

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Department of Job and Family Services

Regulation/Package Title: Rule review for Certified Type B Providers and In Home Aides

Rule Number(s): 5101:2-14-02, 5101:2-14-04, 5101:2-14-05, 5101:2-14-13, 5101:2-14-36,
5101:2-14-56, 5101:2-14-58

Date: 7/27/12

Rule Type:

New

Amended

5-Year Review

Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

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These rules contain requirements for type b home providers and in-home aides that are currently certified or seeking certification by the county department of job and family services. The rules contained in this package regulate the requirements of application for certification, issuance and renewal of certification, provider qualifications, cribs, and training. Proposed amendments include new federally mandated crib requirements from the consumer product safety commission, the elimination of more than one certificate per address, requirements to providers to give parents their tax ID number at time of enrollment, increased required health and safety training from six to eight hours, and removal of the requirements for three references and a medical exam every three years.

Please include the key provisions of the regulation as well as any proposed amendments.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

5104.011, 5104.041, 5104.11

3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

If yes, please briefly explain the source and substance of the federal requirement.

Yes, Rule 5101:2-14-36 implements 16 CFR parts 1219, 1220 and 1500; and the Consumer Product Safety Commission federal requirements for crib standards for full-size and non full-size baby cribs that ODJFS enforces compliance for licensed providers and CDJFS enforces compliance for certified child care providers. Yes, this amendment enables ODJFS to enforce a federal law through rule that county departments of job and family services enforce.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

Not applicable.

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

The rules, which are promulgated pursuant to the requirements of the Revised Code, establish regulations for minimum health and safety standards for certified child care environments, staffing, child records, and administrative policies and procedures.

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

The success of these regulations is measured during certification inspections, monitoring of incident reports submitted by regulated providers, materials submitted to address non-compliances and any complaints received by ODJFS. Stakeholders also provide continuous input into the regulation and the effort to comply with the rule.

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Development of the Regulation

- 7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

If applicable, please include the date and medium by which the stakeholders were initially contacted.

Rules contained in this package were developed due to federal regulations and Ohio Revised Code requirements. Stakeholders involved include those that drafted federal and state legislation. County departments of job and family services were also provided this information prior to the official clearance process. Rules will be reviewed during ODJFS clearance and public hearing comment periods.

- 8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

Input will be considered after ODJFS clearance and public hearing comment periods.

- 9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

N/A

- 10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**

Rules were developed due to federal and state mandates.

- 11. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.***

No. Rules were developed to implement federal and state mandates intended to increase the health and safety of children in child care.

- 12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

Rules are reviewed by the legal team at ODJFS prior to the official clearance period to ensure there was no duplication with other agency rules. The rules are promulgated pursuant to the Revised Code.

13. Please describe the Agency’s plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

ODJFS licensing specialists inspect licensed child care centers and type A homes utilizing compliance software which ensures consistency. CDJFS staff utilize a required form contained in the Ohio Administrative Code to inspect type B homes and in home aides. ODJFS technical assistance staff and help desk staff provide support and consultation to child care providers and families on the rules. Formal notification of the rules is provided to CDJFS, child care providers, families and others by use of an eManual for child care which is located at <http://emanuals.odjfs.state.oh.us/emanuals/>. Email updates from ODJFS can be received by signing up at <http://www.odjfs.state.oh.us/subscribe/> as well as through an RSS feed at <http://www.odjfs.state.oh.us/ccupdates/>.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

a. Identify the scope of the impacted business community;

For those certified type B homes that serve infants they will have the cost of replacing cribs that don't meet the new standards by Dec 2012.

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and

If a certified type B home serves infants, they will have the cost of replacing cribs that don't meet the new standards by Dec 2012.

The actual cost to each provider cannot be estimated because costs will vary from provider to provider, depending on the number of infants for whom they provide child care services.

c. Quantify the expected adverse impact from the regulation.

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.

If a certified type B home serves infants, they will have the cost of replacing cribs that don't meet the new standards by Dec 2012. The actual cost to each provider

cannot be estimated because costs will vary from provider to provider, depending on the number of infants for whom they provide child care services.

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

The regulatory intent justifies the financial impact child care providers may incur because these crib standards are federally mandated. Ohio Revised Code also requires ODJFS will develop standards to ensure equipment is safe for children.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

No, standards for cribs are federally mandated, no exemptions.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

Not applicable.

18. What resources are available to assist small businesses with compliance of the regulation?

The CDJFS enforces the rules set forth by ODJFS. ODJFS provides technical assistance through technical assistance staff, video conferences, emails, eblasts, rss feeds, eManual, help desks and through the Ohio Child Care Resource and Referral Association.

ODJFS provides the following:

Division of Child Care and Development Helpdesk
CHILD CARE POLICY@jfs.ohio.gov
1-877-302-2347

eManual for child care located at: <http://emanuals.odjfs.state.oh.us/emanuals/>

email updates from ODJFS can be received by signing up at:
<http://www.odjfs.state.oh.us/subscribe/>

RSS feed sign up at: <http://www.odjfs.state.oh.us/ccupdates/>

Child Care in Ohio website is located at: <http://jfs.ohio.gov/cdc/childcare.stm>

The rules will go through the official ODJFS clearance process which anyone can sign up to receive the notice of clearance and the department's official public hearing process. Use subscribe website above to sign up for these notices.

5101:2-14-02

Application for certification as a professional type B home provider or in-home aide.

- (A) Individuals interested in certification as professional type B home providers or in-home aides to provide publicly funded child care shall contact the county department of job and family services (CDJFS) to request an application.
- (1) Individuals submitting applications shall provide all required documentation within sixty days of submitting the application. An application is considered to be complete when the applicant has submitted all documentation required by paragraph (B) of this rule. Applications that are not complete within sixty days may be denied by the CDJFS.
 - (2) The CDJFS shall accept, and approve or deny all completed applications for certification as a professional type B home provider or in-home aide within one hundred twenty days from the date the CDJFS receives the completed application.
 - (3) Applications which are complete except for the results of the bureau of criminal identification and investigation (BCII) and/or federal bureau of investigation (FBI) criminal records check shall be exempt from the one hundred and twenty day requirement for the CDJFS to accept or deny the application. All other information shall be complete and on file with the CDJFS to qualify for this exemption.
 - (4) The CDJFS shall deny an application if it determines that, within the last five years, the applicant was certified as a limited or professional provider and that his or her certificate was revoked in Ohio or in another state, or the applicant voluntarily withdrew from the certification program as a result of CDJFS notification of its intent to revoke the certificate.
- (B) An "application for certification" for the purpose of this rule shall require completion and submission of the following materials:
- (1) JFS 01643 "Application for Professional Type B Home and In-home Aide Certification" (~~rev. 7/2010~~ [rev. 10/2010](#)).
 - (2) JFS 01280 "Provider Medical Statement" (rev. 8/2008) after a physical examination by a physician, physician's assistant or advance practice nurse.
 - (3) JFS 01329 "Statement of Nonconviction for Type B Home and In-Home Aides" (rev. 8/2008) for the applicant, emergency caregiver, substitute caregiver and each adult residing in the type B home.

