

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

OAC Ch. 5101:2-14, Refs & Annos

OAC 5101:2-14-01

5101:2-14-01 Definitions for licensed type B home providers and certified in-homes aides

(A) "Adult residing in the home" means any person eighteen years of age or older who is a resident in the home.

(B) "Advanced practice nurse (APN)" means a registered nurse approved by the board of nursing as an advance practice nurse under Chapter 4723. of the Revised Code and who holds a certificate of authority to practice as a clinical nurse specialist, certified registered nurse anesthetist, certified nurse midwife or certified nurse practitioner under Chapter 4723. of the Revised Code.

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

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

(E) "Child care" means administering to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their caretaker for any part of the twenty-four hour day. Child care does not include care provided in the child's residence except when the provider is a certified in-home aide.

(F) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation (BCII) pursuant to section 109.572 of the Revised Code. BCII is a bureau within the office of the Ohio attorney general.

(G) "Emergency child care" means the provision of child care services for a maximum of one day by a county department of job and family services (CDJFS) approved emergency caregiver due to an illness or unplanned absence by the professional certified type B home provider or in-home aide as a result of unanticipated

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

circumstances such as accident or other family emergency. Emergency child care shall not exceed one day at any one time.

(H) "Field trips" means infrequent or irregularly scheduled excursions from the licensed type B home or from the child's own home with an in-home aide.

(I) "Food supplement" means a vitamin, mineral, or combination of one or more vitamins, minerals and/or energy-producing nutrients (carbohydrate, protein or fat) used in addition to meals or snacks.

(J) "Infant" means a child under eighteen months of age.

(K) "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 the caretaker.

(L) "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.

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

(N) "Preschool child" means a child who is three years old or older but is not a school child.

(O) "Publicly funded child care" is the care of infants, toddlers, preschool children, and school children under age thirteen by an eligible provider. Publicly funded child care is paid, wholly or in part, with federal or state funds.

(P) "Related to the provider" means any of the following persons when determining group size in a type B home: grandchildren, daughters, sons, step daughters, step sons, sisters, brothers, step sisters, step brothers, nieces, nephews, half brothers, half sisters, or first cousins who are related to the provider by blood, marriage or adoption.

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Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

Children receiving foster care from the provider are not considered to be related to the provider.

(Q) "Routine trips" means frequent or regularly scheduled excursions from the licensed type B home or the home in which in-home aide services are being provided. Routine trips include, but are not limited to, taking a child to school or picking up a child from school.

(R) "School child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above, but who is less than fifteen years old, or who is less than eighteen years old and eligible for special needs or protective child care benefits.

(S) "Special needs" means providing child care services to a child who is under eighteen years old who does not function according to age appropriate expectations in one or more of the following areas of development: social/emotional, cognitive, communication, perceptual-motor, physical, or behavioral development, or the child has chronic health issues. The child's delays/condition(s) affect development to the extent that the child requires special adaptations, modified facilities, program adjustments or related services on a regular basis in order to function in an adaptive manner.

(T) "Specialized foster home" means a medically fragile foster home or a treatment foster home.

(U) "Substitute child care" means the provision of child care services by a CDJFS approved substitute caregiver due to a planned absence, not to exceed fourteen consecutive days at any one time, by the provider as a result of scheduled absences of the licensed type B provider or in-home aide.

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

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

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

OAC 5101:2-14-02

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

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

5101:2-14-02 Application and issuance for a type B home provider license

(A) A resident of Ohio who wishes to become a licensed type B home provider shall contact the county department of job and family services (CDJFS) in the county in which he or she resides to request a JFS 01643 "Application for Licensed Type B Home" (rev. 1/2014).

(1) An application is considered to be complete when all documentation outlined in "Appendix A" to this rule has been submitted. Applications that are not complete within ninety days of submission shall be closed.

(2) An application that is missing only the results of the bureau of criminal identification and investigation (BCII) and/or federal bureau of investigation (FBI) criminal records check is exempt from the ninety day timeline.

(B) The applicant shall participate in any orientation provided by the CDJFS pursuant to paragraph (K)(2) of this rule.

(C) A license is valid only for the provider, address, and maximum number of children designated on the license.

(D) Only one type B home provider license shall be issued for each address.

(E) A type B home provider license shall not be issued to any address that is currently licensed as a type A child care home or child care center.

(F) The license shall be a continuous license unless:

(1) The type B home provider is in the provisional period pursuant to rule 5101:2-14-05 of the Administrative Code.

**Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes**

(2) The type B home provider moves to a new address.

(3) The type B home provider notifies the CDJFS in writing of his or her voluntary withdrawal from the licensure program.

(4) It is revoked pursuant to rule 5101:2-14-04 of the Administrative Code.

(G) If the type B home provider proposes a change of address within the same county, the new address for the type B home shall also comply with the following requirements before the license is issued:

(1) Rule 5101:2-14-10 of the Administrative Code.

(2) Rule 5101: 2-14-11 of the Administrative Code.

(3) An inspection at the new location by CDJFS staff.

(4) Submit all required compliance material in a timely manner.

(5) Child care operations at the original location shall cease no later than the last day of residence at the original location.

(6) The new address shall be ready to be licensed within two weeks of relocating to the address. Until the new license is issued, the provider shall not provide care to children.

(H) If the type B provider proposes a change of address to another county, the provider of the type B home shall complete and submit the JFS 01643 to the CDJFS in the county of the new address.

**Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes**

(1) The new address for the type B home shall also comply with the following requirements before the license is issued:

(a) Rule 5101:2-14-10 of the Administrative Code.

(b) Rule 5101: 2-14-11 of the Administrative Code.

(c) Rule 5101:2-14-07 of the Administrative Code.

(d) An inspection at the new location by CDJFS staff.

(e) Submit all required compliance material in a timely manner.

(f) Child care operations at the original location shall cease no later than the last day of residence at the original location.

(g) The new address shall be ready to be licensed within two weeks of relocating to the address. Until the new license is issued, the provider shall not provide care to children.

(I) Once licensed, the type B home provider shall complete and submit a provider agreement as required in Chapter 5101:2-16 and all information required in the provider portal which is located at <http://jfs.ohio.gov/cdc/childcare.stm>, in order to serve children eligible for publicly funded child care.

(J) The type B home provider shall post the license in the home in a visible place that is accessible to the caretakers at all times.

(K) CDJFS requirements for application and issuance of licensure:

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

The CDJFS:

(1) Shall recommend applications for approval or denial, to the Ohio department of job and family services (ODJFS) within one hundred days of receiving a completed application.

(2) Shall schedule an orientation and inform the applicant of all items listed in “Appendix B” to this rule.

(3) Shall provide the applicant with the JFS 08087 “Ohio Communicable Disease Chart” (rev. 4/2009 or 9/2009) when a recommendation is made to ODJFS that the applicant will be licensed.

(4) May compile and make available a list of emergency or substitute caregivers who meet the requirements of this rule to applicants or providers.


(5) Shall review the BCII and FBI records checks as well as child abuse registry checks for the provider, provider’s employees, emergency and substitute caregivers, assistants and all adult residents to ensure compliance with rules 5101:2-14-07 and 5101:2-14-06 of the Administrative Code.

(a) If the CDJFS determines that any of the BCII or FBI records checks indicate a prohibitive offense as defined in paragraph (D) of 5101:2-14-07 of the Administrative Code, the CDJFS shall determine if the individual meets rehabilitation standards as detailed in “Appendix A” to 5101:2-14-07 of the Administrative Code.

(b) The CDJFS shall use the JFS 01527 “Notification of Criminal Records Check and Child Abuse and Neglect Check for Employees and Assistants” (1/2014) to notify the provider of the results of this review.


**OAC 5101:2-14-02, App.**

**5101:2-14-02 Appendix A**

 Image 1 within document in PDF format.

**OAC 5101:2-14-02, App.**

5101:2-14-02 Appendix B

 Image 1 within document in PDF format.

**OAC 5101:2-14-03**

**5101:2-14-03 Compliance inspection and complaint investigation of a licensed type B home provider**

**(A) Each licensed type B home provider shall comply with the following inspections:**

**(1) At least one inspection prior to the initial issuance of a provisional license.**

**(2) At least three inspections during the provisional period, including at least two unannounced.**

**(3) At least two inspections each state fiscal year after the issuance of the continuous license, including at least one unannounced.**

**(B) Provisional inspections may be conducted even if children are not currently enrolled.**

**(C) The type B home provider shall permit the county department of job and family services (CDJFS) or Ohio department of job and family services (ODJFS) to:**

**(1) Complete an inspection of all areas of the type B home as required by Chapter 5101:2-14 of the Administrative Code.**

**(2) Review required records and documentation.**



Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(D) The type B home provider shall provide written materials to address noncompliances detailed in the written inspection report and as requested by the CDJFS within the timeframe requested in the inspection report.

(E) The type B home provider shall make available all inspection reports within the previous twelve months upon request of a caretaker. The provider shall remove all confidential information prior to providing a copy of the inspection report.

(F) The type B home provider shall permit the CDJFS to investigate all complaints involving the type B home provider.

(G) The type B home provider shall not misrepresent, falsify or withhold information from the CDJFS or ODJFS.

(H) CDJFS requirements for compliance inspection and complaint investigation:

(1) The CDJFS shall inspect each type B home according to the schedule in paragraph (A) of this rule.

(2) All inspections shall be completed during the operating hours of the type B home even if children are not currently enrolled.

(3) For each inspection, the CDJFS shall complete the JFS 01926 "Inspection Report for Professional Type B Family Child Care" (rev. 1/2014) and provide a hard copy or electronic copy of the inspection report to the provider before the CDJFS staff leaves the provider's home. If additional information is added to the report or it is revised in any way, the CDJFS shall send a copy of the report to the provider within five business days of the date of the addition or revision.

(4) The CDJFS shall investigate any complaints alleging rule noncompliance against a type B home provider. The CDJFS may inspect the type B home as part of the complaint investigation.

(a) Investigations of all complaints shall begin within five business days of receipt of a complaint by the CDJFS, unless the complaint falls under paragraph (I) of this rule.

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(b) For each investigation, the CDJFS shall complete the JFS 01526 "Complaint Investigation Receipt" (1/2014) and furnish one copy to the type B home provider before the CDJFS staff leaves the provider's home. The CDJFS shall then complete the JFS 01921 "Complaint Disposition Report" (rev. 10/2010) and send a copy to the provider within five business days. If additional information is added to the report or it is revised in any way, the CDJFS shall send a copy of the report to the provider within five business days of the date of the addition or revision.

(c) If a JFS 01921 is completed as part of an investigation conducted by telephone, the CDJFS shall send a copy of the report to the provider within five business days of the initial telephone contact. If additional information is added to the report or it is revised in any way, the CDJFS shall send a copy of the report to the provider within five business days of the date of the addition or revision.

(5) Each JFS 01926 and JFS 01921 shall include:

(a) A statement of the specific noncompliance findings.

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

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

(6) The CDJFS shall provide a copy of the JFS 01921 and JFS 01926 to anyone who submits a request to the CDJFS. The CDJFS shall remove all confidential information prior to providing a copy of the JFS 01921 and JFS 01926.

**(I) Additional complaint requirements:**

**(1) If the complaint alleges an immediate risk to children, the CDJFS shall:**

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(a) Begin the investigation by the next business day of receipt of the complaint.

(b) Notify the caretakers of all children receiving child care services from the provider, by the next business day, of the ongoing investigation and the rule which the complainant alleges has been violated.

(c) Send to the caretakers of all children receiving child care from the provider a completed copy of the JFS 01922 "Notification of Child Care Investigation" (rev. 1/2014) within three business days of receipt of the complaint. The caretakers of children not involved in the complaint shall not be provided with names of children involved. Caretakers of children involved in the complaint shall be informed of the alleged rule violations involving their child.

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

(a) A summary of the allegations.

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

(c) A summary of actions taken by the CDJFS or plans to initiate an investigation of noncompliance with the regulations contained in Chapter 5101:2-14 of the Administrative Code.

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

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

(4) If the CDJFS receives a JFS 01299 "Incident/Injury Report for Child Care Centers/Type A Homes/Type B Providers" (rev. 6/2007) pursuant to paragraphs (B) to (D) of rule 5101:2-14-16 of the Administrative Code,

**Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes**

the CDJFS shall fax or email the JFS 01299 to ODJFS by the next business day from receipt of the report.

(5) A PCSA investigation does not relieve the CDJFS of its responsibility to investigate provider noncompliance with regulations contained in Chapter 5101:2-14 of the Administrative Code unless the PCSA indicates that the CDJFS complaint investigation would interfere with the PCSA's investigation of the case.

**OAC 5101:2-14-03.1**

**5101:2-14-03.1. Complaint investigation of professional and limited type B home providers and in-home aides--Repealed**

**OAC 5101:2-14-04**

**5101:2-14-04 Denial and revocation of a licensed type B home provider**

(A) If a licensed type B home provider or applicant does any of the following, the county department of job and family services (CDJFS) may recommend to the Ohio department of job and family services (ODJFS) the denial of an application or revocation of a provisional or continuous license:

(1) The provider is not in compliance with Chapter 5101:2-14 of the Administrative Code or Chapter 5104. of the Revised Code.

