelve months and be on file at the type A home within thirty days of the child's date of admission and every thirteen months thereafter, until the child is attending a grade of kindergarten or above.

(2) The medical statement shall contain the following information:

(a) The child's name and birth date.

(b) The date of the medical examination.

(c) A statement that the child has been examined and is in suitable condition for participation in group care.

(d) The signature, business address and telephone number of the physician, physician's assistant (PA), advanced practice nurse (APN), or certified nurse practitioner (CNP) who examined the child.

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(e) A record of the immunizations that the child has had, specifying the month, day and year of each immunization.

(f) A statement that the physician, PA, APN, or CNP reviewed the child's record against the immunizations recommended by the Ohio department of health (ODH). ODH recommended immunizations schedule is appendix A to this rule.

(g) A statement of any immunization exemptions.

(B) The type A home shall maintain a completed JFS 01234 "Child Enrollment and Health Information" (rev. 9/2011) for each child attending the type A home.

(1) The type A home shall have on file each child's JFS 01234 no later than the child's first day of attendance and it shall be immediately accessible to the administrator or designee. The JFS 01234 shall be reviewed and revised as needed and updated at least annually.

(2) The type A home shall set its own policy regarding the admittance of children whose parents or guardians refuse to grant consent for transportation for emergency treatment.

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

OAC 5101:2-13-37, App.

5101:2-13-37 Appendix Immunization Summary



Image 1 within document in PDF format.

OAC 5101:2-13-38

5101:2-13-38 Care of children with health conditions in licensed type A homes

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(A) If care is provided for a child who requires or may require a medical procedure or who has an ongoing health condition that requires child specific care, the parent/guardian shall complete the JFS 01236 "Medical/Physical Care Plan" (rev. 9/2011) or an equivalent form. The type A home administrator and child care staff members shall implement the plan. This requirement does not include short term illnesses, unless the child care staff member needs to perform a medical procedure for the child.

(B) The plan shall be written, signed and dated by the parent or guardian. The plan shall also be signed and dated by the child care staff member taking responsibility, the type A home administrator and, if applicable, the certified professional or parent who trained the type A home staff to perform medical procedures. The plan shall be readily accessible to the child care staff member caring for the child.

(C) The medical/physical care plan shall be written for each condition that requires different actions and shall include the following:

(1) The name of the child.

(2) Identification of and instructions for any necessary medical procedure to be performed.

(3) Symptoms of any condition that child care staff members need to be alert to and the actions to be taken by the child care staff member if the symptom is observed.

(4) The names of the child care staff members trained by the parent or guardian or certified professional to perform the medical procedures.

(5) Parent or guardian permission statement for the performance of the medical procedures.

(6) A written individualized emergency preparedness plan, if the child requires more assistance than other children of the same age or in the same group or if they require special supplies in an emergency situation.

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(D) The plan shall be reviewed at least annually and revised as needed.

(E) The plan shall be on file at the type A home for review by the department.

(F) A child with a health condition includes a school child whose medical condition requires the availability of emergency medication such as an inhaler or epi-pen. The staff shall be notified of these children whose condition necessitates the carrying of these items.

(G) Only child care staff members trained by the parent or guardian or certified professional shall be permitted to perform medical procedures.

(H) There shall be a trained child care staff member onsite at all times whenever a child with a health condition is present. If a child with a health condition is taken on a routine or field trip there shall be a trained child care staff member with the child at all times.

OAC 5101:2-13-39

5101:2-13-39 Requirements for meals and snacks in type A homes

(A) A meal or snack which meets the requirements of this rule shall be prepared and served to any toddler, preschool child or school child at intervals of not more than four hours.

The type A home shall serve:

If a child is in attendance at a type A home:

1 meal and 1 snack

More than 4, up to 7 consecutive hours

1 meal and 2 snacks or 2 meals and 1 snack

7 to 10 consecutive hours

In addition, the following stipulations apply:

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The child shall be served at least:	If a child is in attendance at a type A home:
1 breakfast	Entirely between 5:00 a.m. and 6:30 a.m.
1 meal	Entirely between 11:00 a.m. and 1:30 p.m.
1 meal	Entirely between 5:00 p.m. and 7:00 p.m.
1 snack	From 6:30 p.m. to bedtime
1 snack	Before school (school children only) no later than thirty minutes prior to leaving for school
1 snack	After school (school children only)

(1) Children in evening or overnight care shall be accommodated to the above schedule, as applicable, during the hours the child is awake.