- (4) JFS 01923 "Emergency and Substitute Caregiver Statement" (rev. 8/2008).
- (5) JFS 01302 "Request for Child Abuse and Neglect Report Information" (rev. 9/2006).
- (6) A completed request for a BCII and FBI criminal records check.
- ~~(7) At least three written references from individuals who are unrelated to the applicant and attest to the experience and ability of the applicant.~~
- ~~(8)~~(7) Verification of completion of a high school education, a high school diploma or general educational development (GED), except for individuals certified before April 1, 2003.
- ~~(9)~~(8) A completed copy of the JFS 01332 "Certified Child Care Home Handbook for Caregivers" (~~rev. 7/2010~~ rev. 11/2010).
- ~~(C) The JFS 01144 "Provider Agreement for Publicly Funded Child Care Services" (1/2010), JFS 01141 "Banking Information for Providers of Publicly Funded Child Care" (1/2010) and JFS 01150 "Rate Information for Providers of Publicly Funded Child Care" (1/2010) must be completed immediately following certification.~~
 - ~~(1) These forms are required to be submitted to the Ohio department of job and family services (ODJFS) by use of the provider portal on the child care website.~~
 - ~~(2) A provider will not be paid for any publicly funded child care services until these forms are completed and submitted to ODJFS.~~
- ~~(D)~~(C) If the CDJFS processes an application to certify an individual as a type B home provider or as an in-home aide, the CDJFS shall schedule an interview and inform the applicant of the following:
 - (1) Procedures for review of the applicant's credentials and for inspection of the applicant's type B home or the home of a child receiving in-home aide services.
 - (2) Requirements and procedures for using an emergency and substitute caregiver.
 - (3) Items necessary to complete the BCII and FBI criminal records check.
 - (4) Responsibilities of a certified type B home provider or a certified in-home aide.

- (5) ~~Reimbursement~~ Payment rates and requirement to ~~collection~~ collect of the copayment ~~and fees~~ from parents.
- (6) Requirements for ~~the billing processes established by the CDJFS~~ the use of the Ohio electronic child care system (Ohio ECC) .
- (7) Training and technical assistance requirements and availability.
- ~~(8) Explanation and a paper or electronic copy of:~~
 - ~~(a) Chapter 5101:2-14 of the Administrative Code.~~
 - ~~(b) Rule 5101:2-16-41 of the Administrative Code.~~
 - ~~(c) Rule 5101:2-16-44 of the Administrative Code.~~
 - ~~(d) Rule 5101:2-16-55 of the Administrative Code.~~
 - ~~(e) Rule 5101:2-16-71 of the Administrative Code.~~
 - ~~(f) Any additional requirements of the CDJFS that have been approved by the Ohio department of job and family services (ODJFS).~~
- ~~(9)~~(8) Responsibilities for maintaining the confidentiality of records of families and children receiving publicly funded child care.
- ~~(10)~~(9) Information necessary for the CDJFS to access records from the public children services agency (PCSA) concerning any abuse or neglect report made pursuant to section 2151.421 of the Revised Code including but not limited to the JFS 01302.
- ~~(11)~~(10) Requirement that the provider shall complete one of the following:
 - (a) Obtain and maintain liability insurance insuring the provider against liability arising out of, or in connection with, the operation of the type B home.
 - (i) The liability insurance shall cover any cause for which the type B home would be liable, in the amount of at least one hundred thousand dollars per occurrence and three hundred thousand dollars in the aggregate.

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

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

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

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

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

(b) Provide the JFS 01933 "Liability Insurance Statement for Type A and Type B Family Child Care Homes" (8/2009) to the caretaker of each child receiving care in the home. The JFS 01933 shall be signed by the caretaker and on file by the child's first day of attendance. ~~For children currently enrolled in the type B home the JFS 01933 shall be on file within thirty days of the effective date of this rule.~~

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

(ii) The JFS 01933 shall be maintained at the home.

~~(H)~~(11) Any changes that are needed to the provider's JFS 01332, to make it compliant with Chapter 5101:2-14 of the Administrative Code and Chapter 5104. of the Revised Code.

~~(E)~~(D) The applicant must agree to cooperate with CDJFS inspections and to meet all requirements contained in Chapter 5101:2-14 of the Administrative Code and Chapter 5104. of the Revised Code. These requirements apply to all certified type B homes providing care that is privately or publicly funded.

~~(E)~~(E) The CDJFS shall not require an applicant to complete the certification process

when the applicant is already certified as a type B home provider or as an in-home aide by another CDJFS.

~~(G)~~(F) An individual applying to be certified by the CDJFS as a type B home provider or as an in-home aide shall be a resident of the state of Ohio.

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

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

5101:2-14-04

Issuance and renewal of professional certification as a type B home provider or in-home aide.

- (A) Prior to the issuance of a type B or in-home aide certificate, the county department of job and family services (CDJFS) shall obtain all items as required ~~by paragraph (B)~~ in rule 5101:2-14-02 of the Administrative Code and the following:
- (1) Results from the bureau of criminal identification and investigation (BCII) and federal bureau of investigation (FBI) for the applicant and all residents.
 - (2) Results from the JFS 01302 "Request for Child Abuse and Neglect Report Information" (rev. 9/2006) for the applicant and all residents.
 - (3) A signed and completed JFS 01280 "Provider Medical Statement" (rev. 8/2008) after being examined by a licensed physician, physician's assistant, certified nurse practitioner or advanced practice nurse, not more than six months prior to certification.
 - (4) A signed and completed JFS 01924 "Inservice Training for Type B Home and In-Home Aide Child Care Providers" (rev. 8/2008) or a JFS 01307 "Inservice Training for Child Care Employees Child Care Centers and Type A Homes" (rev. 7/2010) verifying the applicant's completion of at least eight hours of the ~~JFS 1750~~ [JFS 01750](#) "Health and Safety in Family Child Care" ~~(rev. 7/2010)~~ [\(rev. 2/2012\)](#) training.
 - (5) Verification of the applicant's current certification in first aid and cardiopulmonary resuscitation (CPR) as required by rule 5101:2-14-13 of the Administrative Code.
- (B) The CDJFS shall provide the applicant with the following information when a determination is made that the applicant will be certified:
- (1) JFS 08087 "Ohio Communicable Disease Chart" (rev. 4/2009 or 9/2009).
 - (2) All forms required to comply with the record keeping requirements contained in Chapter 5101:2-14 of the Administrative Code.
- (C) Once certified, the type B home provider shall complete and submit a provider agreement and all information required in the provider portal which is located at <http://jfs.ohio.gov/cdc/childcare.stm>. This information shall be submitted by the first day publicly funded child care services are provided. Any child care services provided prior to the date of submission shall not be subject to ~~reimbursement~~ [payment](#).