(2) The provider or a household member has a prohibited offense pursuant to rule 5101:2-14-07 of the Administrative Code and does not meet the rehabilitation standards defined in rule 5101:2-14-07 of the Administrative Code.

(3) The provider fails to cooperate with the CDJFS in the licensing process or complaint investigation including but not limited to, consistently being unavailable for unannounced inspections conducted by the CDJFS.

(4) The provider owes delinquent overpayments for publicly funded child care.

(5) The provider owes a delinquent child care copayment for the provider's own children to another child care provider, unless the provider is currently complying with a repayment plan pursuant to Chapter 5101:2-16 of the Administrative Code.

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(6) Someone under the age of eighteen who resides in the home has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(4) or (A)(5) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code.

(7) The CDJFS has determined through the results of the child abuse and neglect report or any other means pursuant to rule 5101:2-14-07 of the Administrative Code, that there is an individual, of any age, who resides in the home and whose behavior or health may endanger the health, safety or well-being of children in care at the home.

(8) A public children services agency (PCSA), CDJFS or a law enforcement agency determines that children are at risk of being abused or neglected or conditions in the type B home endanger the health, safety or well-being of children.

(9) A PCSA, a law enforcement agency or the court have determined that children have been abused or neglected while in the type B home or under the care of the type B home provider.

(10) The provider misuse the Ohio electronic child care system pursuant to Chapter 5101:2-16 of the Administrative Code.

(11) The provider no longer has a provider agreement pursuant to Chapter 5101:2-16 and rule 5101:2-14-02 of the Administrative Code.

(12) The provider has not provided care to publicly funded children for at least six consecutive months.

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

(C) If the provider has previously been certified or licensed in this state or any other state as a limited, professional, or licensed provider, and in the last five years his or her certificate or license was revoked, he or she shall not be licensed.

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

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

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

(F) CDJFS denial and revocation of a license:

(1) The CDJFS may recommend to ODJFS the denial of an application or revocation of a provisional or continuous license for any of the reasons detailed in paragraph (A) of rule 5101:2-14-04 of the Administrative Code.

(2) The CDJFS shall provide any requested documents to ODJFS.

(3) If a license is revoked, the CDJFS shall contact any caretakers who are receiving publicly funded child care services from the provider, by telephone with follow up written notification, to inform the caretaker of the following:

(a) The provider's license has been revoked.

(b) The availability of alternate child care services.

(G) The CDJFS shall contact ODJFS within the same business day to recommend immediate termination of the provider agreement required in paragraph (I) of rule 5101:2-14-02 and Chapter 5101:2-16 of the Administrative Code if any of the following occurs:

**Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes**

(1) The provider has any of the noncompliances detailed in paragraph (A)(2), (A)(6), (A)(8) or (A)(9) of this rule.

(2) Any adult residing in the type B home refuses to comply with the criminal records check requirements detailed in rule 5101:2-14-07 of the Administrative Code.

(3) The conditions in the home endanger the health, safety or well-being of children.

(H) 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) Denial of an initial license.

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

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

(4) Denial of a regular license at the expiration of the type B home's provisional license.

(I) ODJFS may propose actions that are of a ministerial nature and which are not subject to the right to an administrative hearing. These include 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. This also includes denial of an application for reasons detailed in paragraph (C),(D) or (E) of this rule.

**OAC 5101:2-14-05**

**5101:2-14-05 Procedures for a licensed type B home provider operating under a provisional license**

(A) A provisional license for a newly licensed type B home provider is valid for twelve months.

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

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(B) By the expiration date of the provisional license, the type B provider shall meet all of the following requirements for the provisional license to be amended to a continuous license. The provider shall:

(1) Be in compliance with Chapter 5101:2-14 of the Administrative Code.

(2) Have publicly funded children enrolled and attending the home.

(C) The county department of job and family services (CDJFS) may recommend revocation of a provisional license to the Ohio department of job and family services (ODJFS) at any time during the provisional period for any of the following reasons:

(1) The provider has failed to comply with the requirements of Chapter 5104. of the Revised Code and or Chapter 5101:2-14 of the Administrative Code.

(2) The provider has furnished or made misleading or false statements or reports to ODJFS or the CDJFS.

(3) The provider has refused to allow ODJFS or the CDJFS staff access onto its premises or to any areas used for child care.

(D) The CDJFS may recommend to allow the provider a maximum of thirty additional days to demonstrate compliance with the requirements.

**OAC 5101:2-14-06**

**5101:2-14-06 Provider qualifications for a licensed type B home provider**

(A) What are the qualifications to be a licensed type B home provider?



Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

The provider shall:

- (1) Be at least eighteen years old, and for those individuals certified or licensed after April 1, 2003, have completed a high school education. Verification of high school education is detailed in "Appendix A" to this rule.
- (2) Have at least six months experience in caring for a child twelve years or younger or have obtained at least thirty clock hours of documented training. Parenthood may be considered as experience.
- (3) Reside in the home where the care is being provided.
- (4) Not have had a child removed from his or her home pursuant to section 2151.353 of the Revised Code.
- (5) Not have a prohibited offense as required by rule 5101:2-14-07 of the Administrative Code.
- (6) Complete the JFS 01302 "Request for Child Abuse and Neglect Report Information" (rev. 1/2014) and update it annually (for the provider and all adults (age eighteen and older) residing in the home of the type B provider).
- (7) Provide a safe, healthy environment when child care services are being provided. The provider or anyone in the type B home shall not:
  - (a) Demonstrate physical or mental conditions potentially harmful to children.
  - (b) Be under the influence of alcohol or other drugs while child care is being provided.
- (8) Not be involved in any activities which interfere with the care of the children. This includes not being involved in other employment during the operating hours of the type B home.

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(9) Complete one of the following:

(a) Obtain and maintain liability insurance insuring the provider against liability arising out of, or in connection with, the operation of the type B home.

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

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

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

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

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

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

(b) Complete the JFS 01933 "Liability Insurance Statement for Type A and Type B Family Child Care Homes" (1/2014) if the provider is not obtaining liability insurance and provide the JFS 01933 to the caretaker of each child receiving care in the home. The JFS 01933 shall be signed by the caretaker and on file by the child's first day of attendance.

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

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

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

(B) What are the on-going requirements to be a licensed type B home provider?

(1) Have a consecutive six hour break out of every twenty-four hour period, unless the provider utilizes an employee or is otherwise approved in writing by the CDJFS.

(2) Accept only those placements that suit the provider's abilities and the physical environment of the home, but not discriminate in providing child care services to children upon the basis of handicap, race, color, religion, sex, or national origin.

(3) Not use or disclose any information concerning eligible people for any purpose not directly related to the delivery of purchased child care services, except upon written consent of the eligible individual or a responsible caretaker.

(4) Upon request, provide a caretaker with any information necessary for the caretaker to compile child care related expenses for income tax preparation activities.

(5) Conduct an interview with the caretaker and the child at the provider's home prior to caring for the child. The provider shall provide the caretaker with the opportunity to view all areas of the home where child care will be provided. The provider shall provide the caretaker with the opportunity to exchange information and to arrive at agreed-upon decisions regarding the care of the child.

(6) Jointly discuss and complete a written agreement with the caretaker using the JFS 01634 "Caretaker/Provider Agreement" (rev. 1/2014) and review the JFS 01332 "Child Care Handbook for Caretakers" (rev. 1/2014).

**Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes**

(7) Maintain a copy of the signed handbook statement, any amended JFS 01634 or JFS 01332.

(8) Give a copy of the JFS 01332 to the caretaker of each child. After the JFS 01332 is reviewed and all questions answered, the caretaker shall sign a statement indicating the handbook and policies have been reviewed and agrees to follow the policies.

(9) Amend the JFS 01634 and JFS 01332 if changes are needed by either of the participating parties due to changes in policies, rates, days/hours of service or other information included in the JFS 01634 or JFS 01332.

(10) Give a copy of the amended JFS 01332 to the caretaker immediately.

(11) Provide the caretaker with a written receipt for all payments made.

(12) Schedule a conference, if the provider or caretaker determines a conference is needed, at a time mutually acceptable to discuss the child's progress and needs.

(13) Notify the CDJFS of anyone staying at the home for more than five consecutive calendar days and notify the CDJFS within twenty-four hours or on the next business day of any change in the household composition.

(14) Complete annually the JFS 01302 as required in paragraph (A)(6) of this rule.

(15) Comply with any additional requirements pursuant to paragraph (E) of rule 5101:2-14-25 of the Administrative Code.

(C) Providers who are also foster parents shall:

(1) Notify the CDJFS and all caretakers.

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(2) Notify the CDJFS of all children receiving care within one business day of when the provider is to begin caring for additional foster children.

(3) Maintain a written record documenting the date and how the CDJFS and caretakers were notified about foster children in care.

(4) Not be a specialized or treatment foster home, if licensed after August 14, 2008.

OAC 5101:2-14-06, App.

5101:2-14-06 Appendix



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OAC 5101:2-14-07

5101:2-14-07 Licensed type B home requirements for criminal records checks

(A) Who must have a criminal records check?

(1) Licensed type B providers and applicants to be licensed type B home providers.

(2) Adults (age eighteen and older) residing in the home of the type B provider or applicant.

(3) Emergency caregivers and substitute caregivers (including assistants) of the type B provider or applicant.

(4) Employees of the type B provider or applicant.

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(5) Assistants of the type B provider or applicant.

(B) When are criminal records checks required?

(1) At application (bureau of criminal identification and investigation criminal records check [BCII] and federal bureau of investigation [FBI] criminal records check).

(2) Within ten business days after a resident of the home turns eighteen years old (BCII criminal records check and FBI criminal records check).

(3) Within ten business days of an adult moving into the home (BCII criminal records check and FBI criminal records check).

(4) Prior to approval as an emergency or substitute caregiver for the type B provider (BCII criminal records check and FBI criminal records check).

(5) Prior to the first day of employment for the employee of the type B provider (BCII criminal records check and FBI criminal records check) even if the employee has previously worked for the type B provider.

(6) Prior to approval as an assistant for the type B provider (BCII criminal records check and FBI criminal records check).

(7) Every five years from the date of the criminal records checks (BCII criminal records check). FBI criminal records check may be completed every five years.

(C) How is a criminal records check obtained?

(1) The individual shall electronically submit the fingerprints according to the process of BCII and have the

**Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes**

results provided to the county department of job and family services (CDJFS). Information on how to obtain a criminal records check can be found at <http://www.ohioattorneygeneral.gov/Business/Services-for-Business/WebCheck>.

(2) The CDJFS may charge a fee for the costs incurred in obtaining a criminal records check. A fee charged by the CDJFS shall not exceed the fee paid by the CDJFS to BCII or to the agency submitting the criminal records check request to BCII.

**(D) What are prohibited offenses?**

(1) A type B home provider may be licensed or continue to be licensed if the CDJFS determines the applicant, provider, or adult living in the type B home, who has been convicted of or pleaded guilty to an offense listed in division (A)(4) or (A)(5) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code, meets the rehabilitation standards detailed in "Appendix A" to this rule.

(2) An individual desiring to be an assistant, employee, emergency caregiver or substitute caregiver, who has been convicted of or pleaded guilty to an offense listed in division (A)(4) or (A)(5) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code, may be approved by the CDJFS if the CDJFS determines that he or she meets all of the rehabilitation standards detailed in "Appendix A" to this rule.

(3) The provider or any resident of the home shall not have been indicted, be awaiting trial on charges, or pending outcome of a trial of any of the crimes listed in division (A)(4) or (A)(5) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code. The provider shall report this information, as well as any investigation being conducted by a public children services or law enforcement agency, immediately to the CDJFS.

(4) An assistant, employee, emergency caregiver or substitute caregiver shall not have been indicted, be awaiting trial on charges, or pending outcome of a trial of any of the crimes listed in division (A)(4) or (A)(5) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code. The provider shall report this information, as well as any investigation being conducted by a public children services or law enforcement agency, immediately to the CDJFS.

(5) A conviction of or a plea of guilty to an offense listed in division (A)(4) or (A)(5) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code shall not prevent the CDJFS from licensing an applicant or from approving an assistant, employee, emergency caregiver or substitute caregiver if the individual 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, 5101:"unconditional

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

pardon” includes a conditional pardon with respect to which all conditions have been performed or have transpired.

(E) What are the requirements for completing the JFS 01329 “Statement of Nonconviction for Type B Homes and In-Home Aides” (rev. 1/2014)?

