

Serious Risk Non- Compliance Rules: Interpretive Guidelines for Type B Homes

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Serious Risk Non-Compliances (SRNCs) are defined as those parts of the child care licensing rules that, if violated, present the greatest risk of harm to children.

SRNCs are defined as:

- ▶ Non-compliances that lead to greatest risk of harm;
- ▶ Observable, not inferable; and
- ▶ Defendable.

5101:2-14-03

Compliance inspection and complaint investigation of a licensed type B home provider.

6 Points

Serious Risk: If the provider denies the county agency or the Ohio Department of Job and Family Services (ODJFS) access to any part of the program, including: rooms or areas not used for child care, pertinent records, or documentation needed to assess compliance.

Rule Language:

(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.

SRNC:

- The provider would not allow the county agency access to the garage to assess for combustible materials.
- During hours of operation, the provider refused to allow the county agency to enter the home to conduct an inspection.
- The provider requests that the county agency staff leave during an inspection.

Non-Compliance:

- The provider did not know the location of the key to the file cabinet where children’s records were stored. That would be cited under Rule 15 which requires records be accessible at all times.
- The emergency/substitute caregiver or employee does not know the licensing specialist and was advised by the provider not to let anybody into the home while the provider is gone.

Note: This SRNC would not be used if the provider is not home when the county agency arrives for an inspection, even if the provider is repeatedly not home.

5101:2-14-03

Compliance inspection and complaint investigation of a licensed type B home provider.

6 Points

Serious Risk: If the provider deliberately misrepresents, presents falsified information or intentionally withholds information. This would also be used if the provider is aware that an employee or adult in the home has provided false or misleading information and does not alert the county agency or ODJFS.

Rule Language:

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

SRNC:

- The provider submitted a falsified high school diploma with the intention of misleading the county agency.

Non-Compliance:

- An adult in the home or employee provided false information or withheld information and the provider was not aware.

5101:2-14-06

Provider qualifications for a licensed type B home provider.

1 Point

Serious Risk: If the provider fails to notify the county agency within 5 days of a change in household composition.

Rule Language:

(B)(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.

SRNC:

- The provider's mother moved in and the provider failed to notify the county agency.

Non-Compliance:

- The provider had company who stayed in the home without notification.

Note: Before this SRNC could be cited for an adult living in the home, the provider would have the opportunity to provide documentation of the individual's residency outside of their home.

5101:2-14-06

Provider qualifications for a licensed type B home provider.

2 Points

Serious Risk: If the provider does not complete and submit the JFS 01302, "Request For Child Care and Neglect Report Information", for the provider and any adults residing in the home to the county agency for the annual review.

Rule Language:

(A)(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).

SRNC:

- The provider submitted a JFS 01302 for themselves, but failed to include on the JFS 01302 the adult that was residing in the house.
- The provider failed to complete the needed information on the JFS 01302 and return it to the county agency by the stated deadline.

Non-Compliance:

- The provider submitted the JFS 01302 to the county agency, but a piece of information (address, date of birth, etc.) was missing and the county agency needed to return the form to be completed.

5101:2-14-07

Licensed type B home requirements for criminal records checks.

2 Points

Serious Risk: If a JFS 01329, "Statement of Nonconviction" is not on file for all adults in the home and/or employee(s) in the home within the timeframes listed.

Rule Language:

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

- (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.*
- (e) Prior to the first day of employment for the employee of the type B provider.*

SRNC:

- An employee had a signed JFS 01329 from a previous employer.

Non-Compliance:

- The employee did not have a Statement of Nonconviction on file BUT the results of either the BCII or the FBI checks were on file, verifying that the individual did not have a prohibitive conviction.

5101:2-14-07

Licensed type B home requirements for criminal records checks.

2 Points

Serious Risk: An adult in the home is not fingerprinted within 10 days of beginning to reside in the home, or an employee started work before fingerprint results were received.

Rule language:

(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.*

SRNC:

- BCII/FBI criminal records checks were not requested.
- A criminal records check had been returned due to a problem with processing and had not been

resubmitted.