(D) The certificate shall be valid for twelve months, unless:

- (1) It is revoked for noncompliance with Chapter 5101:2-14 or Chapter 5101:2-16 of the Administrative Code.
- (2) The provider notifies the CDJFS either verbally or in writing of his or her voluntary withdrawal from the certification program.
- (3) The type B home provider moves to a new address.

(E) The type B home provider shall post the certificate in the home in a conspicuous place that is accessible to the caretaker at all times. The CDJFS shall provide a copy of the certificate to the caretaker of a child receiving in-home aide services.

(F) A certificate is valid only for the provider, address, and maximum number of children designated on the certificate. Only one certificate shall be issued for each address.

~~(G) On or after August 14, 2008 only one type B home provider certificate shall be issued for each address. For providers that had more than one certificate issued to the address before August 14, 2008, the certificates will remain valid as long as the certificate does not lapse and both providers are in compliance with Chapter 5101:2-14 of the Administrative Code and Chapter 5104. of the Revised Code.~~

~~(H) As of August 14, 2008, a type B home provider certificate shall not be issued to any address that is licensed as a type A child care home. Type B home providers certified on or before August 14, 2008 at the same address as a type A child care home shall have their certificate remain valid as long as the certificate or license does not lapse and both child care providers are in compliance with Chapter 5104. of the Revised Code and Chapter 5101:2-14 and Chapter 5101:2-13 of the Administrative Code.~~

~~(H)~~(G) A type B home provider shall notify the CDJFS no fewer than ten days prior to moving to a new address. The CDJFS shall issue a new certificate to the new address upon determining that the provider is in compliance at the new address. ~~The original certification period shall be maintained at the new address.~~ The provider shall not be eligible for ~~reimbursement~~ payment for publicly funded child care services until:

- (1) The CDJFS issues a certificate for the new address.
- (2) The type B home provider completes a new provider agreement and all information required in the provider portal.

~~(H)~~(H) The voluntary surrender of a certificate to the CDJFS or the withdrawal of an application for certification shall not prohibit the CDJFS from revoking a certificate or denying an application for certification, if the type B home provider or in-home aide is out of compliance with ~~Chapter~~ Chapters 5101:2-14 and 5101:2-16 of the Administrative Code and Chapter 5104. of the Revised Code.

~~(I)~~(I) As part of the certification renewal process, the CDJFS shall obtain current information from the public children services agency about the provider, any other adult residents, and emergency and substitute caregivers by completing a new JFS 01302.

~~(J)~~(J) The CDJFS shall renew a certificate, which shall be valid for twelve months, if the provider remains in compliance with ~~Chapter~~ Chapters 5101:2-14 ~~of the Administrative Code~~ and 5101:2-16 of the Administrative Code and Chapter 5104. of the Revised Code.

~~(K)~~(K) The CDJFS may choose not to renew a certificate for providers who have not provided publicly funded child care services to residents of Ohio for more than six months.

~~(L)~~(L) The CDJFS shall not prohibit certified type B home providers from providing privately or publicly funded child care services. The requirements contained in Chapter 5101:2-14 of the Administrative Code apply to all certified type B homes providing care that is privately or publicly funded.

~~(M)~~(M) An individual certified by the CDJFS as a type B home provider or as an in-home aide to provide publicly funded child care services is an independent contractor and is not an employee of the ODJFS or CDJFS that issued the certificate.

~~(N)~~(N) Publicly funded child care may only be provided in a child's own home by an in-home aide.

5101:2-14-05

Provider qualifications for professional certification as a type B home provider or in-home aide.

- (A) The type B home provider or in-home aide shall be at least eighteen years of age, and for those individuals certified after April 1, 2003, have completed a high school education. The county department of job and family services (CDJFS) shall verify each provider's education and maintain the documentation in the provider's file. Verification of high school education shall be one of the following:
- (1) A copy of a high school diploma recognized by the state board of education or the appropriate agency of another state as equivalent to a high school education.
 - (2) A copy of other written documentation approved by the department verifying high school completion or equivalency, such as the Ohio general educational development high school equivalence diploma (GED).
 - (3) A copy of the degree or transcript verifying completion of an associates degree or higher.
 - (4) For the home schooled student, a letter from the state or local board of education stating that the curriculum for the course of home study taken by the provider meets the required standards.
- (B) The provider shall ~~be examined~~ receive a medication examination from ~~by~~ a licensed physician, physician's assistant, certified nurse practitioner (CNP) or advanced practice nurse (APN), ~~not more than six months~~ within six months prior to initial certification ~~and every three years from the date of the initial medical examination.~~ The provider shall be examined and have the JFS 01280 "Provider Medical Statement" (rev. 8/2008) signed by a licensed physician, physician's assistant, CNP or APN . The JFS 01280 shall include at a minimum:
- (1) The examination date.
 - (2) The signature, office address, and telephone number of the physician, physician's assistant, CNP or APN who completed the examination.
 - (3) Verification that the provider is currently free of communicable tuberculosis.
 - (4) A statement that the provider has been immunized against measles, mumps, and rubella.
 - (a) A history of having measles or mumps disease may be substituted for the

vaccine for persons born on or before December 31, 1956.

- (b) Only a laboratory test demonstrating detectable rubella antibodies shall be accepted in lieu of the rubella vaccine.
 - (c) A provider may be exempt from this immunization requirement for religious reasons upon filing a written statement with the CDJFS, or for medical reasons upon filing a written statement with the CDJFS that is signed by a licensed physician, physician's assistant, CNP or APN.
- (5) A statement that the provider has been immunized against tetanus and diphtheria. At the time the next booster for tetanus and diphtheria is due, the provider shall also be immunized against pertussis (Tdap).
- (6) Any special health problems which might interfere with the health of children or might prohibit the individual from providing adequate care for young children.
- (C) The CDJFS may require ~~the provider, an additional report or examination~~ at any time prior to or subsequent to the issuance of a certificate, ~~to submit a current JFS 01280 signed by a licensed physician, physician's assistant, CNP or APN~~. Failure to obtain a ~~new medical statement~~ JFS 01280 or additional reports may be grounds for revocation of a certificate.
- (D) The provider shall be physically, intellectually and emotionally capable of complying with the requirements of Chapter 5101:2-14 of the Administrative Code and performing activities normally related to child care. These include, but are not limited to, providing meals, dealing with emergencies in a calm manner, carrying out methods of child guidance and discipline in a courteous, respectful and patient manner, and keeping accurate records as required by this chapter.
- (E) The provider shall meet at least one of the following requirements:
- (1) Have at least six months' experience in caring for a child twelve years or younger. Parenthood may be considered as experience.
 - (2) Have obtained at least thirty clock hours of documented training which has been approved by the CDJFS.
- (F) The provider shall provide a safe, healthy environment when children are present. Any individual whose behavior or health may endanger the health, safety or well

being of children shall not be present or reside in the type B home or home of a child receiving in-home aide services.