(1) Individuals listed in paragraph (A) of this rule shall complete the JFS 01329 and submit at the following times:

- (a) At application.
- (b) Within ten business days after a resident of the home turns eighteen years old.
- (c) Within ten business days of an adult moving into the home.
- (d) Prior to approval as an emergency or substitute caregiver for the type B provider.
- (e) Prior to the first day of employment for the employee of the type B provider.
- (f) Prior to approval as an assistant for the type B provider.
- (g) Annually from the date of the signature.

(2) In accordance with section 5104.99 of the Revised Code, whoever falsifies information on the JFS 01329 in violation of division (A)(1) of section 5104.09 of the Revised Code is guilty of a misdemeanor of the first degree.



**Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes**

(F) 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.

**OAC 5101:2-14-07, App.**

**5101:2-14-07 Appendix**



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**OAC 5101:2-14-08**

**5101:2-14-08 Training requirements for licensed type B home provider**

(A) Each type B home provider shall complete the following trainings prior to being licensed. Each type B home employee shall complete the following trainings prior to being used to meet group size requirements:

(1) Health and safety curriculum approved by the Ohio department of job and family services (ODJFS), not more than six months prior to licensure.

(2) Successfully complete and maintain current certification in both first aid and cardiopulmonary resuscitation (CPR). Training shall be appropriate for all the ages of children in care.

(B) Once licensed, each type B home provider and employee shall:

(1) Complete or have current training in management of communicable disease and child abuse recognition and prevention by the end of the provisional license period.

(2) Maintain current certification in first aid and infant and child CPR.

(3) Complete six clock hours of training in any of the categories listed in “Appendix A” to this rule each year (including the provisional year). Once continuously licensed, two hours of this training each year must be in child growth and development.

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

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(C) All trainings shall be provided by a trainer who meets the requirements listed in “Appendix B” to this rule.

(D) Audiovisual or electronic media training or self-instructional study may be used to meet the required six annual hours of training. These types of trainings in the areas of first aid, communicable disease or child abuse recognition and prevention may be taken only when approved by ODJFS.

(E) The type B home provider shall keep a record on file at the home of all training completed to meet the requirements of this rule. The training shall be documented on one of the following:

(1) The JFS 01924 “Inservice Training for Type B Home and In-Home Aide Child Care Providers” (rev. 8/2008).

(2) The JFS 01307 “Inservice Training for Child Care Employees of Child Care Centers and Type A Homes” (rev. 7/2010).

(3) Training cards issued by organizations approved by ODJFS for first aid, CPR, prevention, recognition and management of communicable diseases or child abuse recognition and prevention.

OAC 5101:2-14-08, App.

5101:2-14-08 Appendix A



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OAC 5101:2-14-08, App.

5101:2-14-08 Appendix B



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OAC 5101:2-14-09

5101:2-14-09 Emergency/substitute caregivers, assistants and employees for a licensed type B home provider

**Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes**

(A) Each licensed type B home provider shall designate at least one person to serve as an emergency or substitute caregiver. The emergency or substitute caregiver may be the same person if he or she will serve in both capacities. The provider shall:

(1) Have at least one emergency or substitute caregiver who is not a licensed type B home provider or a certified in-home aide.

(2) Maintain the JFS 01923 "Emergency/Substitute Caregiver Statement for Type B Home Provider" (rev. 1/2014) on file.

(3) Only leave children with people who meet the requirements of this rule and have been approved as emergency or substitute caregivers by the county department of job and family services (CDJFS).

(B) The emergency or substitute caregiver shall meet all of the requirements detailed in "Appendix A" to this rule.

(C) The emergency or substitute caregiver or employee shall follow all of the requirements in rule 5101:2-14-20 of the Administrative Code.

(D) Emergency and substitute child care shall occur only in the type B home to which the children are authorized.

(E) If the emergency or substitute child care is provided by another licensed type B provider, that provider shall:

(1) By next working day, notify the CDJFS when he or she is providing emergency or substitute care.

(2) Maintain required group size, which may be verified by the CDJFS.

(F) Emergency child care shall not exceed one day at any one time, and substitute child care shall not exceed fourteen consecutive calendar days at any one time.

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

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(G) The type B home provider shall contact each caretaker immediately if an emergency caregiver shall be used for illness or unplanned absences of short duration caused by unanticipated circumstances such as an accident or other family crises. The type B home provider shall notify the CDJFS by the next business day when an emergency caregiver is used.

(H) The type B home provider shall contact the caretaker and the CDJFS prior to all planned absences when a substitute caregiver will be needed. The following information shall be discussed:

(1) Date substitute care is needed.

(2) Name of the substitute caregiver who will be providing child care services.

(I) A request for use of a substitute caregiver may be denied by the CDJFS if the situation does not meet the requirements for substitute care as set forth in this rule.

(J) The type B home provider shall ensure that the emergency or substitute caregiver has the following information at the time child care services are provided:

(1) Telephone number where each caretaker can be reached for each child in care.

(2) Telephone number where the type B home provider can be reached.

(3) Location of first aid supplies.

(4) Completed JFS 01297 "Child Enrollment and Health Information" (rev. 8/2008) for each child enrolled.

**Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes**

(5) Completed medical statement for each child enrolled as required by paragraph (B) of rule 5101:2-14-15 of the Administrative Code.

(6) Completed JFS 01928 "Child Medical/Physical Care Plan for Type B Family Child Care and In-Home Aides" (rev. 1/2014), if applicable.

(K) The emergency or substitute caregiver who cares for children shall be responsible for child guidance and management.

(L) The emergency or substitute caregiver or employee shall be trained by a caretaker or certified professional before being permitted to perform medical procedures or other action needed for a health condition or special need.

(M) A type B provider may have an assistant in the type B home.

(1) The assistant shall meet all of the requirements detailed in "Appendix A" to this rule.

(2) There is no limit on the hours or days the provider may use an assistant.

(3) The provider shall provide a completed JFS 01920 "Emergency/Substitute Caregiver Acting as an Assistant in a Type B Professional Certified Child Care Home" (rev. 1/2014) to the CDJFS prior to using an emergency/substitute caregiver as an assistant. A copy of this form shall be maintained in the provider's files for each assistant.

(4) The provider shall notify caretakers if an assistant is used.

(5) Use of an assistant does not change the provider's capacity and the provider shall continue to meet all supervision requirements as detailed in rule 5101:2-14-20 of the Administrative Code.

**Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes**

(6) An assistant shall not include a caretaker of a child enrolled in the type B home.

(N) Any payment from the provider to an employee or to an emergency/substitute for services provided when acting as an assistant is not a financial obligation of the CDJFS, the Ohio department of job and family services (ODJFS) or the caretaker.

(O) A type B home provider may have an employee. An employee:

(1) Is a person who receives compensation for duties performed in a type B home or has assigned work hours or duties.

(2) Shall not include a caretaker of a child enrolled in the type B home.

(3) Shall meet all of the requirements detailed in "Appendix B" to this rule.

(4) Shall meet all training requirements prescribed in rule 5101:2-14-08 of the Administrative Code.

(5) May be used to meet group size and supervision requirements and may be left alone with the children.

(6) May be used to meet the emergency/substitute caregiver requirements of this rule. If the provider is using an employee as the emergency/substitute caregiver, the provider does not need to notify the CDJFS.

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

(P) The provider shall complete the JFS 01527 "Notification of Criminal Records Check and Child Abuse and Neglect Check for Employees and Assistant" and submit it to the CDJFS when either of the following occurs:

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(1) The provider will be using an employee.

(2) The provider will be using an assistant who is not already an approved emergency or substitute caregiver.

(Q) The provider shall keep a file with all documents listed in “Appendix B” to this rule at the type B home for review by the CDJFS, with the exception of the bureau of criminal identification and investigation (BCII) to criminal records check and the federal bureau of investigation (FBI) criminal records check which shall be sent to the CDJFS as required by rule 5101:2-14-07 of the Administrative Code.

(R) The provider may have an assistant or an employee, but not both.

(S) The type B provider shall be on-site seventy-five percent of the hours of operation. The provider may request short term exemption from this requirement from the CDJFS.

OAC 5101:2-14-09, App.

5101:2-14-09 Appendix A



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OAC 5101:2-14-09, App.

5101:2-14-09 Appendix B



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OAC 5101:2-14-10

5101:2-14-10 Fire safety requirements for a licensed type B home provider

(A) A licensed type B home provider shall have:

(1) The emergency egress features and operational conditions listed in “Appendix A” to this rule.

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(2) A written fire evacuation plan that includes a floor plan marked with a primary escape route and an alternate escape route to a designated meeting place outside the home.

(3) Practices of the fire evacuation plan at least once each month at different times of the day. The date, time of day, number of children and total time to evacuate for each practice drill shall be kept in a written log.

(4) At least one underwriters laboratories (UL) or factory mutual laboratories (FM) smoke detector located in the basement and on each level of the type B provider's home. The type B provider shall place, install, test and maintain smoke detectors in accordance with manufacturer's recommendations.

(5) Carbon monoxide detectors:

(a) In single family homes, there shall be at least one UL listed carbon monoxide detector located in the basement and on each level of the home in which child care is being provided.

(b) In multi-family buildings, there shall be at least one UL listed carbon monoxide detector located in the basement and on each level of the unit in which child care is being provided.

(c) The type B provider shall place, install, test and maintain carbon monoxide detectors in accordance with manufacturer's recommendations.

(6) At least one UL or FM portable fire extinguisher in the type B home which shall have a minimum rating of 1A:10BC. At least one fire extinguisher shall be located in the kitchen where food is provided for child care.

(7) All electrical connections made in junction boxes which are properly covered. Electrical extension cords shall not be used as permanent wiring.

(B) Upon discovery of a fire on the premises, the provider shall:



Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(1) Immediately evacuate everyone from the home and notify the local fire department to request their assistance even if a home fire extinguisher has been used to put out the fire.

(2) Notify the CDJFS within one business day if a fire or natural disaster has occurred in the home.

(C) Providers who store flammable and combustible materials and substances, such as, but not limited to, gasoline, kerosene, propane and other fuels, shall follow the storage requirements listed in "Appendix B" to this rule.

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

(1) No unprotected open flame, such as fireplaces, oil lamps or candles, shall be allowed to burn in the home while care is being provided.

(2) Unvented fuel-fired heaters shall not be used while child care is being provided.

OAC 5101:2-14-10, App.

5101:2-14-10 Appendix A



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OAC 5101:2-14-10, App.

5101:2-14-10 Appendix B



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OAC 5101:2-14-101

5101:2-14-101 Offenses which disqualify persons from being a type B family day care home provider, emergency caregiver or substitute caregiver--Repealed

**OAC 5101:2-14-11**

**5101:2-14-11 Indoor and outdoor space requirements for a licensed type B home provider**

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(A) The home shall have at least thirty-five square feet of usable indoor floor space per child for the total number of children who are present at one time.

(1) Usable indoor floor space shall not include bathrooms, hallways, storage rooms, or other areas not available or not used for child care.

(2) Placement of furniture, equipment and household items shall ensure child safety and mobility. Adequate uninterrupted play space shall be provided to ensure age appropriate play and developmental activities.

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

(C) The home shall have onsite or safely accessible, a safe, sanitary outdoor play space free of hazardous conditions which:

green, blue, pale yellow

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

(2) Is located away from traffic or protected from traffic by a fence in good repair with functioning gates or a natural barrier. The natural barrier shall assure that children are not able to leave the outdoor play area unsupervised and shall assure that any hazards from the outside cannot enter the outdoor play area without the provider being aware of them.

(3) Is protected from animals.

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

(5) Provides for storage of accumulated trash, rubbish and garbage outside of the play area.

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Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(6) Is maintained free of foreign objects and rubbish during times children are outside playing.

(7) Provides a shaded area. The shade may be naturally occurring from trees, building, or overhangs. Providers may also install lawn umbrellas that are securely anchored or other facilities that provide shade in a safe manner. Shade must be accessible for at least fifty per cent of the children playing outside at any one time.

(D) If an onsite play area is not available, a provider may use an off-site play area for daily use if it is determined, upon inspection by the provider and the county department of job and family services (CDJFS), that the area and its accessibility is safe. An off-site play area approved for regular use shall meet the same requirements as the onsite play areas listed in this rule.

(E) Outdoor equipment, whether stationary or portable, shall be safe and designed to meet the developmental needs of all of the age groups of children using the space.

(1) Equipment such as, but not limited to, climbing gyms, swings, slides shall:

(a) Be placed out of the path of the area's main traffic pattern.

(b) Be anchored or stable and have all parts in good working order and securely fastened.

(c) Have all climbing ropes anchored at both ends and not capable of looping back on themselves creating a loop with an interior perimeter of five inches or greater.

(d) Have all "S" hooks closed so that there is no gap greater than .04 inch or the thickness of a dime.

(e) Be free of rust, cracks, holes, splinters, sharp points or edges, chipped or peeling paint, lead hazards, protruding bolts, or tripping hazards.

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Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(f) Have no openings that are greater than three and one half inches, but less than nine inches.

(g) Have protective barriers on platforms that are thirty inches high or over.