- A person was unable to complete the electronic criminal records WebCheck AND had not completed the process outlined by BCII to complete the background check.
- A person was re-hired or resumed residence in the home and a criminal records check was not updated or obtained.

Non-Compliance:

- The BCII or FBI criminal records checks had been requested, but not both.

5101:2-14-07

Licensed type B home requirements for criminal records checks.

6 Points

Serious Risk: A person with a prohibitive conviction remains employed or in a household after the results are received and rehabilitation requirements have not been met.

Rule Language:

(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, "unconditional pardon" includes a conditional pardon with respect to which all conditions have been performed or have transpired.

SRNC:

- A current provider, adult in the home or employee was found to have been convicted of a prohibited offense and the county had indicated the individual did not meet the rehabilitation standards, but the individual remained employed by the provider.
- A current provider, adult in the home or employee was found to have been convicted of a prohibited offense and the county had indicated the individual did not meet the rehabilitation standards, but the individual continues to reside in the home.

5101:2-14-07

Licensed type B home requirements for criminal records checks.

6 Points

Serious Risk: A provider, employee or member of the household refused to be fingerprinted.

Rule Language:

(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 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.*

SRNC:

- A provider, employee, or an adult resident of the home for any reason, (refusal, “doesn’t have time”, “not available”, etc.) was not fingerprinted in the timeframes listed above.

5101:2-14-09

Emergency/substitute caregivers, assistants and employees for a licensed type B home provider.

2 Points

Serious Risk: An employee does not have the Central Registry request completed annually by the county agency.

Rule Language:

Appendix A to Rule 5101:2-14-09

Individuals who are interested in becoming an assistant, emergency and/or substitute caregiver shall meet the following requirements prior to caring for children:

- 4. Completes the JFS 01302 "Request for Child Abuse and Neglect Report Information" (rev. 1/2014).*

SRNC:

- The JFS 01302 was not completed prior to an employee beginning to work with children.
- The JFS 01302 was not completed and submitted to the CDJFS annually, from the date of the last check.

Non-Compliance:

- The provider submitted the JFS 01302 to the county agency, but a piece of information (address, date of birth, etc.) was missing and the county agency needed to return the form to be completed.

5101:2-14-12

Safe equipment and environment for a licensed type B home provider.

6 Points

Serious Risk: Firearms are not secured on the premises.

Rule Language:

(A)(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.

SRNC:

- Firearms and ammunition were:
-Stored together or separately in an unlocked storage area

Non-Compliance:

- Firearms and ammunition were locked up but stored in an area where children can see them.
- Firearms and ammunition were locked up in the same location.

5101:2-14-14

Transportation and field trip safety for a licensed type B home provider.

2 Points

Serious Risk: Children not restrained in a vehicle as required or child under 12 years in the front seat of the vehicle.

Rule Language:

(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.

SRNC:

- It was determined that children had been:
 - Transported without the use of seatbelts in a vehicle manufactured with seatbelts
 - Standing or sitting on the floor while the vehicle is in motion
 - Transported in seats not securely anchored to the floor
 - Transported while not properly restrained
 - Safety belted in with another child in the same safety belt
 - Transported without a proper child restraint seat as required by Ohio law
- It was determined that a child under 12 years of age was allowed to ride in the front seat of a vehicle which had a back seat.

5101:2-14-14

Transportation and field trip safety for a licensed type B home provider.

2 Points

Serious Risk: Health care plan and/or supplies not taken on a trip when a child with a health care plan is transported.

Rule Language:

(C)(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.

SRNC:

- It was determined that children had been transported without:
 - their health care plan
 - the supplies needed to implement the health care plan

Note: If a child is transported away from the home and there is not a trained adult (for the health care plan) with them, that SRNC would be cited under Rule 15 Child Record Requirements.

5101:2-14-14

Transportation and field trip safety for a licensed type B home provider.

6 Points

Serious Risk: Child left unattended on a field trip or in a vehicle.