- (G) The CDJFS shall obtain information from the public children services agency (PCSA) by completing the JFS 01302 "Request for Child Abuse and Neglect Report Information" (rev. 9/2006). The CDJFS shall consider any information provided by the PCSA within the totality of circumstances to determine if the provider may endanger the health, safety, or welfare of children.
- (H) The provider shall notify the CDJFS of any individual staying at the home for more than five consecutive calendar days during a certification period.
- (I) The provider or any resident of the type B home shall not:
- (1) Demonstrate physical or mental conditions potentially harmful to children.
 - (2) Be under the influence of alcohol or other drugs while child care is being provided.
 - (3) Have been convicted of or pleaded guilty to crimes listed in division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code.
 - (4) Have been indicted, are awaiting trial on charges, or pending outcome of a trial of any of the crimes listed in division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code. The provider shall report this information, as well as any investigation being conducted by a public children services or law enforcement agency, **immediately** within twenty-four hours to the CDJFS.
- (J) The provider shall not be involved in any activities which interfere with the care of the children. The provider shall not be involved in employment during the hours in which child care is provided.
- (K) Any provider certified after the effective date of this rule shall not be a specialized care foster home.
- ~~(L) Each initial type B home or in-home aide applicant shall provide the CDJFS with at least three written references. The references shall be from individuals not related to the applicant, shall attest to the applicant's ability to care for children and shall be satisfactory to the CDJFS.~~

~~(M)~~(L) The type B home or in-home aide applicant shall sign the JFS 01329 "Statement of Nonconviction for Type B Homes and In-Home Aides" (rev. 8/2008), attesting to all of the following:

- (1) That he or she has not been convicted of or pleaded guilty to any offense listed in division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code.
- (2) That no child has been removed from his or her home pursuant to section 2151.353 of the Revised Code.
- (3) That no person who resides at the type B home and who is under the age of eighteen has been determined by the court to be a delinquent child for ~~pleading guilty to or being found guilty of~~ a violation of any provision listed in division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code.

~~(N)~~(M) Every individual eighteen years of age or older residing in the type B home shall sign the JFS 01329 attesting that he or she has not been convicted of or pleaded guilty to any offense listed in division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code and that no child has been removed from his or her home pursuant to section 2151.353 of the Revised Code.

~~(O)~~(N) The type B home or in-home aide applicant and every adult residing in the applicant's type B home shall comply with the requirements contained in rule 5101:2-14-11 of the Administrative Code.

~~(P)~~(O) The type B home provider shall notify the CDJFS within twenty-four hours or on the next working day of any change in household composition.

~~(Q)~~(P) Providers who are foster parents shall:

- (1) Notify the CDJFS prior to certification and the caretakers of all children receiving care before child care is provided when the provider is caring for foster children.
- (2) Notify the CDJFS and the caretakers of all children receiving care within one business day of when the provider is to begin caring for additional foster children.
- (3) Maintain a written record documenting the date and how the CDJFS and

caretakers were notified about foster children in care. This record shall be made available to the CDJFS upon request.

~~(R)~~(Q) The provider may choose to accept only those placements which suit the provider's abilities and the physical environment of the home, but shall not discriminate in providing child care services to children upon the basis of ~~handicap~~disability, race, color, religion, sex, or national origin.

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

~~(T)~~(S) The provider shall, ~~upon request~~, provide a caretaker the provider's tax identification number at the time children are accepted into the program or upon request. ~~with any information necessary for the caretaker to compile child care related expenses for income tax preparation activities.~~

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

5101:2-14-13

Training requirements for certification as a professional type B home provider or in-home aide.

(A) Prior to initial certification, each type B home provider and in-home aide shall be currently trained in first aid and infant and child cardiopulmonary resuscitation (CPR). Providers and in-home aides shall successfully complete and maintain current certification in both first aid and CPR. If a provider is caring for both infants and older children, training shall be appropriate for all of the ages of children in care.

(B) Each type B home provider and in-home aide shall complete, not more than six months prior to initial certification, the JFS 01750 "Health and Safety in Family Child Care" (~~rev. 7/2010~~) (rev. 2/2012) course.

~~(C) Each type B home provider and in-home aide certified on or after August 15, 2008 shall complete or have current, by the end of their first certification year, training in management of communicable disease and child abuse recognition and prevention. Training shall meet the requirements of this rule. Training may be taken prior to certification, but shall be valid as of the end of the first certification year.~~

(C) After initial certification, each type B home provider and in-home aide shall complete six clock hours of training every year.

(1) Type B home providers and in-home aides shall complete or have current training in management of communicable disease and child abuse recognition and prevention by the end of the first year of certification. Once this requirement is met the provider does not have to keep these trainings current.

(2) In each year after the first year of certification, the six clock hours of training must include at least two clock hours in child growth and development.

(3) Type B home providers and in-home aides shall attend all training required by the county department of job and family services (CDJFS).

~~(D) Each type B home provider and in-home aide shall complete, by the end of their first certification year and every certification year thereafter, six clock hours of training in any of the categories listed in this rule. This training shall be completed after the initial certificate is issued. After the first year of certification, the six hours of training shall include at least two clock hours of training in child growth and development. Providers shall attend all trainings required by the CDJFS.~~

~~(E)~~(D) Training in first aid shall be appropriate for child care providers and shall:

(1) Be at least six hours in length and follow a curriculum approved by the Ohio department of job and family services (ODJFS) or be the length of time required by an approved health organization and follow guidelines and

curriculum of a first aid course designed for child care staff by a health organization approved by ODJFS.

- (2) Be valid for three years or the number of years indicated on the card or form received from the approved health organization.
- (3) Be provided by trainers who are one of the following:
 - (a) An authorized first aid trainer from an approved health organization.
 - (b) A licensed physician or registered nurse.
 - (c) An emergency medical service instructor.
- (4) Be updated by either completion of the full training or completion of a review training. The review training shall include all specific topics of the approved curriculums and be at least three hours in length or the length of time required by an approved health organization.
- (5) Not be required for registered nurses, emergency medical service instructors, emergency medical technicians and paramedics with current valid credentials. These trained professionals are exempt from first aid training requirements.

~~(F)~~(E) Training in CPR, if taken separately from first aid, shall meet all of the following requirements:

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

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

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

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

- (1) Be at least six hours in length and follow a curriculum approved by ODJFS or follow guidelines and curriculum or a management of communicable disease course designed for child care providers by a health organization approved by ODJFS.
- (2) Be valid for three years.
- (3) Be updated by either completion of the full training or completion of a three hour review training. The review training shall include all specific topics of the approved curriculums.
- (4) Training shall be provided by a trainer who meets one of the following requirements:
 - (a) Is a currently authorized trainer of communicable disease from a health organization approved by ODJFS.
 - (b) Is a licensed physician or registered nurse.