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

(F) Outdoor play equipment designated for climbing, swings, teeter-totters and slides shall have a fall zone of protective resilient material on the ground under and around the equipment.

(1) The material may be one of the following, but not limited to, washed pea gravel, mulch, sand, wood chips, or synthetic material such as rubber mats or tiles manufactured for this purpose.

(2) Equipment shall not be placed over concrete, asphalt, blacktop, dirt, rocks, or any other hard surface.

(3) Synthetic surfaces shall follow manufacturer's guidelines for depth.

(G) The home shall not use outdoor porches above the first floor as play areas, unless the porches are fully enclosed and structurally sound.

(H) Sandboxes shall be covered with a lid or other covering when they are not in use.

(I) Bodies of water, other than water tables designed for children to play only with their hands in, shall be separated from the play area by a fence or other physical barrier (the house door is not a sufficient barrier) that prevents children from accessing the water. Wading pools shall only be accessible to children in accordance with rule 5101:2-14-23 of the Administrative Code.

OAC 5101:2-14-12

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5101:2-14-12 Safe equipment and environment for a licensed type B home provider

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(A) Safe environment:

(1) Firearms and ammunition materials shall be kept in locked storage areas and shall be stored separately from each other and away from the sight of children.

(2) The licensed type B home provider shall maintain an indoor temperature of at least sixty-five degrees Fahrenheit. If the temperature goes above eighty-five degrees, fan ventilation or air conditioning shall be provided.

(3) The home shall have both hot and cold running water. The temperature of the hot water shall not exceed one hundred twenty-five degrees Fahrenheit unless the provider demonstrates that the hot water faucet can be made inaccessible or inoperable when children are in care.

(4) Children in care shall be protected from any items and conditions which threaten their health, safety, and well being, including but not limited to: stoves, bodies of water, window covering pull cords, telephone cords, electrical cords/extension cords, asbestos, lead hazards, wells, traffic, provider's personal belongings, lawn mowers, tools and machinery and other hazards.

(5) If area rugs are used, they shall have a nonskid backing and floor surfaces shall be maintained to not cause a tripping hazard.

(6) If gates are used in the home, they shall be firmly anchored when in use. Gates at the top of stairs shall be wall mounted. Gates shall have no spaces where a child could become entrapped. Accordion style gates shall not be used.

(7) Handles of pots and pans placed on top of a stove or oven shall be directed inward so they are not easily accessible to children.

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

(9) Cleaning and sanitizing equipment and supplies shall be stored in a space that is inaccessible to children.

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

Cleaning agents, aerosol cans, and all other chemical substances shall be stored in a designated area in their original containers and/or clearly labeled.

(10) Mercury thermometers shall not be used and shall not be stored where children have access to them.

(11) 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.

(12) The provider shall ensure that there are no exposed light bulbs in any area of the home where child care is provided that could shatter or otherwise pose a risk to children. This does not include small, cool to the touch lights, such as holiday lights and window candle lights or lights that are designed to be uncovered.

(13) Unless toilets and sinks are of suitable height for use by the children, the home shall provide a sturdy, nonslip platform on which the children may stand.

(14) The home shall contain a kitchen sink, refrigerator and stove or microwave oven in good working condition.

(15) Lawnmowers, sharp tools, machinery and other equipment shall not be used or stored where children have access to them.

(16) All areas used by children shall be ventilated. All doors and windows must be screened when used for ventilation and shall be in good repair to prevent rodents and/or insects.

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

(18) All utilities shall be operable.

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(19) Hot tubs or spas shall not be used by the children and shall be inaccessible to them.

(B) Safe equipment:

(1) Equipment, materials, and furniture shall be sturdy, safe, and easy to clean and maintain. They shall also be free of sharp points or corners, splinters, or protruding nails; loose or rusty parts; paint which contains lead or other poisonous materials; or other hazardous features.

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

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

(4) Indoor swings (excluding infant swings), slides, climbers, and climbing apparatus shall not be placed over concrete, tile, or any similarly hard surface. There shall be shock absorbent protective covering under and around this equipment. The protective covering shall be used and placed according to manufacturers' guidelines.

(5) The provider shall not allow children in care to use trampolines.

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

(7) The provider shall follow consumer product safety commission guidelines, as updated, regarding safe use of equipment.

(C) Pets:

**Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes**

(1) A pet or animal shall be permitted if it presents no apparent threat to the safety or health of the children.

(2) All pets shall be properly housed, cared for, licensed and inoculated. All local and state ordinances governing the keeping of animals (exotic or domesticated) shall be followed. Verification of license and compliance with local and state requirements and inoculations, for each pet requiring such license or inoculations, or regulated by local or state government shall be on file at the provider's home.

(3) Children shall not be directly exposed to animal urine or feces inside the home or in the outdoor play area.

**OAC 5101:2-14-13**

**5101:2-14-13 Sanitary equipment and environment for a licensed type B home provider**

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

(1) Toilet tissue, liquid soap, running water, individually assigned towels or disposable towels shall be provided in all bathrooms. Toilets and bathroom sinks shall be in good working condition. Toilets shall be private and flushed after each use.

(2) Equipment, furnishings, and materials shall be constructed of materials to facilitate cleaning and shall be kept clean and in good repair.

(3) Accumulated trash and garbage shall be stored outside of the outdoor or indoor play area and shall not be accessible to the children.

(4) The home shall be cleaned daily and kept in a sanitary condition at all times. Cleaning or sanitizing shall not take place while rooms are occupied by children, except for general cleanup activities such as sweeping and vacuuming, which are part of the daily routine. The cleaning and sanitizing schedule contained in "Appendix A" to this rule shall be followed.

(5) The premises shall be kept in such condition as to prevent an infestation by insects or rodents.



Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(6) If the home's water is not publicly supplied, the provider shall contact the Ohio environmental protection agency (EPA) to determine if it qualifies as a public water system.

(a) If the water supply qualifies as a public water system, the provider shall comply with the Ohio EPA requirements.

(b) If the water supply does not qualify as a public water system, the provider shall contact the local health department to have the water tested and follow any additional requirements requested by the health department. The provider shall retain a copy of the water test in the home and made available upon request.

(7) On-site sewage disposal systems shall not present a public health hazard.

(B) Handwashing requirements for the provider and children are detailed in "Appendix B" to this rule.

(C) The provider shall provide a smoke free environment for the children during the hours that child care is being provided as detailed in "Appendix C" to this rule.

OAC 5101:2-14-13, App.

5101:2-14-13 Appendix A



Image 1 within document in PDF format.

OAC 5101:2-14-13, App.

5101:2-14-13 Appendix B



Image 1 within document in PDF format.

OAC 5101:2-14-13, App.

5101:2-14-13 Appendix C



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OAC 5101:2-14-14

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

**5101:2-14-14 Transportation and field trip safety for a licensed type B home provider**

(A) The licensed type B home provider shall have written and signed permission from the caretaker before transporting or escorting a child away from the home for field trips and routine trips as detailed in "Appendix A" to this rule.

(B) Children on a routine or field trip, except children being transported only to and from school, shall have a telephone number and name to contact in the event that the child becomes lost. The contact information shall be attached to the child.

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

(1) A completed copy of the JFS 01297 "Child Enrollment and Health Information for Type B Family Child Care and In-Home Aides" (rev. 8/2008) for each child on the trip.

(2) First aid supplies as required by rule 5101:2-14-15 of the Administrative Code.

(3) The completed JFS 01928 "Child Medical/Physical Care Plan" (rev. 1/2014), for any child who has a health condition which could require special procedures or precautions during the course of the trip. The provider shall also take supplies needed to provide such treatment.

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

(D) The provider, emergency or substitute caregiver or employee shall never leave children alone in a vehicle.

(E) The provider shall have a valid driver's license and insurance coverage, if he or she will be providing transportation. The provider is responsible for ensuring that anyone transporting the children has a valid driver's license, insurance coverage as required by state law, and written permission from the caretaker to transport children.

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(F) Only an employee or emergency or substitute caregiver who is be used in accordance with the requirements in rule 5101:2-14-09 of the Administrative Code may transport children without the provider present.


(G) The provider must adhere to the state of Ohio's child restraint law when transporting children in care.

(H) Children under twelve years of age shall not ride in the front seat of any vehicle.

**I) Smoking shall be prohibited in all vehicles when occupied by children.**

OAC 5101:2-14-14, App.

5101:2-14-14 Appendix

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OAC 5101:2-14-15

**5101:2-14-15 Child records requirements for a licensed type B home provider**

(A) The licensed type B home provider shall have a completed JFS 01297 "Child Enrollment and Health Information" (rev. 8/2008) on file for each child in care by the first day of attendance.

(1) This form shall be reviewed at least annually by the caretaker and updated as needed when information changes. Caretakers shall initial and date the form when the information is reviewed or updated.

(2) Each provider shall set a policy regarding whether to provide child care services to children whose caretakers refuse to grant consent for transportation to the source of emergency treatment.

(3) The provider shall send the child's JFS 01297 with any child who is being transported for emergency assistance.

**Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes**

(B) The caretaker for each child in attendance shall secure and have on file verification of a medical examination. Children who attend a grade of kindergarten and above in an elementary school are exempt from this requirement.

(1) A medical statement shall include the date of a medical examination within the past twelve months. This statement shall be on file at the home within thirty days of the child's date of admission and every thirteen months thereafter.

(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.

(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 immunization schedule is "Appendix A" to this rule.

(g) A statement of any immunization exemptions.

**Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes**

(C) If a special need or health condition is known or suspected, the provider shall require the caretaker to complete the JFS 01928 "Medical/Physical Care Plan" (rev. 1/2014). The provider shall review the information, assure that he or she understands the plan, receive training if required, have the form signed as needed and maintain a copy in the child's file.

(1) The plan shall be reviewed by the caretaker at least annually and updated as needed.

(2) The plan shall be on file with the provider by the first day of attendance or upon confirmation of a special need or health condition.

(3) If the provider suspects that a child has a special need or health condition, the provider can require a physician's statement within a designated timeframe.

(D) The provider, emergency caregiver, substitute caregiver, and employee shall be trained by a caretaker or certified professional before being permitted to perform medical procedures or other action needed for a health condition or special need.

(E) The provider shall maintain a current copy of the completed JFS 01297 for each child in care and a current JFS 01928 for any child who requires one, in a location that can be easily and quickly accessed and removed from the home if there is an emergency that requires the children to be moved to another location.

(F) The child's records shall be confidential and shall be disclosed only to the CDJFS or ODJFS, the child care provider, or to a person who has written authorization from the caretaker. The JFS 01297 may be disclosed in an emergency or substitute situation to the emergency or substitute caregiver, or to a health professional administering emergency care to the child.

(G) The provider shall set his or her own policy regarding whether or not he or she will administer medication. Only the provider, emergency caregiver, substitute caregiver or employee may administer medications and shall follow the requirements listed in "Appendix B" to this rule, including the storage of medication.

(H) Any medication errors that occur shall be documented on the JFS 01299 "Incident/Injury Report" (rev/6/2007). A medication error includes an error in:

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(1) The individual to whom it was administered.

(2) The medication that was administered.

(3) The dosage of medication administered.

(4) The time the medication was administered.

(5) The method by which the medication was administered.

OAC 5101:2-14-15, App.

5101:2-14-15 Appendix A



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OAC 5101:2-14-15, App.

5101:2-14-15 Appendix B



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OAC 5101:2-14-16

**5101:2-14-16 Medical, dental, first aid and communicable disease procedures for a licensed type B home provider**

(A) The licensed type B home provider shall have a written plan for medical or dental emergencies on the JFS 01929 “Medical, Dental and General Emergency Plan for Child Care Homes” (rev. 8/2008). The plan shall be completed, implemented when necessary, and shall be posted readily in view on each level of the home in use for child care.

(B) The provider shall prepare a report using the JFS 01299 “Incident/Injury Report” (rev. 6/2007) and provide a copy to the child’s caretaker on the day of the incident or injury if any of the following occur:

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(1) A child becomes ill and requires first aid or receives an injury which requires first aid treatment.

(2) A child is transported in accordance with this rule to a source of emergency assistance.

(3) A child receives a bump or blow to the head.

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

(C) The provider shall call and speak directly with staff at the county department of job and family services (CDJFS) the next business day of any of the following events:

(1) Death of a child at the home.

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

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

(D) The provider shall also provide written notification via the JFS 01299 to the CDJFS if an event listed in paragraph (C) of this rule occurs. The JFS 01299 shall be faxed, mailed or emailed to the CDJFS to arrive no later than three business days from the occurrence. This notification does not replace reporting to the county children's protective services agency if there are concerns of child abuse or neglect as required by rule 5101:2-14-20 of the Administrative Code.

(E) An unlocked, closed first-aid container shall be on the premises and readily available to the provider but shall be kept out of reach of children. The first-aid container shall contain all of the items listed in "Appendix A" to this rule.

**Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes**

(F) First aid supplies shall be replaced as they are used, expired, damaged or if sterile packages are opened.