Rule Language:

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

SRNC:

- A child is left in the vehicle for any amount of time without supervision by the provider, emergency or substitute caregiver or employee in situations such as, but not limited, to the following:
 - A child fell asleep in the backseat and did not come into the home with the provider
 - A child was left in the vehicle while the provider went into the school

5101:2-14-14

Transportation and field trip safety for a licensed type B home provider.

6 Points

Serious Risk: Driver does not currently have a valid driver's license issued to them or the driver's license does not include the type of vehicle approval that the person is driving for child transportation.

Rule Language:

(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.

SRNC:

- The driver's license of the person transporting children had been revoked or suspended, and the individual was still transporting children.
- The person transporting the children had never had a driver's license issued to them.
- The driver was using a vehicle that required a CDL and they did not have the proper classification of driver's license.

Non-Compliance:

- The driver's license of the person transporting children was expired, but was able to be renewed.
- The driver had a valid driver's license but failed to have proof of current liability insurance.
- The driver did not have written approval to transport children.

5101:2-14-14

Transportation and field trip safety for a licensed type B home provider.

6 Points

Serious Risk: Driver of the vehicle is not an employee, emergency caregiver or substitute caregiver and the provider is not present.

Rule Language:

(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.

SRNC:

- An individual who was not an employee or emergency or substitute caregiver transported a group of children (who were not their own)while the provider stayed home with other children.

Non-Compliance:

- The emergency/substitute caregiver transported children while the provider stayed at home with other children.

5101:2-14-15

**Child records requirements for a licensed type B home provider.
(Medication)**

2 Points

Serious Risk: Medication form is not on file, the medication does not have a label or the medication is not in its original container.

Rule Language:

Appendix B to Rule 5101:2-14-15

The provider shall document each administration or application of medication on the JFS 01644 "Permission to Administer Medication for Type B Family Child Care and In-Home Aides" (rev. 8/2008).

-Application of nonprescription topical products and lotions used only as a preventative measure do not need to be documented.

-Nonprescription medication dosages administered should not exceed prescribed dosages or the manufacturer's recommended dosages.

-A separate JFS 01644 is to be used for each medication to be administered.

-The provider shall have the caretaker complete and sign box one of the JFS 01644 "Permission to Administer Medication for Type B Family Child Care and In-Home Aides", which shall be valid for no longer than twelve months.

-The provider shall follow either written instructions of a licensed physician, a physician's assistant, an advanced practice nurse (APN) certified to prescribe medications or a licensed dentist on the JFS 01644, or a prescription label as long as the following are met:

-The label contains the child's full name, a current date (within the last twelve months), the exact dosage to be given and the means of administration.

-The prescription label is attached to the original container.

-The provider shall follow these prescription medication guidelines when administering nonprescription medications that contain aspirin or codeine.

SRNC:

- The provider had not obtained a completed JFS 01644 from the caretaker for emergency medication or medication the provider administered or planned to administer to the child.
- The medication had not been brought to the home in its original container. (Such as pills in a baggie, medications not in the prescription bottle, or medication in a baby bottle or food.)

Non-Compliance:

- The provider obtained a signed, JFS 01644, but pieces of information were missing. However, enough information was included, or was able to be cross-referenced with the JFS 01928 or medication label, to administer the medication in a safe, prescribed manner.
- The provider applied nonprescription topical products/lotions only as a preventative measure and a signed JFS 01644 was not on file.

5101:2-14-15

**Child records requirements for a licensed type B home provider.
(Medication)**

2 Points

Serious Risk: Medication is accessible to children.

Rule Language:

Appendix B to Rule 5101:2-14-15

Storing Medication

1. All medication and food supplements must be immediately and safely stored.
2. All school children shall have immediate access to personal inhalers.
3. All medications should be stored so they can be quickly accessed in case of an emergency that would require evacuation from the premises.
4. Refrigerate medication as needed immediately upon arrival at the provider's home. Store medication in a separate container to prevent contamination with foods.
5. Keep medications out of the reach of children.
6. Remove all medications from the home when no longer needed or expired.