- (5) Not be required for registered nurses with current valid credentials. These trained professionals are exempt from management of communicable disease training requirements.

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

- (1) Be at least six hours in length.
- (2) Include all of the following curriculum areas:
 - (a) Ohio law and rules pertaining to child abuse and neglect, including definitions, reporting and confidentiality requirements.
 - (b) Physical and behavioral indicators of child abuse and neglect.
 - (c) Details on reporting, including penalty, immunity and how and to whom to report.
 - (d) The investigatory role of the children's protective services agency.
 - (e) The sharing of information and the role of law enforcement, CDJFS employees and the courts in reports of child abuse and neglect.
 - (f) How to help families who have had occurrences of abuse or neglect.
 - (g) Prevention of child abuse and neglect in child care, including provider supervision and training, policies and procedures and appropriate discipline.
- (3) Be valid for three years.
- (4) Be updated by either completion of the full training or completion of a three hour review training. The review training shall include all specific topics outlined in the rule.
- (5) Training shall be provided by a trainer who meets one of the following requirements:

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

~~(A)~~(1) Training in child growth and development or general knowledge shall meet the following requirements:

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

(a) Child growth and development:

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

(b) General knowledge for family child care:

- (i) Administration of a family child care home business.
- (ii) Community health, pediatrics or social service resources for children and families.
- (iii) Ethics and professionalism in child care.
- (iv) Food safety and sanitary practices.
- (v) Home safety and fire prevention.
- (vi) Proper administration of medication.
- (vii) Other areas as determined by the CDJFS.

(2) Be provided by a trainer that has two years experience in the specific subject matter and meets one of the following requirements:

- (a) Has completed ninety quarter credit hours or sixty semester credit hours from an accredited college, university, or technical college. The coursework shall include at least thirty-six quarter credit hours or twenty-four semester credit hours in courses in child development.
- (b) Has a currently valid CDA.
- (c) Has a preprimary credential from the AMS or the AMI.
- (d) Is a licensed physician or registered nurse.

~~(K)~~(J) The type B home provider or in-home aide shall keep a record on file at the home of all training completed to meet the requirements of this rule . The training shall be documented on the JFS 01924 "Inservice Training for Type B Home and In-Home Aide Child Care Providers" (rev. 8/2008), the JFS 01307 "Inservice Training for Child Care Employees of Child Care Centers and Type A Homes" (~~rev. 9/2006~~ [rev. 7/2010](#)) or training cards issued by organizations approved by ODJFS for first aid, CPR, prevention, recognition and management of communicable diseases or child abuse recognition and prevention.

~~(L)~~(K) Audiovisual, or electronic media training, or self-instructional study may be used to meet ~~no more than three hours of~~ the required six annual hours of training. ~~These types of courses must be approved by the CDJFS and may not be used to meet the first aid or CPR training requirements.~~

(1) These types of trainings shall be preapproved by the CDJFS and may be used to meet the annual training requirement.

(2) 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.

~~(M)~~(L) When the type B home provider or in-home aide attends a training that is not offered by the CDJFS to comply with the provisions of this rule, the training shall be approved by the CDJFS prior to attending training in order to ensure the trainer or topic is in compliance with the requirements of this rule.

~~(N)~~(M) The CDJFS shall review and approve training records at the time of recertification. Failure of the provider to provide acceptable documentation of training may result in revocation of the certification.

~~(O)~~(N) The CDJFS shall provide or purchase from a qualified trainer a minimum of eighteen hours of training per year for providers. The CDJFS shall notify providers in advance of the training schedule.

5101:2-14-36

Crib and playpen requirements for professional certification as a type B home provider or in-home aide.

(A) Each infant in attendance shall be provided with a separate crib that meets the requirements of this rule.

(1) Cribs 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.

(2) All cribs shall be assembled and used according to the manufacturer's directions and limitation.

(3) Cribs/playpen with dimensions less than thirty-six inches in length and twenty-four inches in width shall not be used.

~~(2) Cribs shall be defined by size as follows:~~

~~(a) "Full size crib" has an interior dimension greater than fifty two inches (plus or minus five eighth inch) in length and twenty eight inches (plus or minus five eighths inch) in width. With the mattress support in its lowest position and the crib side in its highest position the vertical distance from the upper surface of the mattress support to the upper surface of the crib side or end panel shall not be less than twenty six inches.~~

~~(i) Only children under thirty five inches tall shall use a full size crib.~~

~~(ii) Children thirty five inches or taller shall use a cot.~~

~~(b) "Porta crib/playpen" has dimensions less than those specified for a full size crib. Only children under thirty inches tall shall use a porta crib/playpen.~~

~~(c) "Porta cribs/playpen" with dimensions less than thirty six inches in length and twenty four inches in width shall not be used. With the mattress support in its lowest position and the crib side in its highest position, the vertical distance from the upper surface of the mattress support to the upper surface of the crib side or end panel shall not be less than twenty two inches.~~

(3)(4) At all times, cribs and porta cribs shall be used with the mattress supports in their lowest positions and the crib sides in their highest positions except when the caregiver is in the process of placing, removing or soothing the infant, cribs shall be used with the mattress supports in their lowest positions and the crib sides in their highest positions.

(5) Children thirty-five inches or taller shall use a cot.

~~(4)~~(6) An infant sixteen months or older may use a cot with written caretaker permission. The crib assigned to the sixteen month old infant may be placed in storage in the residence once the infant is no longer using it.

~~(5)~~(7) If the use of a crib or playpen is considered hazardous for an infant, regardless of age, for example, children who are capable of climbing out of a crib or playpen, the infant may use a cot with written permission from the caretaker. Written permission shall be kept on file.

(B) Cribs purchased or obtained after June 28, 2011 shall meet the United States consumer product safety commission (CPSC) safety standards, 16 CFR parts 1219, 1220 and 1500, that are in effect as of June 28, 2011. Cribs purchased or obtained before June 28, 2011 shall meet the June 28, 2011 CPSC safety standards or be replaced by December 28, 2012 with cribs that meet this standard. These standards may be found at: <http://www.cpsc.gov/info/cribs/index.html>.

~~(B)~~(C) Each crib or playpen shall be of sturdy construction, with closely spaced bars and with corner posts that do not exceed one sixteenth of an inch above the top of the end panel.

~~(1) Spaces between the bars of the crib or playpen and between the bars and end panels of the crib or playpen shall not exceed two and three-eighths inches.~~

~~(2)~~(1) Playpen mesh openings shall be less than one quarter inch.

~~(3)~~(2) Stacked cribs shall be prohibited.

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

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

(2) Each mattress shall have a properly fitted clean sheet which is changed at least weekly, or more often as necessary. If a crib or playpen is used by more than one child, the crib shall be washed with soap and water and sanitized with an appropriate germicide and the sheet shall be changed before use by another child.