(2) A meal shall meet 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 (Sept. 1, 2004). This includes at a minimum, one serving of fluid milk, one serving of meat or meat alternative, two servings of vegetables and/or fruits (one serving of each is recommended) and one serving of bread or grains.

The sizes of individual food servings may be varied according to the developmental needs of the child being served, but additional amounts of food shall be prepared and ready to serve in order to meet one-third of the recommended daily dietary allowance for each child in attendance.

(3) A snack shall provide nutritional value in addition to calories and contain at least one food from two of the four basic food groups. The basic food groups are:

(a) Meat/meat alternate.

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(b) Bread/grains.

(c) Fruit/vegetable.

(d) Milk.

(4) Breakfast shall include, at a minimum, one serving each of fluid milk, fruit or vegetable, and bread or grains.

(5) Only one hundred per cent, undiluted, fruit or vegetable juice shall meet the fruit or vegetable requirement for meals or snacks.

(6) For children over twenty-four months of age, the type A home shall provide fluid milk that is vitamin 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.

Green
& Pink

(7) For children under twelve months of age, the home shall use formula or breast milk unless otherwise directed in writing by a licensed physician. For children older than twelve months but under twenty-four months of age, the home shall provide and use whole homogenized vitamin D fortified cow's milk, unless otherwise directed in writing by a licensed physician.

(B) In order to verify compliance with this rule, the department may require the type A home to submit food preparation records that shall include:

(1) Menus which reflect quantities of all foods served by the type A home.

(2) Record of ingredients, from the four food groups, which were used to prepare mixed food recipes, such as pasta and cheese, casseroles, or soups.

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(3) The total number of children of each age group and the adults served.

(C) Current dated menus for the entire week shall be displayed in a conspicuous place readily in view for parents or guardians at the home, and shall reflect all meals and snacks served by the type A home. Any substitute foods served shall be recorded on the posted menu at the time of the change.

(D) Modified diets shall be approved in writing by a licensed physician. If an entire food group is eliminated, the home shall obtain written instructions from a physician on the prescribed form provided by the department. When special diets are required for cultural or religious reasons, the type A home shall obtain written, dated and signed instructions from the child's parent or guardian unless the special diet is part of a type A home program.

(E) When the type A home provides the meal, the home shall set its own policy regarding the accommodation of a parent's alternate diet for a child, but the type A home shall assure that any alternate diet, except those required for religious, cultural, or medical reasons as specified in paragraph (D) of this rule, include items from each of the following categories: protein, grain, fruit/vegetable, dairy.

(F) Parents or guardians may provide food for the children's meals and snacks if the type A home meets the following requirements:

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

(2) Has supplemental foods from all four food groups on the premises and readily accessible during meal times. Supplemental food which is needed to fulfill one-third of the child's recommended daily dietary allowances shall be readily available and offered to each child if the parent provided meal does not meet the requirements of paragraph (A) of this rule.

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

OAC 5101:2-13-40

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5101:2-13-40 Daily program for infants in licensed type A homes

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(A) The type A home shall devise and implement a program of activities suitable to the age levels and abilities of the infants under care.

(1) Each infant shall be removed from the crib, swing, infant seat, or other equipment throughout the day for individual attention.

(2) Outdoor play shall be available according to the infant's stage of development. Outdoor play space used by infants shall meet the requirements of rule 5101:2-13-14 of the Administrative Code.

(3) Equipment and play materials in sufficient quantities shall be available as specified in rule 5101:2-13-16 of the Administrative Code.

(B) The type A home shall maintain a daily written record that is given to parents or guardians each day for children up to eighteen months of age. The record shall include the following areas:

(1) Food intake.

(2) Sleeping patterns.

(3) Times and results of diaper changes.

(4) Information about daily activities.

OAC 5101:2-13-41

green and pink

5101:2-13-41 Infant feeding requirements in licensed type A homes

(A) Type A home policies and practices shall support parent preferences in infant feeding, including breastfeeding and shall recognize the center for disease control's determination that handling and storage of breast milk does not

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require the use of universal precautions and that breast milk is not considered a biohazard. Type A home policies and practices shall also support the introduction of solid foods as long as developmentally appropriate and not detrimental to the health of the child.

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

(C) Infant food shall be prepared and served in a manner appropriate to the developmental needs of each child according to his or her stage of development.