(G) The provider shall have supplies to practice these basic procedures:

(1) Blood spills shall be treated cautiously and decontaminated promptly. Disposable 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) 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 that is prepared on a daily basis according to product guidelines or another acceptable sanitizing solution.

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

(4) 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.

(5) Sharp items used for procedures on children with special needs, such as lancets for finger sticks or syringes, require a disposable container called a "sharps container." This is a container made of durable, rigid material which safely stores the lancets or needles until the caretaker can take them home for disposal. Sharps containers shall be stored out of the reach of children.

(6) Hand washing with soap and water shall occur after the cleaning of any spill containing bodily fluids in accordance with rule 5101:2-14-12 of the Administrative Code.

(H) Upon the child's arrival each day, the provider shall observe each child for signs of communicable illness. The provider shall post the JFS 08087 "Communicable Disease Chart" (rev. 4/2009 or 9/2009) in an area easily accessible to caretakers. The provider shall:

(1) Notify caretakers when their child has been exposed to a communicable disease within twenty-four hours.



Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(2) Cooperate with the local health department in the management of any reported outbreaks of communicable disease.

(I) The provider shall decide if he or she will care for sick children as defined in “Appendix B” to this rule, and shall inform caretakers of his or her decision. If the provider cares for sick children, the provider shall follow the guidelines detailed in “Appendix B” to this rule.

(J) All the requirements of this rule shall apply if the provider’s own child is sick.

OAC 5101:2-14-16, App.

5101:2-14-16 Appendix A



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OAC 5101:2-14-16, App.

5101:2-14-16 Appendix B



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**OAC 5101:2-14-17**

**5101:2-14-17 Programming and materials for a licensed type B home provider**

**(A) Each day a copy of the daily program schedule shall be posted in a visible place in the licensed type B home and include:**

**(1) Opportunities for both quiet and active play suitable to the developmental levels and abilities of each child in care.**

(2) Activities to promote the children’s physical, social-emotional, cognitive and language development.

(3) Opportunities for periods of child initiated activities such as, imaginative play, language development, and

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

creative activities.

(4) Outdoor play in suitable weather for any toddler, preschool, and school child in attendance four or more consecutive daylight hours. There shall be a written policy followed by the provider which lists limitations placed on outdoor play due to weather or safety issues in the written agreement required in paragraph (B)(6) of rule 5101:2-14-06 of the Administrative Code. Considerations may include temperature, humidity, wind chill, ozone levels, pollen count, lightning, rain or ice.

(5) 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.

(B) The provider shall:

(1) Provide durable furniture such as tables and chairs. This furniture shall be child sized or safely adapted for use by children.


(2) Provide developmentally appropriate play materials to be used as part of the provider's daily program. These materials shall be visible, readily accessible, and arranged in an orderly manner so that children have opportunities to select, remove, and replace play materials with a minimum of assistance during the day. Examples are in "Appendix A" to this rule.

(3) Ensure that equipment, materials, and furnishings provided for both indoor and outdoor play are sufficiently varied and adequate to meet the developmental needs of the children.

(4) Provide enough play materials and equipment so that, at any one time in the daily program, each child can be actively involved in play with developmentally appropriate equipment or materials.

OAC 5101:2-14-17, App.

5101:2-14-17 Appendix

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OAC 5101:2-14-18

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

**5101:2-14-18 Group size for a licensed type B home provider**

(A) The licensed type B home provider may provide child care for no more than six children at any one time. No more than three of those children may be under two years of age.

(B) Any child present at home who meets any of the following shall be counted in the group size:

(1) All children under six years old.

(2) Children six years old through fourteen years old who are not related to the provider.

(3) Children six years old through seventeen years old who are related to the provider and for whom care is privately or publicly funded.

(4) Children fifteen years of age through seventeen years old who are not related to the provider and for whom care is privately or publicly funded.

(5) Foster children shall be counted as a child not related to the provider.

(C) If the caretaker of a child is also present, the child does not count in group size, unless the caretaker is the provider, assistant, employee, emergency caregiver or substitute caregiver.

(D) The provider shall maintain a daily attendance record indicating the hours of child care services provided for each (public and private) child.

**OAC 5101:2-14-19**

**5101:2-14-19 Sleeping and napping requirements for a licensed type B home provider**

(A) The licensed type B home provider shall have a quiet space for children who want to rest or nap. Rest or nap time shall be in accordance with the developmental needs of the child.

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

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(1) No child shall be permitted to rest or nap on the floor.

(2) The provider may assign beds, couches, cots, pads or mats to individual children.

(a) An air mattress designed for overnight sleeping may be used. All manufacturer's warnings must be followed. Air mattresses designed for use as flotation devices shall not be used for napping or sleeping.

(b) The provider shall sanitize sleeping surfaces with an appropriate germicide before assignment to another child.

(c) Each couch and bed used shall have clean bed linens changed at least weekly.

(d) Bed linens shall be laundered before another child uses them pursuant to rule 5101:2-14-13 of the Administrative Code.

(3) Children may only rest or nap on mats or pads, if floors are carpeted, clean, warm, dry and draft free. Mats or pads shall be at least one and one half inches thick.

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

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

(6) Evacuation routes shall not be blocked by resting or napping children. Each child shall have a free and direct means of escape, and the provider shall have a clear path to each resting child.

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(B) Each infant in attendance shall have a separate crib or playpen that meets the following requirements:

(1) Cribs, playpens and mattresses shall be thoroughly cleaned with soap and water and sanitized with an appropriate germicide at least monthly and before use by another child. The sheet shall be changed before use by another child.

(2) Cribs and playpens shall be used according to manufacturer's instructions. The use of the crib or playpen shall be discontinued when the child is able to climb out or reaches the height of thirty-five inches.

(3) Cribs and playpens shall be used with the mattress supports in their lowest positions.

(4) An infant sixteen months or older may use a cot, pad, or mat with written caretaker permission.

(5) The cribs or playpens may be placed in storage in the residence if the infant to which it was assigned is no longer using it.

(6) If the use of a crib or playpen is considered hazardous for an infant, regardless of age, the infant may use a cot, pad, or mat with written permission from the caretaker.

(7) Each crib and playpen shall be of sturdy construction, and have:

(a) Closely spaced bars and with corner posts that do not exceed one sixteenth of an inch above the top of the end panel.

(b) Spaces between the bars of the crib or playpen and between the bars and end panels of the crib or playpen shall not exceed two and three-eighths inches.

(c) Playpen mesh openings shall be less than one quarter inch.

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(8) Each crib shall have a firm mattress that is at least one and one half inches thick. Each playpen shall have a firm mattress or pad that does not exceed one inch in thickness.

(a) The space between the mattress and the side or end panels of the crib or playpen shall not exceed one and one-half inches.

(b) Each mattress shall have a properly fitted clean sheet that is changed at least weekly, and more often as necessary.

(c) Each mattress shall be securely covered with a waterproof material which can be thoroughly sanitized and is not dangerous to children. The waterproof cover shall be free of rips or tears.

(d) Bumper pads shall not be used.

(e) Nothing shall be placed or be hung over the side that obstructs the provider's visibility of the infant.

(f) Infants shall not be placed in cribs or playpens with bibs or any other items which could pose a strangulation or suffocation risk.

(g) Infants shall be placed in their cribs or playpens for sleeping, and shall not be allowed to sleep in bassinets, swings, car seats or other equipment. If a medical condition exists where a child needs to sleep in equipment other than a crib or playpen, written permission shall be obtained from a physician and shall be on file.

(h) Infants shall be placed on their backs to sleep unless the caretaker provides written authorization on the JFS 01930 "Sleep Position Waiver" (rev. 1/2014) signed by the child's physician. The JFS 01930 shall be maintained on file for review. Infants who are able to turn themselves over shall be placed initially on their back for sleeping but allowed to sleep in a position they prefer.

**Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes**

(i) Cribs or playpens shall not be used for storage of toys and other materials.

(C) Any crib manufactured before June 28, 2011 shall have a certificate of compliance (COC) on file to be permitted for use. Providers may have to contact the manufacturer of the crib to receive a COC if they do not request one from the retailer when they purchase the crib. Cribs with a documented manufacture date after June 28, 2011 have to meet the new federal standards to be sold, so they do not require a COC.

(D) Stacked cribs are prohibited.

**OAC 5101:2-14-20**

**5101:2-14-20 Supervision of children and child guidance for a licensed type B home provider**

(A) The licensed type B home provider shall be responsible for each child's safety while child care is being provided. The provider shall:

(1) Leave no child unsupervised. Supervision means the provider has knowledge of a child's needs and accountability for his or her care at all times. Supervision includes awareness of and responsibility for the activity of each child and being near enough to intervene if needed.

(2) Ensure all children in care are within sight or hearing of the provider at all times.

(3) Not be under the influence of any substance that impairs his or her ability to supervise children and/or perform duties.

(4) Always have immediate access to a working telephone on the premises which is available and capable of making outgoing calls and receiving incoming calls.

(5) Only release a child to the caretaker or to a person who has been previously approved by the caretaker.

(6) Immediately notify the public children services agency if the provider suspects that a child has been abused or neglected. The provider shall also notify the county job and family services (CDJFS) within the next business day.

(7) Supervise outdoor play.

(a) The provider shall remain outdoors with infants, toddlers, and preschoolers at all times.

(b) School age children may be permitted outdoors without the provider as long as the children remain within sight and hearing of the provider and are not engaged in higher risk activities such as but not limited to: swimming, activities with animals, or using equipment with motors or moving parts. The provider shall always be able to intervene if needed.

(c) When the outdoor play space is not on the premises, the provider shall accompany and supervise children of any age in transit and at the outdoor play space.

(B) The provider shall be responsible for child guidance and management. The provider shall:

(1) Use developmentally appropriate child guidance and behavior techniques listed in “Appendix A” to this rule.

(2) Not use the prohibited discipline techniques listed in “Appendix A” to this rule.

OAC 5101:2-14-20, App.

5101:2-14-20 Appendix

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**OAC 5101:2-14-21**

**5101:2-14-21 Meal preparation/nutritional requirements for a licensed type B home provider**

(A) The licensed type B home provider is responsible for serving varied, nutritious, and appropriately timed meals and snacks as described in “Appendix A” to this rule. When preparing meals, the provider shall store and serve foods in a safe and sanitary manner.



Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(B) For meals and snacks, the provider shall follow the portion sizes and nutritional requirements of "Appendix B" to this rule.

(C) A currently dated, weekly menu shall be posted in a visible place readily accessible to caretakers and shall include all meals and snacks served by the provider. Any substitutions shall be noted at the time of the change.

(D) The provider shall provide the food for the preparation or serving of meals and snacks to the child, unless the caretaker chooses to provide food. Unless otherwise directed in writing by a physician, physician's assistant or certified nurse practitioner (CNP), the provider shall serve:

(1) Children under twelve months of age, formula or breast milk. green and pink

(2) Children older than twelve months but under twenty-four months of age, breast milk or whole, pasteurized, homogenized vitamin D fortified cow's milk.

(3) Children twenty-four months of age or older, fluid one per cent or skim milk that is pasteurized and vitamin A and D fortified.

(E) Reconstituted dry powdered milk shall be used only for cooking and shall not be used as a beverage.

(F) Only one hundred per cent, undiluted, fruit or vegetable juice may meet the fruit or vegetable requirement for meals or snacks.

(G) The provider shall have a physician's written instructions if administering a modified diet or food supplement to any child.

(H) Milk and milk products used or served shall be "Grade-A" pasteurized.

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(I) Potentially hazardous foods such as, but not limited to, milk, milk products, eggs, meat, poultry, fish, cooked rice, baked or boiled potatoes shall be refrigerated at a temperature at or below forty degrees Fahrenheit.

(J) Eating and drinking utensils and meal preparation and serving areas shall be clean and safe.

OAC 5101:2-14-21, App.

5101:2-14-21 Appendix A



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OAC 5101:2-14-21, App.

5101:2-14-21 Appendix B



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5101:2-14-22 Infant care and diaper care for a licensed type B home provider

(A) Daily care:

(1) The licensed type B home provider shall allow infants to safely and comfortably sit, crawl, toddle, walk and play according to the infant's stage of development, in a designated space that does not allow the infant to access the underside of the crib.

(2) The provider shall remove each infant from the crib, swing, infant seat, exercise seat or other equipment throughout the day for individual attention.

(3) The provider shall maintain a daily written record for each infant that is provided to the infant's caretaker on a daily basis. The record shall include the following information:

(a) Food intake.

(b) Sleeping patterns.

(c) Times and results of diaper changes.

(d) Information about daily activities.

(4) Each infant shall be removed from his or her crib or playpen for all feedings. Infants shall be held or fed sitting up for bottled feedings. At no time shall a bottle be propped for an infant.

**(B) Bottle and food preparation:**

(1) Infant food shall be prepared and served in a manner appropriate to the developmental needs of each child. The provider shall introduce new foods only after consultation with the caretaker. The provider shall comply with written feeding instructions from the caretaker, infant's physician, physician's assistant or certified nurse practitioner (CNP), which shall include the following:

(a) Type of food and/or formula.