SRNC:

- Medication was observed or determined to be within children's reach (such as being left in the child's backpack, left on the kitchen counter or unlocked bathroom medicine cabinet).

Non-Compliance:

- The medication that was accessible was a topical ointment or medical food such as Pedialyte or Ensure.

5101:2-14-15

**Child records requirements for a licensed type B home provider.
(Medication)**

2 Points

Serious Risk: Medication instructions were not followed when medicine was administered to a child.

Rule Language:

Appendix B to Rule 5101:2-14-15

SRNC:

- Medication was administered and all instructions were not followed, such as:
 - Wrong route of administration (eye drops placed in the mouth, spray in the mouth rather than the nose as stated in the instructions).
 - Medication given at the wrong time. (Standard practice allows for the administration of medication 30 minutes before or after the stated time to be considered on time. If medication is given out of this time range it is considered to have been administered at the wrong time.)
 - Medication administered for a longer time period than instructed. (Instructions state to administer for 3 days and the provider administers the medication again on the fourth day.)

Non-Compliance:

- Provider administered diaper cream for 6 days, however, the instructions stated not to use more than 5 days.
- The medication that was administered was a topical ointment or medical food such as Pedialyte or Ensure.

5101:2-14-15

**Child records requirements for a licensed type B home provider.
(Medication)**

6 Points

Serious Risk: Medication was administered to the wrong child or the wrong dosage of medication was administered to a child.

Rule Language:

Appendix B to Rule 5101:2-14-15

SRNC:

- A child was administered a higher dosage of medication and did not follow instructions on the prescription label. Or if a child was given 3 puffs from an inhaler instead of 2 puffs.
- The JFS 01644 and the label of the medication said to administer 1 tsp. of the medication and the parent told the provider to go ahead and give the child 2 tsp. and the provider gave the child 2 tsp.

Non-Compliance:

- The provider applied a topical diaper rash cream three times per day instead of the two times per day as listed on the medication dosage instructions.

5101:2-14-15

**Child records requirements for a licensed type B home provider.
(Health Care Plan)**

2 Points

Serious Risk: No health care plan on file for a child with a health condition or requiring a medical treatment OR the health care plan is missing required information.

Rule Language:

(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.

SRNC:

- The JFS 01928 was not on file by the child's first day of attendance.
- Needed information was not completed on the form or the parent, provider and/or trained adults had not signed the form.
- Parent had indicated on the Health & Enrollment form that the child needed a health care plan but no plan was on file.

Non-Compliance:

- The only information missing from the form was the date of signature or the signature of the certified professional who conducted the training.

Note: If the plan is missing both serious and non-serious risk signatures, it is a SRNC.

5101:2-14-15

**Child records requirements for a licensed type B home provider.
(Health Care Plan)**

2 Points

Serious Risk: A trained person (provider, employee, emergency caregiver or substitute caregiver) is not onsite (or with a child when transported) when a child with a health care plan is present.

Rule Language:

(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.

SRNC:

- The provider, employee, emergency or substitute caregiver had not been trained on how to perform the medical procedure.
- The child was transported by an adult, on the behalf of the provider, that was not trained to complete the health care plan if needed.

5101:2-14-18

Group size for a licensed type B home provider.

2 Points

Serious Risk: Provider exceeds maximum group size.

Rule Language:

(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.

SRNC:

- There were more than six children present at any one time or there were more than three children present who were under two years of age.

Note: In addition to direct observation, the additional ways could be used to determine maximum group size being exceeded: review of written attendance records, interviews with the provider or staff, documentation on an incident report or by viewing swipes for publicly funded children.

5101:2-14-20

Supervision of children and child guidance for a licensed type B home provider. (Discipline)

2 Points

Serious Risk: Provider, emergency caregiver, substitute caregiver or employee uses prohibited discipline techniques with children.

Rule Language:

(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.