(D) Infants shall be served food in conformity with dated written instructions from the parent or guardian or physician. The instructions shall include amounts of food, type of food, and feeding times, and be updated as needed based upon the child's needs and parent's instructions.

(E) If the parent or guardian does not provide instructions for the serving of food to their infant, the infant shall be served food in sufficient amounts to meet the meal pattern and quantity of the United States department of agriculture (USDA) child and adult care food program child care component.

(F) When infant formula is prepared by the home, it shall be prepared according to the manufacturer's instructions or instructions from the child's physician or advance practice nurse.

(G) The type A home shall clean and sanitize all surfaces just prior to preparing formula, breast milk or food. All equipment, including bottles and nipples, shall be washed in a dishwasher or scrubbed with hot water containing soap, thoroughly rinsed and boiled for one minute prior to use or reuse. Handwashing facilities shall not be used for formula, breast milk or food preparation or for rinsing or washing dishes and bottles.

green and pink

(H) Type A homes that care for infants shall have available the appropriate commercially prepared formula for the infant in the event that the parent or guardian does not provide a quantity of formula sufficient to meet the infant's daily requirement. Formula beyond its expiration date shall not be served.

(I) The type A home shall develop and implement a plan for the safe storage of food, formula or breast milk

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(1) 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.

(2) Until used, all formula or food shall be labeled with the child's name and date of preparation and refrigerated immediately after preparation or upon arrival if prepared by the parent or guardian, and sent home daily. Formula or food that is commercially prepared may not be required to be refrigerated until after opening and shall be stored and served according to the manufacturer's instructions and the expiration date on the label and labeled with the child's name and date of preparation.

(3) If breast milk is provided by the parent or guardian, it shall be labeled with the child's name, date expressed and the date of receipt. Type A homes shall follow the chart below in regard to storing breast milk:

Breast milk storage guidelines

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

(4) If formula or fluid 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. Frozen breast milk shall be thawed under cold running water or in the refrigerator.

(5) Microwave ovens shall not be used for heating formula, breast milk or other liquids.

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(6) Infant bottles, formula, breast milk and food shall be readily available to staff. Staff/child ratios and supervision shall be maintained when staff are obtaining, preparing or warming bottles or food.

(7) 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.

(8) Food heated in a microwave oven shall be stirred or shaken to avoid uneven heating.

OAC 5101:2-13-42

5101:2-13-42 Cribs in licensed type A homes

(A) Each infant shall be provided with a separate crib. There shall be one crib available which meets the requirements of this rule for each infant in attendance at the home.

(1) Each crib shall be labeled with the infant's name who is assigned to use the crib, and shall be for the infant's exclusive use.

(2) Cribs and mattresses shall be thoroughly cleaned and sanitized before assignment for use by another child.

(3) When cribs are in use they shall be spaced apart from each other by a minimum of two feet on all sides or the cribs shall be separated by a divider and have at least two feet of space on two of the sides or ends of the crib. If a divider is used between cribs, the divider shall meet all of the following requirements:

(a) It shall be constructed of material that is constructed so that staff may view children, unbreakable under normal use situations and made of a nonporous material that can be easily sanitized.

(b) The divider shall be taller than an infant standing in a crib can reach up and shall not impede child care staff member's ability to hear the child.

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(4) Cribs shall be defined by size as follows:

(a) "Full size crib" has an interior dimension greater than fifty-two and three-eighths 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 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 be assigned to use a full size crib.

(ii) Children thirty-five inches tall and over shall be assigned to use a cot unless written authorization is obtained by a physician and updated every six months for the child to remain in the crib.

(b) "Porta crib" has dimensions less than those specified for a full size crib. Only children under thirty inches tall shall be assigned to use a porta crib.

(c) Porta cribs 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.

(5) At all times, except when the caregiver is in the process of placing, removing or soothing the infant, cribs and porta cribs shall be used with the mattress supports in their lowest positions and the crib sides in their highest positions.

(6) An infant sixteen months or older may be assigned to a cot with written parental permission. The crib assigned to the sixteen month old infant may be placed in storage onsite once the child is no longer using it, however, the crib shall not be assigned to another infant until the original child is eighteen months of age or no longer attending the center.

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(7) If a crib is considered hazardous for an infant, regardless of age, the infant may be assigned to a cot with written permission from parent or guardian.

(B) Each crib 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 and between the bars and end panels of the crib shall not exceed two and three-eighths inches.