(b) Amount of food and/or formula.

(c) Feeding times or frequency of feedings.

green and pink

(2) Formula, breast milk, or other liquids in a bottle shall not be heated in a microwave oven.

(a) If formula or breast milk is to be warmed, bottles shall be placed in a container of hot, not boiling, water or be placed in a commercial bottle warmer. The container of water shall be emptied and cleaned each day. The bottle shall be shaken well, and the formula or breast milk temperature tested before feeding.

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(b) Frozen breast milk shall be thawed under cold running water or in the refrigerator.

(3) 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.

(4) The provider shall store, prepare and serve food, formula and breast milk in a safe and clean manner.

(5) If infant formula is prepared by the provider, it shall be prepared according to the manufacturer's instructions or instructions from the infant's physician, physician assistant or CNP.

(6) Providers who care for formula-fed infants shall have the appropriate commercially prepared formula for the infant available in the home in the event that the caretaker does not provide a quantity sufficient to meet the infant's daily needs.

(7) Open containers of ready-to-feed and concentrated formula shall be covered, dated and refrigerated according to the manufacturer's instructions. Prepared formula and food shall be discarded or sent home daily if not used.

(8) All formula or prepared food shall be labeled with the infant's name and date of preparation. All formula shall be refrigerated immediately after preparation or upon arrival if the formula is prepared by the caretaker and sent home daily. All commercially prepared food shall be stored according to manufacturer's instructions and not served after the expiration date.

(9) If breast milk is provided by the caretaker, it shall be labeled with the infant's name, the date pumped, and the date the bottle was prepared. Providers shall follow the chart in "Appendix A" to this rule for storing breast milk.

(C) Diapering:

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(1) The provider shall check diapers at least every two hours. Diapers shall be changed immediately when wet or soiled.

(2) Clothing shall be changed immediately when wet or soiled.

(3) When changing diapers the provider shall comply with the following:

(a) The provider shall wash all soiled areas of the child's body with either a wash cloth which is then appropriately sanitized or a disposable wipe.

(b) If a diaper-changing surface is used to change more than one child, the provider shall place a disposable separation material between the child and the changing surface. A different separation material shall be used for each child. The diaper changing surface shall be sanitized after each diaper change with an appropriate sanitizer. If the surface is visibly soiled, it shall be cleaned with soap and water prior to sanitizing.

(c) If an infant's diapers are to be changed in a crib, there shall be a separation material between the infant and the crib sheet. If the bedding becomes wet or soiled during the diaper change, it shall be replaced with clean bedding.

(d) No child shall be left unattended on the diaper changing table.

(4) The provider shall ensure the caretaker provides a clean supply of diapers and an extra change of clothing that shall be available at all times.

(5) The provider shall store and launder soiled diapers or clothing as follows:

(a) If soiled diapers or clothing are to be sent home with a caretaker, the provider shall store the diapers or clothing for no longer than one day in an individual covered container or plastic bag away from the child's belongings and out of the reach of children.

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(b) The provider shall store soiled diapers and diapering washcloths, which are to be laundered in the home, in a covered container with sanitizing solution.

(c) If soiled diapers are to be commercially laundered, the provider shall hold them for laundering pickup for no longer than seven days.


(d) The provider shall store soiled disposable diapers in a plastic-lined covered container that prevents hand contamination and is not easily accessible to children and discard diapers daily or more frequently as needed to eliminate odor.

(e) If the provider is laundering diapers, the provider shall follow the manufacturer's guidelines.

(6) Toilet training shall occur based on a child's readiness and consultation with the caretaker regarding practices in the child's home. The provider shall ensure that toilet training is never forced.

OAC 5101:2-14-22, App.

5101:2-14-22 Appendix

 Image 1 within document in PDF format.

OAC 5101:2-14-23

5101:2-14-23 Swimming and water safety requirements for a licensed type B home provider

(A) If the licensed type B home provider has a swimming pool located on the premises, the provider shall make the pool inaccessible to children who are in care by a fence or other physical barrier (the house door is not a sufficient barrier) that prevents children from accessing the water. The provider shall not permit use of the pool by children in care.

(B) The provider may use wading pools less than eighteen inches in wall height regardless of the amount of water put into it.

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(1) Wading pools shall be filtered or emptied daily, and portable wading pools shall be disinfected daily or more often if needed.

(2) The provider shall supervise children at all times while a wading pool is in use and shall be able to clearly see all parts of the wading area.

(C) Approved off-site swimming sites shall meet all state and local guidelines for environmental health inspections. Activities in pools more than eighteen inches in depth shall be supervised by individuals who are currently certified as lifeguards or water safety instructors by the "American Red Cross" or an equivalent water safety program, as determined by the department. Swimming activities shall not be permitted in lakes, rivers, ponds, creeks, or other similar bodies of water.

(D) The provider shall accompany and supervise children at water play and swimming sites, unless the caretaker has given written permission for a school age child to participate in water activities away from the provider's home. The provider shall actively supervise children and shall be able to clearly see all parts of the swimming area, including the bottom of the pool. The provider shall not serve as the life guard.

(E) The type B home provider shall obtain written permission from the caretaker:

(1) Before the child is permitted to swim in water more than eighteen inches.

(2) Before infants and toddlers use wading pools.

(F) The written permission shall be valid for twelve months or until withdrawn by caretaker. The written permission shall be signed and dated by the caretaker, be on file for twelve months, and include all of the following:

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

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

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(3) The location of any approved off-site swimming site.

(4) The date or dates that swimming will occur.

(5) A statement that the caretaker grants permission for the child to participate.

(G) The provider shall always accompany and closely supervise children in accordance with rule 5101:2-14-20 of the Administrative Code for all approved water activities.

**OAC 5101:2-14-24**

**5101:2-14-24 Evening and overnight care requirements for a licensed type B home provider**

(A) Evening and overnight care is when children are in attendance any time between the hours of seven p.m. and six a.m. If the licensed type B home provider has evening or overnight care:

(1) The provider and/or employee shall remain awake until all children are asleep. When children sleep in the evening or overnight, the provider shall have a monitoring device that ensures sight or hearing at all times.

(2) Children under the age of five shall sleep on the same floor as the provider.

(3) The home shall provide adequate lighting indoors in all areas, including bathrooms, hallways, and sleeping rooms to ensure that children can be seen by the provider. If caretakers are scheduled to arrive or depart after daylight hours, the provider shall assure that outdoor walkways and entrances to be used are adequately lit for safety and security.

(4) Children shall only sleep during evening and overnight care in areas that have been approved for sleeping.

(5) Each child in care during evening and overnight hours shall be provided with an individual crib, playpen, cot, mattress, couch, or bed and blankets in accordance with rule 5101:2-14-19 of the Administrative Code.



Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(6) Each child who sleeps at the home for four or more hours shall have clean, comfortable sleeping clothes.

(7) Bedtime routines shall be developed in consultation with the caretaker of the children.

(8) The provider shall have a program of activities before bedtime which allows for children's individual choices and needs. Activities may include meals, play, homework, relaxation, personal grooming, and outdoor play during daylight hours.

green and blue

(B) The provider shall provide for additional hygiene stipulations during evening and overnight care which include:

(1) Washing and changing clothes according to children's developmental needs.

(2) Separating school-age boys from school-age girls during washing and while changing clothes to ensure privacy.

(3) Changing bed linens at least weekly, if soiled, or if assigned to a different child.

(4) Provide each child with a clean, individual washcloth, towel, and toothbrush labeled with the child's name and stored in a sanitary manner.

(5) Children having with access to running water, soap and toothpaste.

(6) If bathing facilities are used at the home, bath tubs and showers shall be cleaned and sanitized after each use and shall be equipped to prevent slipping. All children shall bathe separately. The tub or showers do not have to be sanitized between uses if the children are siblings and the parent has provided written consent.

OAC 5101:2-14-25

5101:2-14-25 County department of job and family services licensing responsibilities for type B home providers

**Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes**

(A) What are the responsibilities of the county department of job and family services (CDJFS) staff for licensing type B home providers?

(1) The county department of job and family services (CDJFS) shall train anyone employed by the CDJFS to inspect or investigate type B homes using the curriculum provided by the Ohio department of job and family services (ODJFS).

(a) The training shall be documented using the form included with the curriculum. Documentation shall be maintained on file at the CDJFS. The documentation shall remain on file for at least three years after the person is no longer conducting inspections or investigations of type B homes.

(b) The training shall be completed prior to the person conducting inspections or investigations.

(c) Anyone conducting inspections or investigations prior to the effective date of this rule shall complete the training within one year of the curriculum being released.

(d) If the curriculum is revised, the CDJFS shall document that anyone conducting inspections or investigations has reviewed the revised materials or has completed the training again.

(2) The CDJFS shall comply with all requirements set forth in Chapter 5104. of the Revised Code and Chapter 5101:2-14 of the Administrative Code.

(B) What are the CDJFS requirements for provider training?

(1) The CDJFS shall arrange, provide or purchase, a minimum of eighteen hours of training per year for licensed type B providers on subjects contained in rule 5101:2-14-08 of the Administrative Code, including the health and safety training.

(2) The CDJFS may charge providers a fee for participation in the training event provided that the total amount does not exceed the cost of the event. All fees received must be reported on the JFS 02827 "Public Assistance (PA) Quarterly Financial Statement" (rev. 10/2011).

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(3) The CDJFS shall notify providers in advance of the scheduled training.

(C) What are the on-going CDJFS review requirements for licensed type B home providers?

(1) The CDJFS shall review:

(a) Bureau of criminal identification and investigation criminal records check (BCII) results for all individuals listed in rule 5101:2-14-07 of the Administrative Code, every five years from the date of the check.

(b) JFS 01329 "Statement of Nonconviction for Type B Homes and In-Home Aides" (rev. 1/2014), annually.

(c) JFS 01302 "Request for Child Abuse and Neglect Report Information" (rev. 1/2014).

(2) If the CDJFS determines that any of the BCII indicate a prohibitive offense as defined in paragraph (D) of rule 5101:2-14-07 of the Administrative Code, the CDJFS shall determine if the individual meets rehabilitation standards as detailed in "Appendix A" to rule 5101:2-14-07 of the Administrative Code.

(3) The CDJFS shall use the JFS 01527 "Notification of Criminal Records Check and Child Abuse and Neglect Check for Employees and Assistant" (1/2014) to notify the provider of the results of this review.

(D) What documentation must be maintained and what can be shared?

(1) The CDJFS shall maintain a case file on all licensed type B providers. The following certification and licensing documents shall be included in provider's file using the following retention schedule :

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(a) The initial application and all supporting documentation (until the license is revoked or closed).

(b) For the provider and all individuals in the home as required by rule 5101:2-14-07 of the Administrative Code:

(i) Results of criminal records checks and completion of rehabilitation standards, if applicable (retain the most recent checks and rehabilitation standards).

(ii) JFS 01329 as required by rule 5101:2-14-07 of the Administrative Code (for five years from the date of the signature).

(iii) Results of the JFS 01302 (for five years from the date of the check).

(c) Inspection reports (for five years from the date of the report).

(d) All correspondence (for five years from the date of the correspondance).

(e) Compliance materials (for five years from the date of the materials).

(f) Copies of all written notices to the provider (for five years from the date of the notices).

(2) The CDJFS shall maintain the following certification and licensing documents in the type B home provider's file for each approved emergency caregiver or substitute caregiver, assistant or employee, using the following retention schedule:

(a) JFS 01923 "Emergency/Substitute Caregiver Statement" (rev. 1/2014) or JFS 01527 as required by rule

**Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes**

5101:2-14-09 of the Administrative Code (until the license is closed or revoked).

(b) Results of the criminal records checks and completion of rehabilitation standards required by rule 5101:2-14-07 of the Administrative Code (retain the most recent checks and rehabilitation standards).

(c) JFS 01329 as required by rule 5101:2-14-07 of the Administrative Code (for five years from the date of the signature).

(d) Results of the JFS 01302 as required by rule 5101:2-14-09 of the Administrative Code (for five years from the date of the check).

(3) The files required in paragraphs (C)(1) and (C)(2) of this rule shall be maintained according to the retention schedule for all open licenses. If a license is closed or revoked, the CDJFS shall maintain the provider file for two years after the date the license is closed or revoked.

(4) The CDJFS shall not disseminate the following confidential information:

(a) Child abuse and neglect investigative records, pursuant to sections 5101.131 and 2151.421 of the Revised Code and rules 5101:2-33-21 and 5101:2-33-22 of the Administrative Code.

(b) The identity of an information source or witness to whom confidentiality has been reasonably promised.

(c) Any information, when such information would reasonably tend to disclose the identity of one to whom such confidentiality has been reasonably promised.