~~(D)~~(E) Cribs and playpens shall be thoroughly cleaned and sanitized.

- (1) Each mattress shall be securely covered with a waterproof material which can be thoroughly sanitized and is not dangerous to children. The waterproof cover shall be free of rips or tears. [Each mattress shall have a properly fitted clean crib sheet](#)
- (2) Bumper pads shall not be used.
- (3) Nothing shall be placed or be hung over the side that obstructs the provider's visibility of the infant.
- (4) Infants shall not be placed in cribs, ~~porta-cribs~~ or playpens with bibs or any other items which could pose a strangulation or suffocation risk. [This includes devices designed to maintain sleep positions, unless prescribed in writing by a physician.](#)
- (5) Infants shall be placed in their cribs or playpens for sleeping, and shall not be allowed to sleep in bassinets, swings, car seats or other equipment. If a medical condition exists where a child needs to sleep in equipment other than a crib or playpen, written permission shall be obtained from a physician and shall be on file for review.
- (6) Infants shall be placed on their backs to sleep unless the caretaker provides written authorization on the JFS 01930 "Sleep Position Waiver" (8/2008) signed by the child's physician to the provider for the child to be placed on his or her stomach or side to sleep. The JFS 01930 shall be maintained on file for review by the county department of job and family services (CDJFS). Infants who are able to turn themselves over shall be placed initially on their back for sleeping but allowed to sleep in a position they prefer.
- (7) Cribs or playpens shall not be used for storage of toys and other materials.

5101:2-14-56

Issuance and renewal of a certificate for limited certification as a type B home provider or in-home aide.

(A) ~~A child care certificate for~~ The county department of job and family services (CDJFS) shall issue a certificate for provisional limited certification ~~may be issued when the county department of job and family services (CDJFS) determines that~~ when all of the following are met:

- (1) The caretaker is eligible to receive publicly funded child care benefits according to the requirements ~~found~~ in Chapter 5101:2-16 of the Administrative Code.
- (2) The JFS 01642 "Application/Inspection Form for Type B Limited Certification" (rev. 10/2010) is completed and signed by the provider and has been submitted to the CDJFS.
- (3) The provider and all persons over eighteen years of age residing in the home have indicated on the JFS 01329 "Statement of Nonconviction For Type B Homes and In-Home Aides" (rev. 8/2008) that he or she has not been convicted of or pleaded guilty to, offenses listed in division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code and that no child has been removed from his or her home according to section 2151.353 of the Revised Code.
- (4) The in-home aide (IHA), agency inspected (AI), and parent/provider inspected (PPI) home provider and other adults living in the AI or PPI home have returned the bureau of criminal identification and investigation (BCII) and federal bureau of investigation (FBI) standard fingerprint impression sheets or have electronically submitted their fingerprints according to the process of BCII to the CDJFS. Any fees charged to these individuals shall be collected at this time.
- (5) The IHA, AI and PPI home provider and other adults living in the AI and PPI home have submitted information necessary for the public children services agency (PCSA) registry verification.

(B) At the time the CDJFS issues the provisional limited certificate, the certified provider shall complete and submit a provider agreement and all information required in the provider portal which is located at: <http://jfs.ohio.gov/cdc/childcare.stm>. This information must be submitted by the first day publicly funded child care services are provided. Any child care services provided prior to the date ODJFS receives this provider portal information will not be reimbursed. The CDJFS will mail the provider the following information:

- (1) The billing and record keeping forms.

- (2) The date which publicly funded child care can begin.
- (C) The CDJFS shall complete a home inspection no later than ten business days after the issuance of the provisional certificate if an inspection has not been completed prior to the provisional certification. The JFS 01642 must be completed by the caretaker and provider within ten business days when a PPI is issued a provisional certificate prior to the caretaker and provider completing the report.
- (D) A limited certificate shall be issued no later than sixty days after issuance of the provisional certificate when all of the following are met:
- (1) The CDJFS has verified that the provider meets limited certification health and safety requirements as indicated on the JFS 01642.
 - (2) The BCII and FBI criminal records checks and the JFS 01329 indicate that the provider and all adults residing in the home have not been convicted of or pleaded guilty to the offenses listed in divisions (A)(8) and (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code, and have not had a child removed from the home pursuant to section 2151.353 of the Revised Code.
 - (3) The provider has submitted a JFS 01280 "Provider Medical Statement" (rev. 8/2008) affirming that he or she is in good health and capable of caring for children.
 - (4) The CDJFS has received information from the public children services agency (PCSA) in response to the JFS 01302 "Request for Child Abuse and Neglect Report Information" (rev. 9/2006). The CDJFS shall consider any information provided by the PCSA within the totality of circumstances to determine if the provider may endanger the health, safety, or welfare of children.
 - (5) The CDJFS has received verification that first aid and CPR training have been completed and the provider's trainings have not expired.
 - (6) The CDJFS has received verification that the provider has completed, not more than six months prior, the eight hour JFS 01750 "Health and Safety in Family Child Care" (~~rev. 7/2010~~) ([rev. 2/2012](#)) course.
- (E) A limited certificate shall be in effect for two years, unless:
- (1) It is revoked or terminated by the CDJFS.

- (2) The provider notifies the CDJFS of his or her voluntary withdrawal from the certification program.
 - (3) The provider moves to a new address.
- (F) The limited certificate shall be issued under one of the following:
- (1) PPI type B home limited certifications.
 - (2) AI type B home limited certification.
 - (3) IHA limited certification.
- (G) A limited certificate is valid only for the provider, address, and maximum number of children designated on the certificate.
- (H) One limited certificate shall be issued for each address. ~~For providers that had more than one certificate issued to the address on or before August 14, 2008, the certificates will remain valid as long as the certificate does not lapse and both providers are in compliance with Chapter 5101: 2-14 of the Administrative Code and Chapter 5104. of the Revised Code.~~
- ~~(I) As of August 14, 2008 a limited certificate shall not be issued to any address that is licensed as a type A child care home. Limited type B home providers that are certified on or before August 14, 2008 at the same address as a type A child care home shall have their certificate remain valid as long as the certificate or license does not lapse and both child care providers are in compliance with Chapter 5104. of the Revised Code and Chapter 5101:2-14 and Chapter 5101:2-13, respectively, of the Administrative Code.~~
- ~~(J)~~(L) If the provider moves, a new certificate shall be issued to the provider at the new address upon determining that the provider is in compliance with the requirements of Chapter 5101:2-14 of the Administrative Code and Chapter 5104. of the Revised Code at the new address. The provider shall not be eligible for reimbursement for publicly funded child care services until:
- (1) A certificate is issued for the new address.
 - (2) The provider completes and submits to ODJFS, a new provider agreement and all information required in the provider portal.