(2) Stacked cribs shall be prohibited.

(C) Each crib shall be safe and meet the following standards.

(1) Cribs purchased or obtained after June 28, 2011 shall meet the United States consumer product safety commission (CPSC) safety standards, 16 CFR parts 1219, 1220 and 1500, that are effective as of June 28, 2011. Cribs purchased or obtained before June 28, 2011 shall meet the June 28, 2011 CPSC safety standards or be replaced by December 28, 2012 with cribs that meet this standard. CPSC safety standards may be found at: <http://www.cpsc.gov/info.cribs/index.html>.

(2) The space between the mattress and the side or end panels of the crib shall not exceed one and one-half inches.

(3) Each mattress shall be at least one and one half inches thick, be securely covered with a waterproof material which is not dangerous to children and can be thoroughly sanitized and have a properly fitted clean crib sheet.

(4) Bumper pads shall not be used in cribs or porta cribs.

(5) Nothing shall obstruct the staff member's visibility of an infant and nothing shall be placed in the crib or hung over the side of the crib that obstructs this visibility.

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(D) Infants shall be cared for in a safe manner.

(1) Infants shall not be placed in the crib with bibs or any other items which could pose a strangulation or suffocation risk. This includes devices designed to maintain sleep positions, unless prescribed in writing by a physician.

(2) Infants shall be placed in their crib for sleeping, and shall not be allowed to sleep in car seats, swings, mesh cribs, playpens, bassinets of any type or other equipment. If a medical condition exists where a child needs to sleep in equipment other than a crib, written permission shall be obtained every six months from a physician and be available on file for review.

(3) Infants shall be placed on their backs to sleep unless the child's physician provides a written request to do otherwise on the JFS 01235 "Sleep Position Waiver" (rev. 9/2011). These forms shall be kept on file for review by the Ohio department of job and family services.

OAC 5101:2-13-43

5101:2-13-43 Handwashing and diapering--Repealed

OAC 5101:2-13-44

5101:2-13-44 Meal preparation and meal service--Repealed

OAC 5101:2-13-45

5101:2-13-45 Safety of children--Repealed

OAC 5101:2-13-46

5101:2-13-46 Swimming and water safety--Repealed

OAC 5101:2-13-47

5101:2-13-47 Transportation and field trip safety--Repealed

OAC 5101:2-13-48

5101:2-13-48 Medical and dental emergency plan--Repealed

OAC 5101:2-13-49

5101:2-13-49 Management of communicable disease--Repealed

OAC 5101:2-13-50

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5101:2-13-50 Administration of medications, food supplements, modified diets, or fluoride supplements--Repealed

OAC 5101:2-13-51

5101:2-13-51 Care of children with handicapping conditions or medical conditions--Repealed

OAC 5101:2-13-52

5101:2-13-52 Children cared for on first story of building--Repealed

OAC 5101:2-13-53

5101:2-13-53 Parental access--Repealed

OAC 5101:2-13-54

5101:2-13-54 Parent roster--Repealed

OAC 5101:2-13-55

5101:2-13-55 Parental participation--Repealed

OAC 5101:2-13-56

5101:2-13-56 Discipline of children--Repealed

OAC 5101:2-13-57

5101:2-13-57 Child's medical statement--Repealed

OAC 5101:2-13-58

5101:2-13-58 Children's records--Repealed

OAC 5101:2-13-59

5101:2-13-59 Children to be served a meal--Repealed

OAC 5101:2-13-60

5101:2-13-60 Nutritional requirements of meals--Repealed

OAC 5101:2-13-61

5101:2-13-61 Snacks--Repealed

OAC 5101:2-13-62

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5101:2-13-62 Menus--Repealed

OAC 5101:2-13-63

5101:2-13-63 Food provided by parents or guardians--Repealed

OAC 5101:2-13-64

5101:2-13-64 Infant daily program--Repealed

OAC 5101:2-13-65

5101:2-13-65 Handwashing facilities--Repealed

OAC 5101:2-13-66

5101:2-13-66 Diaper care standards--Repealed

OAC 5101:2-13-67

5101:2-13-67 Infant formula--Repealed

OAC 5101:2-13-68

5101:2-13-68 Infant food--Repealed

OAC 5101:2-13-69

5101:2-13-69 Cribs--Repealed

OAC 5101:2-13-99

5101:2-13-99 Day care advisory council--Repealed