(d) Results of any criminal records check on an applicant, provider, adult residing in the type B provider's home, employee, assistant, emergency caregiver or substitute caregiver, except that these records are available to the person who is the subject of the criminal records check, his or her representative, and any court, hearing officer, or other necessary individual involved in a case dealing with denial or revocation of certification related to the criminal records check.

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(e) The disposition of any investigation requested by a CDJFS from the PCSA concerning reports of child abuse or neglect on an applicant, provider, adult residing in the type B home, employee, assistant, emergency caregiver or substitute caregiver. The CDJFS shall not provide to the person who is the subject of the records check any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports.

(f) Provider medical records pertaining to the medical history, diagnosis, prognosis, or medical condition of the provider, which are generated and maintained in the process of medical treatment, except as authorized by section 1347.08 of the Revised Code if requested by the subject of the report.

(5) As needed, the CDJFS shall share information with the PCSA or a law enforcement agency concerning an investigation of alleged child abuse or neglect.

(6) A provider shall have the right to access, review and make copies of any information in the CDJFS or ODJFS files of the provider, except information prohibited by state or federal law. The provider may be accompanied by a union representative or other legal representation for this purpose and/or may authorize a union representative or other legal representative to access such information.

(7) The CDJFS is responsible for sharing all provider, client, and fiscal information with ODJFS during the course of a monitoring review of its licensing program or if ODJFS is investigating a complaint involving the CDJFS.

(8) ODJFS shall have access to all information in the provider's file.

(E) Can the CDJFS require any additional requirements?

(1) Additional requirements approved prior to January 1, 2014 shall continue as long as there is no cost to the provider.

(2) The CDJFS shall:

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(a) Notify all providers and applicants of the additional requirements, upon approval.

(b) Make the requirements available in writing to the public upon request.

(F) What does the CDJFS need to report annually to ODJFS?

(1) The number of providers for whom the CDJFS waived the six hour break requirement pursuant to rule 5101:2-14-06 of the Administrative Code.

(2) The number of providers who provide care only during non-traditional hours and the inspection history for those providers pursuant to rule 5101:2-14-03 of the Administrative Code.

(3) For those required to have a criminal records check pursuant to rule 5101:2-14-07 of the Administrative Code, the number for whom rehabilitation standards were determined and were approved or denied.

(4) The number of orientation sessions scheduled or held with the number of attendees, pursuant to rule 5101:2-14-02 of the Administrative Code.

(5) Impact of additional requirements approved pursuant to paragraph (E) of this rule.

**OAC 5101:2-14-26**

**5101:2-14-26. Records requirements for professional certification as a type B home provider or in-home aide--Repealed**

**OAC 5101:2-14-27**

**5101:2-14-27. Care of children with special needs or health conditions for professional certification as a type B home provider or in-home aide--Repealed**

**OAC 5101:2-14-28**

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

5101:2-14-28. Medical and dental emergency plan for professional certification as a type B home provider or in-home aide--Repealed

OAC 5101:2-14-29

5101:2-14-29. First-aid supplies and procedures for professional certification as a type B home provider or in-home aide--Repealed

OAC 5101:2-14-30

5101:2-14-30 Application and approval for certification as an in-home aide

(A) "In-Home Aide" (IHA) means a person who does not reside with the child but provides child care to a child in the child's own home. The home will be approved and inspected by the caretaker, IHA and the county department of job and family services (CDJFS).

(B) A resident of Ohio who wishes to become an IHA to provide publicly funded child care shall contact the CDJFS in the county in which the caretaker resides to request the JFS01642 "In-Home Aide Application and Assurances" (rev. 01/2014).

(1) An application is considered to be complete when the applicant has submitted all documentation outlined in Appendix A to this rule. Applications that are not complete within ninety days shall be denied.

(2) An application that is missing only the results of the bureau of criminal identification and investigation (BCII) and/or federal bureau of investigation (FBI) criminal records check is exempt from the ninety day timeline. All other information shall be complete and on file with the CDJFS to qualify for this exemption.

(C) The caretaker and IHA shall assure and verify in writing on the JFS 01642 annually that minimum health and safety standards are being met in the caretaker's home.

(D) The IHA shall comply with a pre-certification visit and annual unannounced inspections.

(E) A certificate is valid only for the provider, address and maximum number of children designated on the certificate.



Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(F) The certificate is valid for two years, unless one of the following:

(1) The caretaker moves to a new address.

(2) The IHA notifies the CDJFS either verbally or in writing of his or her voluntary withdrawal from certification.

(3) It is revoked pursuant to rules 5101:2-14-31, 5101:2-14-32 or 5101:2-14-33 of the Administrative Code.

(G) At the time the CDJFS issues the certificate, the certified IHA shall complete and submit a provider agreement and all information required in the provider portal which is located at <http://jfs.ohio.gov/cdc/childcare.stm> . This information shall be submitted before the first day publicly funded child care services are provided.


(H) The IHA shall post the certificate in the home in a visible place that is accessible to the caretaker at all times.

(I) The certified IHA or the caretaker shall notify the CDJFS at least ten days prior to the caretaker moving to a new address. Upon completion of a new inspection, the CDJFS shall issue a new certificate to the new address and the original certification shall be maintained.

(J) An individual certified by the CDJFS as an IHA to provide publicly funded child care services is an independent contractor and is not an employee of the CDJFS that issued the certificate or Ohio department of job and family services (ODJFS).

OAC 5101:2-14-30, App.

5101:2-14-30 Appendix

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**OAC 5101:2-14-31**

**5101:2-14-31 Qualifications for certification as an in-home aide**

(A) The in-home aide (IHA) shall complete all application requirements in accordance with “Appendix A” of rule

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

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

5101:2-14-30 of the Administrative Code and shall:

(1) Be at least eighteen years old and for those individuals certified after April 1, 2003, have completed a high school education as verified by "Appendix A" to this rule.

(2) Be physically, intellectually and emotionally capable of complying with Chapter 5101:2-14 of the Administrative Code and performing activities normally related to child care. These include, but are not limited to, providing meals, dealing with emergencies in a calm manner, carrying out methods of child guidance and discipline in a courteous, respectful and patient manner and keeping accurate records as required by this chapter.

(3) Verify completion of Health and Safety training as described in "Appendix B" to this rule and submit a completed JFS 01924 "Inservice Training for Type B Home and In-Home Aide Child Care Providers" (rev. 8/2008) signed by an approved trainer.

(4) Be currently certified in first aid and cardiopulmonary resuscitation (CPR) as described in "Appendix B" to this rule.

(5) Maintain a copy of the certificate in his or her files.

(6) Not be involved in any activities which interfere with the care of children. The IHA shall not be involved in any employment during the hours in which care is provided.

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

(B) The IHA shall comply with the bureau of criminal identification and investigation (BCII) criminal records check and federal bureau of investigation (FBI) criminal records checks and the JFS 01329 "Statement of Nonconviction for Type B Homes and In-Home Aides" (rev. 01/2014) shall indicate that the IHA applicant has not been convicted of or pleaded guilty to the offenses listed in divisions (A)(4) and (A)(5) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code, and has not had a child removed from their home pursuant to section 2151.353 of the Revised Code.

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

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(1) The IHA may electronically submit the fingerprints according to the process of BCII and have the results provided to the county department of job and family services (CDJFS). Information on how to obtain a criminal records check can be found at <http://www.ohioattorneygeneral.gov/Business/Services-for-Business/WebCheck>

(2) The CDJFS may charge a fee for the costs incurred in obtaining a criminal records check. A fee charged by the CDJFS shall not exceed the fee paid by the CDJFS to BCII or to the agency submitting the criminal records check request to BCII.

(3) Every five years, the CDJFS shall obtain the results of the BCII criminal records check for the IHA. Additionally, the CDJFS may request the FBI criminal records check every five years. When each new BCII criminal records check is received , the CDJFS shall act in accordance with rule 5101:2-14-11 of the Administrative Code.

OAC 5101:2-14-31, App.

5101:2-14-31 Appendix A



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OAC 5101:2-14-31, App.

5101:2-14-31 Appendix B



Image 1 within document in PDF format.

OAC 5101:2-14-32

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5101:2-14-32 In-home aide responsibilities and assurances

(A) The in-home aide (IHA) shall maintain a file with the following information:

(1) Child's name.

(2) Child's date of birth.

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(3) Days of week and hours in child care.

(4) Date child care services began.

(5) Proposed ending date of child care services.

(B) The IHA shall not smoke in the home where child care is being provided.

(C) The IHA shall have immediate access at all times to a working telephone on the premises that is capable of receiving incoming calls and making outgoing calls.

(D) Children will nap/sleep in their own beds or cribs.

(E) Infants will be placed on their backs to sleep.

(F) The IHA shall provide daily outdoor play, weather permitting.

(G) Bottles will not be propped and formula/breast milk will be stored in accordance with the JFS 01642 "In-Home Aide Application and Assurances" (rev. 1/2014)

(H) Toilet training is based on the child's readiness, and is in consultation with the caretaker.

(I) When transporting children, the IHA shall not leave children unattended in a vehicle.

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

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(J) The IHA shall have signed permission forms to transport children on a routine basis or for field trips. The permission form will include:

(1) Child's name.

(2) Destination.

(3) Date of trip(s).

(4) Time and duration of the field trip.

(5) Caretaker's signature and date.

(K) The IHA shall not use or allow anyone in the home to use methods of discipline that will harm a child. These would include but are not limited to the prohibited offenses listed in "Appendix A" to this rule.

(L) The IHA shall have the JFS 01297 "Child Enrollment and Health Information" (rev. 8/2008) on file for all of the children in care by the first day of care, including any child of the IHA. This record shall be reviewed and updated annually by the caretaker. Each IHA will set a policy regarding whether to provide child care services to children whose caretakers refuse to grant consent for transportation to the source of emergency treatment.

(M) The IHA shall have verification of a medical exam on file for each child in care, including any child of the IHA. Children who attend a grade of kindergarten and above in an elementary school are exempt from this requirement.

(1) A medical statement shall include the date of a medical examination within the past twelve months. This statement shall be on file at the home within thirty days of the child's date of admission and every thirteen months thereafter.

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(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.

(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).

(g) A statement of any immunization exemptions.

(N) The IHA shall maintain daily written attendance records, indicating the hours of care provided for each child.

(O) Prior to administering any nonprescription or prescription medication, the IHA shall have written permission of the caretaker and physician as required, using the JFS 01644 "Permission to Administer Medication" (rev. 8/2008). When giving prescription medicine the IHA shall ensure the bottle has the child's name on it, the dosage and the name of the doctor who prescribed the medicine. The IHA shall ensure that when dispensing prescription medications to a child that the instructions 5101:of the physician who prescribed the medication are followed. The caretaker shall call the physician who prescribed medication for a child in his or her care to report all unfavorable or dangerous side effects from the use of the medication.

**Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes**

(P) The IHA shall provide nutritious, varied and appropriately timed meals and snacks for all children in accordance with the caretaker's wishes.

(Q) The IHA shall immediately contact the local child protective services agency when he or she suspects that a child receiving care has been or is at risk of being abused or neglected.

(R) The IHA shall contact the CDJFS by the next business day when the IHA discontinues caring for children.

(S) For any of the following adverse actions proposed by the county department of job and family services (CDJFS), the IHA may submit a written request for a county appeal review to the CDJFS no later than fifteen calendar days after the mailing date of the CDJFS notification of the proposed adverse action.

(1) Denial of an application for certification.

(2) A decision made on an inspection or complaint investigation.


(3) Proposal to revoke a certificate.

(4) Notice that a certificate will not be renewed.

(5) Notificaiton of action to recover an overpayment.

**OAC 5101:2-14-32, App.**

**5101:2-14-32 Appendix**

 Image 1 within document in PDF format.

**OAC 5101:2-14-33**

**5101:2-14-33 Safety requirements for in-home aides**

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(A) The in-home aide (IHA) shall provide a safe, sanitary and healthy environment when children are present.

(B) The IHA shall always be within sight or hearing of a child.

(C) The IHA shall prepare a report to be given to the child's caretaker on the day of the incident/injury/illness and kept on file in the home using the JFS 01299 "Incident/Injury Report" (rev. 6/2007).

(D) If any of the following incidents occur, the IHA shall give the county department of job and family services (CDJFS) verbal notification by the next business day. The JFS 01299 shall be completed and faxed or mailed to the CDJFS to arrive no later than three business days from the occurrence. This notification does not replace reporting to the county children's protective services agency if there are concerns of child abuse or neglect as required by rule 5101:2-14-32 of the Administrative Code.

(1) Death of a child while in the care of the IHA.

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

(E) Firearms and ammunition materials shall be kept in locked storage areas and shall be stored separately from each other away from the sight of children.

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

(G) Cleaning and sanitizing equipment and supplies shall be stored in a space that is inaccessible to children.

(H) Electrical outlets, including surge protectors, within the reach of children shall have child proof receptacle covers when not in use.

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



Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(I) The home shall provide a smoke free environment for the children during the hours that child care is being provided.