SRNC:

- It would be a SRNC abuse, endanger, or neglect children, or if any of the following techniques were used with children:
 - Utilize cruel, harsh, unusual or extreme techniques
 - Utilize any form of corporal punishment
 - Use physical restraints on a child
 - Restrain children by any means other than holding children for a short period of time, such as in a protective hug, so that the children may regain control
 - Place children in a locked room or confine children in any enclosed area
 - Withhold all food (including snacks and treats), rest or toilet use - (if the staff member withholds a special treat, but allows the child to eat other food, this would be a non-compliance, but not a serious risk noncompliance)
 - Subject children to verbal abuse
 - Confine children to equipment such as cribs or highchairs
 - Isolate and restrict children from all activities for an extended period of time
 - Humiliate, threaten or frighten children if in the process the child becomes visibly upset to the point where they are crying, cowering, withdrawing, etc.
 - Restrain a child face-down in a prone position using either physical constraints or a mechanical restraint

5101:2-14-20

Supervision of children and child guidance for a licensed type B home provider. (Supervision)

2 Points

Serious Risk: Child(ren) left unsupervised within the home.

Rule Language:

(A)(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.

SRNC:

- Supervision was absent; meaning the child is left completely alone and unattended. Examples could include:
 - Child is left in the home when the group goes outside or into another part of the home which

is not connected.

- Child left the home and the provider was unaware.
- A child was napping in another part of the home and the provider could not see or hear that child from the area where the rest of the group was located. (This does not include sleeping that occurs during evening and overnight care when the provider has a monitor that allows sight or hearing at all times.)
- A child was left out of the provider's site or hearing while they were being isolated for illness.

Non-Compliance:

- Supervision is *inadequate*, where the provider did not maintain sight OR hearing at all times, such as:
 - The provider went in another part of the home (for example, basement or upstairs) and relied on hearing children - but could not hear well enough to supervise.
 - The provider is in the basement and has a baby monitor with him/her while the child is napping upstairs. The provider can hear if the child is in distress (crying), however, cannot hear the baby otherwise unless heard through the baby monitor.

5101:2-14-20

Supervision of children and child guidance for a licensed type B home provider. (Under the Influence)

2 Points

Serious Risk: Staff under the influence of a substance which impairs their ability to supervise children appropriately.

Rule Language:

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

The provider shall:

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

SRNC:

- It was determined that the provider, emergency caregiver, substitute caregiver or employee was under the influence of any substance which impairs their ability to supervise children or perform their duties. This could include over-the-counter medications, prescription medications or illegal substances.

5101:2-14-20

Supervision of children and child guidance for a licensed type B home provider. (Supervision or Swimming)

6 Points

Serious Risk: Child(ren) left unattended outside the Type B home or during a swimming activity.

Rule Language:

(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.

SRNC:

- An infant/toddler/pre-school aged child was left outside and the provider, emergency caregiver, substitute caregiver or employee was not present with the child.
- A school-aged child was outside alone and the provider could not see or hear the child.
- A child was participating in a swimming activity or was left unsupervised in an area where the child had immediate access to a pool or water more than 18 inches deep, and the provider, emergency caregiver, substitute caregiver or employee was not present with the child.
- A child left the home and the provider, employee, emergency or substitute caregiver was not aware the child had left.

Non-Compliance:

- The child (younger than school-aged) was left outside but the provider, emergency caregiver, substitute caregiver or employee was able to see them the whole time and immediately retrieved the child.

5101:2-14-20

Supervision of children and child guidance for a licensed type B home provider. (Failure to report child abuse)

6 Points

Serious Risk Provider, employee, emergency caregiver or substitute caregiver fails to report suspected abuse/neglect/endangering.

Rule Language:

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

The provider shall:

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.

SRNC:

- The provider, emergency caregiver, substitute caregiver or employee has suspicions of child abuse/neglect or endangerment, but failed to report their suspicions to the public children services agency (PCSA) and the agency substantiates or indicates that the abuse occurred.

Non-Compliance:

- The provider, emergency caregiver, substitute caregiver or employee had suspicions of child abuse/neglect or endangerment, and reported their suspicions to the PCSA but not the county agency child care area.