~~(K)~~(J) The voluntary surrender of a certificate to the CDJFS or the withdrawal of an application for certification shall not prohibit the CDJFS from revoking a certificate or denying an application for certification, if the provider or in-home aide is out of compliance with Chapter 5101:2-14 of the Administrative Code or Chapter 5104. of the Revised Code.

~~(H)~~(K) As part of the recertification process, the CDJFS shall obtain current information from the PCSA about the provider and adult residents by completing a new JFS 01302.

~~(M)~~(L) Prior to recertification every four years, the CDJFS shall obtain the results of the BCII criminal records check for the provider, in-home aide and any other adults residing in the home. Additionally, the CDJFS may request the FBI criminal records check every four years. When each new BCII criminal records check is received the CDJFS shall act in accordance with rule 5101:2-14-11 of the Administrative Code.

~~(N)~~(M) The CDJFS shall renew a limited certificate when it determines:

- (1) The caretaker is still eligible to receive publicly funded child care benefits according to the requirements of Chapter 5101:2-16 of the Administrative Code.
- (2) The provider remains in compliance with limited certification requirements contained in Chapter 5101:2-14 of the Administrative Code.

~~(O)~~(N) An individual certified by the CDJFS as a type B home provider or as an in-home aide to provide publicly funded child care services is an independent contractor and is not an employee of the [ODJFS](#) or CDJFS that issued the certificate.

~~(P)~~(O) The provider shall post the certificate in the home in a conspicuous place that is accessible to the caretaker at all times. The CDJFS shall provide a copy of the certificate to the caretaker of a child receiving in-home aide services.

5101:2-14-58

Provider qualifications and responsibilities for limited certification as a type B home provider or in-home aide.

- (A) The provider shall be at least eighteen years of age.
- (B) The eight hour JFS 01750 "Health and Safety in Family Child Care Training" (~~rev. 7/2010~~)([rev. 2/2012](#)) shall be completed by:
- (1) Providers issued a provisional limited certificate, prior to or within sixty calendar days of the issuance of the provisional limited certificate. The training shall be taken no more than six months prior to the issuance of the limited certificate.
 - (2) Providers issued a limited certificate prior to the issuance of the certificate. The training shall be taken no more than six months prior to the issuance of the limited certificate.
- (C) First aid and cardiopulmonary resuscitation (CPR) shall be completed and current certification maintained by:
- (1) Providers issued a provisional limited certificate, within sixty calendar days of the issuance of the provisional certificate.
 - (2) Providers issued a limited certificate, prior to the issuance of the initial limited certification.
 - (3) Individuals currently approved by the CDJFS shall complete and maintain current certification in both first aid and CPR.
- (D) The provider shall be examined by a licensed physician, physician's assistant, advanced practice nurse (APN) or certified nurse practitioner (CNP) not more than six months prior to initial certification ~~and every three years from the initial examination thereafter~~. The provider shall have the JFS 01280 "Provider Medical Statement" (rev. 8/2008) signed by a licensed physician, physician's assistant, APN or CNP which includes at a minimum:
- (1) Verification that the provider is currently free of communicable tuberculosis.
 - (2) Immunization against measles, mumps and rubella.
 - (a) A history of having measles or mumps disease may be substituted for the vaccine for a person born on or before December 31, 1956.

- (b) Only a laboratory test demonstrating detectable rubella antibodies shall be accepted in lieu of the rubella vaccine.
 - (c) A provider may be exempt from this immunization requirement for religious reasons upon filing a written statement with the county department of job and family services (CDJFS), or for medical reasons upon filing a written statement signed by a licensed physician, physician's assistant, APN or CNP with the CDJFS.
- (3) Immunized against tetanus and diphtheria. At the time the next booster for tetanus and diphtheria is due, the provider must also be immunized against pertussis (Tdap). All providers must have verification of being immunized against pertussis by January 1, 2017.
- (4) Any special health problems which might interfere with the health of a child or might prohibit the individual from providing adequate care for young children.
- (5) The CDJFS may require the provider, at any time prior to or subsequent to the issuance of a certificate, to submit a current JFS 01280 signed by a physician, physician's assistant, APN or CNP. Failure to ~~obtain~~ submit a ~~new medical statement~~ JFS 01280 may be grounds for revocation of a certificate.
- (E) The provider shall be physically, intellectually and emotionally capable of complying with Chapter 5101:2-14 of the Administrative Code and performing activities normally related to child care. These include, but are not limited to, providing meals, dealing with emergencies in a calm manner, carrying out methods of child guidance and discipline in a courteous, respectful and patient manner, and keeping accurate records as required by this chapter.
- (F) The provider shall provide a safe, sanitary and healthy environment when children are present. Any individual whose behavior or health may endanger the health, safety and well being of children shall not be present or reside in the type B home or home of a child receiving in-home aide services.
- (G) The provider shall always be within sight or hearing of a child.
- (H) The provider shall not provide child care to more than six children at one time, with no more than three children under age two, and shall always operate under the definition of limited certification. This child count shall include the provider's children when present, who are under six years of age.

- (I) The provider shall not be a certified specialized ~~care-foster~~ foster care home.
- (J) The provider who is a foster parent must notify the CDJFS and the caretaker within one business day when the provider is, or will be, providing care to foster children. Documentation of this notification and the date that the CDJFS and the caretaker were notified shall be maintained at the home and made available for review by the CDJFS.
- (K) The provider shall assure that he or she and any other person living in the type B home:
- (1) Are not under the influence of drugs or alcohol.
 - (2) Have no evidence of drug or alcohol addiction.
 - (3) Are not trafficking in drugs.
 - (4) Have not been convicted of or pleaded guilty to crimes or offenses listed in division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of 5104.09 of the Revised Code and that no child has been removed from his or her home according to section 2151.353 of the Revised Code.
 - (5) Have not been indicted, are awaiting trial on charges, or pending outcome of a trial of any of the crimes listed in division (A)(8) or (A)(9) of section 109.572 or division (A)(1) of section 5104.09 of the Revised Code. The provider shall report this information, as well as any investigation being conducted by a public children services or law enforcement agency, immediately to the CDJFS.
- (L) The home shall provide for a smoke free environment for the children during the hours that child care is being provided.
- (1) Smoking on the property shall be permitted only if all of the following requirements are met:
 - (a) Smoking shall not occur within the home or attached building areas.
 - (b) Persons smoking cannot be seen by children, including children arriving or departing the home.