(J) There shall be at least one underwriters laboratories (UL) or factory mutual laboratories (FM) smoke detector located in the basement and on each level of the home. The smoke detectors shall be placed, installed, tested and maintained in accordance with manufacturer's recommendations.

(K) There shall be at least one UL or FM portable fire extinguisher in the home which shall have a minimum rating of 1A:10BC. At least one fire extinguisher shall be located in the kitchen of the home.

(L) An unlocked, closed first-aid container shall be on the premises and readily available to the provider but shall be kept out of reach of children. The first-aid container shall contain all of the items listed on the JFS 01533 (1/2014) "In-Home Aide Inspection."

**OAC 5101:2-14-34**

**5101:2-14-34 County department of job and family services (CDJFS) responsibilities for the issuance and renewal for in-home aide (IHA) certification**

(A) The county department of job and family services (CDJFS) shall accept and approve or deny all applications for certification as an in-home aide (IHA) within one hundred twenty days from the date the CDJFS receives the completed application.

(B) The CDJFS shall deny an application if the CDJFS determines that within the last five years the applicant was previously a certified or licensed provider and his or her certificate or license was revoked, in this state or another state, or the applicant voluntarily withdrew his or her certification or licensure as a result of receiving proposed revocation notification.

(C) If the caretaker and IHA applicant need help in completing the forms, the CDJFS shall provide them with assistance.

(D) The CDJFS shall conduct an inspection at the home of the caretaker to verify compliance and to complete an inspection of the home using the JFS 01533 "In-Home Aide Inspection" (1/2014). This inspection shall be conducted prior to the issuance of a certificate.

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(E) The CDJFS shall issue a certificate when all of the following are met:

(1) The CDJFS has determined that the IHA applicant meets certification health and safety requirements as indicated on the JFS 01642 "In-Home Aide Application and Assurances" (rev. 1/2014) and JFS 01533.

(2) The bureau of criminal identification and investigation (BCII) and federal bureau of identification (FBI) criminal records checks and the JFS 01329 "Statement of Nonconviction for Type B Homes and In-Home Aides" (rev. 1/2014) indicate that the IHA applicant has not been convicted of or pleaded guilty to the offenses listed in divisions (A)(4) and (A)(5) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code, and has not had a child removed from their home pursuant to section 2151.353 of the Revised Code.

(a) An IHA may be certified or continue to be certified if the CDJFS determines the applicant who has been convicted of or pleaded guilty to an offense listed in division (A)(4) or (A)(5) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code, meets the rehabilitation standards listed detailed in "Appendix A" to this rule.

(b) 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.

(3) The IHA applicant has submitted a JFS 01280 "Provider Medical Statement" (rev. 1/2014) affirming that he or she is in good health and capable of caring for children.

(4) The CDJFS has received information from the public children services agency (PCSA) in response to the JFS 01302 "Request for Child Abuse and Neglect Report Information" (rev.1/2014).

(5) The CDJFS has received verification that the first aid and CPR training have been completed and the IHA applicant's trainings are current.

(6) The CDJFS has received verification that the IHA applicant has completed, not more than six months prior, the eight hour Health and Safety training as described in "Appendix B" to rule 5101:2-14-31 of the

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

Administrative Code.

(F) The CDJFS shall renew a certificate when:

(1) The caretaker and IHA complete a new JFS 01642.

(2) The CDJFS has obtained current information from the PCSA about the IHA by the completion of the JFS 01302.

(3) The CDJFS conducts a recertification home inspection.

(4) It is determined the IHA remains in compliance with the certification requirements contained in Chapter 5101:2-14 of the Administrative Code.

(G) The CDJFS shall provide a copy of the certificate to the caretaker of a child receiving in-home aide services.

OAC 5101:2-14-34, App.

5101:2-14-34 Appendix A



Image 1 within document in PDF format.

OAC 5101:2-14-35

**5101:2-14-35 County department of job and family services (CDJFS) responsibility for compliance and complaint investigation for an in-home aide (IHA)**

(A) The county department of job and family services (CDJFS) shall investigate any complaints against an in-home aide (IHA). The CDJFS may inspect the IHA home as part of the complaint investigation.

(1) Investigations of all complaints shall begin within five business days of receipt of a complaint by the CDJFS, unless the complaint falls under paragraph (B) of this rule.

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

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(2) For each investigation, the CDJFS shall complete the JFS 01921 "Complaint Disposition Report" (rev. 10/2010) and furnish one copy to the IHA before the CDJFS staff leaves the home. If additional information is added to the report or it is revised in any way, the CDJFS shall send a copy of the report to the provider within five business days of the date of the addition or revision.

(3) If a JFS 01921 is completed as part of an investigation conducted by telephone, the CDJFS shall send a copy of the report to the IHA within five business days of the initial telephone contact. If additional information is added to the report or it is revised in any way, the CDJFS shall send a copy of the report to the IHA within five business days of the date of the addition or revision.

(B) If the complaint alleges immediate risk to children, the CDJFS shall:

(1) Begin the investigation within one business day of receipt of the complaint.

(2) Notify the caretaker within one business day of the complaint, of the ongoing investigation and the rule which the complainant alleges has been violated.

(3) Send to the caretaker a completed copy of the JFS 01922 "Notification of Child Care Investigation" (rev. 1/2014) within three business days of receipt of the complaint, informing the caretaker of the alleged rule violation involving their child.

(C) If the complaint alleges child abuse or neglect, the CDJFS shall immediately report the complaint to the public children services agency (PCSA). The oral report shall be followed with a written report to the PCSA, if requested by the PCSA. The written report shall contain the following:

(1) A summary of the allegations.

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

**Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes**

(3) A summary of the actions taken by the CDJFS or plans to initiate an investigation of noncompliance with the regulations contained in Chapter 5101:2-14 of the Administrative Code.

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

(D) A PCSA investigation does not relieve the CDJFS of its responsibility to investigate IHA noncompliance with regulations contained in Chapter 5101:2-14 of the Administrative Code unless the PCSA indicates that the CDJFS complaint investigation would interfere with the PCSA's investigation of the case.

(E) The CDJFS, after removal of confidential information, shall provide a copy of the JFS 01642 "In-Home Aide Application and Assurances" (rev. 1/2014) to anyone who submits a request to the CDJFS. Inspection reports shall be kept on file at the CDJFS.

(F) If the CDJFS determines the IHA is not in compliance with this chapter or Chapter 5104. of the Revised Code the CDJFS shall forward to the IHA written notification which includes:

(1) A statement of the specific rule violations.

(2) A statement of what must be done to correct the rule violations.

(3) The date, not to exceed thirty business days, by which the correction shall be completed.

(4) A statement of the consequences if the IHA fails to correct violations within the specified time frame.

(5) A statement that the IHA has the right to appeal the actions of the CDJFS and request a county appeal review in accordance with the procedures outlined in (I) of this rule.

(G) If the CDJFS determines that the IHA is not in compliance with Chapter 5101:2-14 of the Administrative Code

**Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes**

or Chapter 5104. of the Revised Code, the CDJFS may revoke the certificate. The IHA cannot reapply for certification for at least five years following the revocation of the certificate in this state or any other state, or the provider's voluntary withdrawal in this state or any other state, from the certification program as a result of CDJFS notification of its intent to revoke the provider's certificate.

(H) Upon revocation of a certificate, the CDJFS shall notify the IHA of its right to appeal the decision to revoke the certificate and request a county appeal review in accordance with procedures outlined in paragraph (I) of this rule.

(I) If the IHA requests an appeal review, the following steps shall be followed:

(1) The CDJFS shall schedule a county appeal review within fifteen business days of receipt of a written county appeal request and notify the IHA in writing of the time, date and place of the review.

(2) The individual responsible for conducting the county appeal review shall not be someone who was a party to the decision that is the subject of the review.

(3) The IHA shall have the opportunity to present his or her case and examine the contents of the case file that are relevant to the CDJFS decision to revoke or deny the certification.

(4) The CDJFS is responsible for preparing and issuing a written decision to the IHA within ten business days from the date of the county appeal review. The decision shall include the following information:

(a) The action which was appealed.

(b) Finding of facts.

(c) Citation and summarization of relevant Administrative Code rules which support the facts established.

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(d) Outcome of the appeal on each issue addressed.

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

(J) The voluntary surrender of a certificate to the CDJFS shall not prohibit the CDJFS from revoking a certificate pursuant to paragraph (G) of this rule.

(K) Failure of the caretaker whose child is receiving IHA services to cooperate with the CDJFS or failure to comply with this chapter and Chapter 5104. of the Revised Code shall be cause for the CDJFS to deny or terminate the IHA arrangement, revoke the IHA certificate and inform the caretaker of alternative child care options.

(L) Except as provided in paragraphs (M) and (N) of this rule, the CDJFS shall not disseminate confidential information, which includes but is not limited to, the following:

(1) Child abuse and neglect investigative records, pursuant to section 2151.421 of the Revised Code and rule 5101:2-34-38 of the Administrative Code.

(2) The identity of an information source or witness to whom confidentiality has been reasonably promised.

(3) Any information, when such information would reasonably tend to disclose the identity of one to whom such confidentiality has been reasonably promised.

(4) Results of any criminal records check conducted by the BCII on an applicant, except that these records are available to the person who is the subject of the criminal records check, his or her representative, and any court hearing officer, or other necessary individual involved in a case dealing with denial or revocation of certification related to the criminal records check.

(5) The disposition of any investigation requested by a CDJFS from the PCSA concerning reports of child abuse or neglect on an applicant. The CDJFS shall not provide to the person who is the subject of the records check any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports.

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

(6) IHA medical records pertaining to the medical history, diagnosis, prognosis, or medical condition of the provider, which are generated and maintained in the process of medical treatment, except as authorized by section 1347.08 of the Revised Code, if requested by the subject of the report.

(M) The CDJFS is responsible for sharing all IHA, client, and fiscal information with the Ohio department of job and family services (ODJFS) during the course of a monitoring review of its certification program or when the ODJFS is investigating a complaint involving the CDJFS.

(N) As needed, the CDJFS shall share information with the PCSA or a law enforcement agency concerning an investigation of alleged child abuse or neglect.

(O) When information is disseminated, the following shall be documented in the IHA's record:

(1) Date information was disseminated.

(2) Agency, organizations, or individual to whom information was disseminated.

(3) Reason for dissemination.

(4) Specific information disseminated.

**OAC 5101:2-14-36**

**5101:2-14-36. Crib and playpen requirements for professional certification as a type B home provider or in-home aide--Repealed**

**OAC 5101:2-14-37**

**5101:2-14-37. Swimming and water safety requirements for professional certification as a type B home provider or in-home aide--Repealed**

**OAC 5101:2-14-38**



Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

5101:2-14-38 Nap provisions--Repealed

OAC 5101:2-14-39

5101:2-14-39 Safe and sanitary furniture, materials, and equipment--Repealed

OAC 5101:2-14-40

5101:2-14-40. Certification appeal procedures for professional and limited type B providers and in-home aides--Repealed

OAC 5101:2-14-41

5101:2-14-41 Discipline of children--Repealed

OAC 5101:2-14-42

5101:2-14-42 Care of children with handicapping conditions or health conditions--Repealed

OAC 5101:2-14-43

5101:2-14-43 Training requirements for authorized providers--Repealed

OAC 5101:2-14-44

5101:2-14-44 Day-care advisory council--Repealed

OAC 5101:2-14-45

5101:2-14-45 Ohio department of human services responsibilities--Repealed

OAC 5101:2-14-46

5101:2-14-46 County director responsibilities--Repealed

OAC 5101:2-14-47

5101:2-14-47 Care of schoolchildren only--Expired

OAC 5101:2-14-55

5101:2-14-55. Application and approval for limited certification as a type B home provider or in-home aide--Repealed

OAC 5101:2-14-56

5101:2-14-56. Issuance and renewal of a certificate for limited certification as a type B home provider or in-home aide--Repealed

Ohio Administrative Code Annotated \_5101 Job and Family Services Department \_5101:2 Job and Family Services Department--Social Services Division \_Chapter 5101:2-14. Certification of Type B Family Care Homes

OAC 5101:2-14-57

5101:2-14-57. Limited certification compliance inspection of a type B home provider or in-home aide--  
Repealed

OAC 5101:2-14-58

5101:2-14-58. Provider qualifications and responsibilities for limited certification as a type B home provider or in-home aide--Repealed

OAC 5101:2-14-59

5101:2-14-59 Issuance, revocation and termination of a type B family day care home provisional limited certificate for a relative to provide publicly funded day care--Repealed

OAC 5101:2-14-60

5101:2-14-60. Denial, revocation and withdrawal of limited certification as a type B home provider or in-home aide--Repealed

OAC 5101:2-14-61

5101:2-14-61. County department of job and family services certification responsibilities for certified type B providers and in-home aides--Repealed

OAC 5101:2-14-62

5101:2-14-62. Confidentiality involving a professional or limited certified home provider or in-home aide--Repealed