5101:2-14-20

Supervision of children and child guidance for a licensed type B home provider. (Discipline)

6 Points

Serious Risk: Physical abuse/neglect/endangerment by the provider, employee, emergency caregiver or substitute caregiver as substantiated by public children services agency finding.

Rule Language:

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

(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.

Appendix A:

*The following techniques or practices shall **not** be used by a provider of a licensed type B home as a means to control or discipline children:*

- 1. Abuse, endanger or neglect children.*
- 2. Utilize cruel, harsh, unusual, or extreme techniques.*
- 3. Utilize any form of corporal punishment.*
- 4. Delegate children to manage or discipline other children.*
- 5. Use physical restraints on a child.*
- 6. Restrain a child by any means other than holding children for a short period of time, such as in a protective hug, so that the children may regain control.*
- 7. Place children in a locked room or confine children in any enclosed area.*
- 8. Confine children to equipment such as cribs or high chairs.*
- 9. Humiliate, threaten or frighten children.*
- 10. Subject children to profane language or verbal abuse.*
- 11. Make derogatory or sarcastic remarks about children or their families including but not limited to cultures, nationalities, race, religion, or beliefs.*
- 12. Punish children for failure to eat or sleep or for toileting accidents.*
- 13. Withhold any food (including snacks and treats), beverages or water, rest or toilet use.*
- 14. Punish an entire group of children due to the unacceptable behavior of one or a few.*
- 15. Isolate and restrict children from any or all activities for an extended period of time.*

SRNC:

- The provider, emergency caregiver, substitute caregiver or employee was found to have committed child abuse/neglect/endangerment, and the PCSA substantiates or indicates that the abuse/neglect/endangerment occurred.

Note: If the report was not substantiated, it is still possible that the action could be cited as a SRNC under “inappropriate discipline”, as PCSA substantiation is not needed to cite that section of the rule.

5101:2-14-20

Supervision of children and child guidance for a licensed type B home provider. (Discipline)

6 Points

Serious Risk: Provider is involved with inappropriate discipline being used.

Rule Language:

(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. (See list above)

SRNC:

- It would be a SRNC if the provider was found to have used inappropriate discipline techniques with a child and it resulted in the PCSA substantiating the allegation of abuse.

5101:2-14-23

Swimming and water safety requirements for a licensed type B home provider.

6 Points

Serious Risk: Swimming activities occur without a life guard being present

Rule Language:

(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.

SRNC:

- Children were involved in swimming activities (which include any water activities in water more than 18 inches deep) without a life guard being physically present and actively supervising children and the swimming area.

5101:2-14-23

Swimming and water safety requirements for a licensed type B home provider.

6 Points

Serious Risk: Provider, employee, emergency caregiver or substitute caregiver not actively supervising swimming activities.

Rule Language:

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

SRNC:

- Responsible adults were distracted (texting, talking on the phone, etc.) while they were responsible for supervising children participating in swimming activities.

Note: Staff must be aware of the location of all children for whom they are responsible, and maintain visual contact with them at all times. Responsible adults should not be reading, texting, using electronics, wearing headsets, or engaged in any similar distracting activities while responsible for supervising children. Adults must closely watch children, and not be engaged in conversations with

adults and/or children while they are supervising, which would cause them to be distracted from the supervisory responsibilities. Staff must be near enough to the children, when they are in the water, that they can quickly intervene, and respond to a child who is in distress.

5101:2-14-23

Swimming and water safety requirements for a licensed type B home provider.

6 Points

Serious Risk: Swimming site accessible to children without staff supervision.

Rule Language:

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

(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.

SRNC:

- The fence was not substantial enough to keep children out or if the gate was not secured adequately to keep children out.

5101:2-14-24

Evening and overnight care requirements for a licensed type B home provider.

6 Points

Serious Risk: Children are sleeping in areas of the home not approved for sleeping.

Rule Language:

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:

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

SRNC:

- Children were sleeping on the second floor or basement of the home and that area had not been approved by the county agency for child care.