- (c) The area where smoking is occurring is so far removed from the children being cared for that the children cannot inhale any smoke.
- (2) Smoking may be permitted in the home during hours that the home is not providing child care if the provider has provided to the caretaker of each child enrolled, a written notice that smoking occurs at the home outside of hours of child care operation.
- (3) The provider shall post in a conspicuous place at the main entrance of the home, a notice stating that smoking is prohibited in any indoor or outdoor space that is part of the home during the hours the home is providing child care services.
- (4) The provider shall not permit any person to smoke in a vehicle while transporting children.
- (M) The in-home aide is prohibited from smoking in the home where child care is being provided.
- (N) The provider shall maintain the home where child care is provided in compliance with the requirements of the JFS 01642 "Application/Inspection for Type B Limited Certification" (rev. 10/2010).
- (O) The provider shall have immediate access at all times to a working land-line telephone on the premises that is capable of receiving incoming calls and making outgoing calls.
- (P) The provider shall have an individual space in the form of a crib, bed, cot, sofa, pad or mat for each child napping at the home. Each child in care during evening and overnight hours shall be provided with an individual crib, bed, mattress, cot, sofa or bed and blankets. The provider shall ensure that no child sleeps on the floor.
- (Q) When transporting children the provider shall never leave children unattended in a vehicle.
- (R) The provider shall call the CDJFS when he or she suspects that a child receiving care has been or will be abused or neglected.
- (S) The provider shall not use or allow anyone in the home to use methods of discipline that will harm a child. These would include but are not limited to: striking, hitting, biting or pinching a child; withholding food, liquid, rest, or toilet use as a form of punishment; placing a child in a dark or enclosed area; tying up a child; having

another child discipline a child; punishing a child for failure to eat, sleep, or for toilet training accidents.

- (T) The provider shall have the JFS 01297 "Child Enrollment and Health Information" (rev. 8/2008) on file for all of the children in care by the first day of attendance. This record shall be reviewed and updated annually by the caretaker. The caretaker shall re-sign and date the JFS 01297 to verify that the information has been reviewed and updated if needed. Each provider shall set a policy regarding whether to provide child care services to children whose caretakers refuse to grant consent for transportation to the source of emergency treatment.
- (U) The provider shall have on file for each child attending, including any child of the provider or in-home aide who is not attending a grade of kindergarten or above, a completed JFS 01932 "Child's Medical Statement" (rev. 8/2008) or head start physical examination form. This shall be on file at the home within thirty days of the ~~child beginning to attend~~ child's first day of attendance. The medical statement shall verify a date of exam within the past twelve months and every thirteen months thereafter, until the child is attending a grade of kindergarten or above.
- (V) The provider shall keep a file with the following information: child's name, date of birth, days of week and hours in child care, date child care services began and proposed ending date of child care services.
- (W) The provider shall maintain a daily attendance record, signed by the caretaker, indicating the hours of care provided for each child and in a manner prescribed by the CDJFS.
- (X) The provider shall have a written plan for medical or dental emergencies which shall be included on the JFS 01929 "Medical, Dental and General Emergency Plan" (rev. 8/2008). The JFS 01929 shall be posted by the telephone and on each floor in the home that is used for child care.
- (Y) The provider shall obtain, prior to administering any nonprescription or prescription medication, written permission of the caretaker and physician as required, using the JFS 01644 "Permission to Administer Medication" (rev. 8/2008). The provider shall assure that all medications are stored out of the reach of children, refrigerated as needed and are able to be immediately accessed if needed. When giving prescription medicine the provider shall ensure the bottle has the child's name on it, the dosage, and the name of the doctor who prescribed the medicine. The provider shall ensure that when dispensing prescription medications to a child that the instructions of the physician who prescribed the medication are followed. The provider shall call the physician who prescribed medication for a child in his or her

care to report all unfavorable or dangerous side effects from the use of the medication.

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

- (1) A child becomes ill or receives an injury which requires first aid treatment.
- (2) A child is transported in accordance with this rule to a source of emergency treatment.
- (3) A child receives a bump or blow to the head.
- (4) An unusual or unexpected incident occurs which jeopardizes the safety of a child or staff, such as a child leaving the home unattended.
- (5) A medication error. A medication error includes errors regarding the child to whom the medication was administered, the medication administered, the dosage of medication administered, the time the medication was administered or the route that medication was administered.

(AA) When any of the following incidents occur, the provider shall give the CDJFS written notification within twenty-four hours on the JFS 01299. The report shall be faxed or mailed to the CDJFS to arrive no later than three business days from the occurrence. This notification does not replace reporting to the county children's protective services agency if there are concerns of child abuse or neglect. The CDJFS shall fax the report to the ODJFS bureau of child care and development within one business day from receipt of the report.

- (1) Death of a child at the home.
- (2) Serious incident, injury, or illness to a child. A serious incident, injury, or illness includes any situation that requires a child to be removed from the home for medical treatment, professional consultation or transported for emergency treatment.
- (3) An unusual or unexpected incident as described in paragraph (Z)(4) of this rule.

(BB) The provider shall provide nutritious, varied, and appropriately timed meals and

snacks for the child.

(CC) The provider shall not prop an infant bottle when feeding an infant or leave a bottle in an infant's mouth while he or she is sleeping.

(DD) The provider shall contact the CDJFS within twenty-four hours or on the next working day of any change in family composition or when the provider discontinues caring for children.

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

(FF) The provider shall post the certificate in the home.

(GG) The provider shall not be involved in any activities which interfere with the care of children. The provider shall not be involved in any employment during the hours in which child care is provided.

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

(II) The provider shall provide the caretaker with a written receipt for all payments made.

(JJ) The provider shall complete one of the following:

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

(a) The liability insurance shall cover any cause 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.

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

(c) If the provider is not the owner of the home where the type B home is located and the provider obtains liability insurance described in paragraph (JJ)(1) of this rule, the provider shall name the owner of the property as an additional insured party on the liability insurance policy

if all of the following apply:

- (i) The owner requests the provider in writing to add the owner to the liability insurance policy as an additional insured party.
 - (ii) The addition of the owner does not result in cancellation or nonrenewal of the insurance policy.
 - (iii) The owner pays any additional premium assessed for coverage of the owner.
- (2) Provide a caretaker of each child receiving care with a JFS 01933 "Liability Insurance Statement for Type A and Type B Family Child Care Homes" (8/2009). The JFS 01933 shall be signed by the caretaker and on file by the child's first day of attendance. ~~For children currently enrolled in the type B home the JFS 01933 shall be on file within thirty days of the effective date of this rule.~~
- (a) If the provider is not the owner of the home where the type B home is operating, the statement shall also ~~include;~~ include: the owner of the home may not provide for coverage of any liability arising out of, or in connection with, the operation of the type B home.
 - (b) The JFS 01933 shall be maintained at the home.
- (KK) The provider shall prepare and give to each child's caretaker a copy of the JFS 01332 "Certified Child Care Handbook for Caregivers" (rev. 11/2010).
- (1) If the information in the JFS 01332 is changed or updated, the provider must give a copy of the new information to each child's caretaker.
 - (2) After the JFS 01332 is reviewed with the caretaker and all questions answered, the caretaker shall sign a statement indicating the handbook and policies have been reviewed and the caretaker agrees to follow the policies.
 - (3) The provider shall give a copy of the signed handbook statement to the CDJFS within five days of completion. The CDJFS shall maintain a copy in the provider's file.