Rule Summary and Fiscal Analysis (Part A)

Department of Job and Family Services

Agency Name

Division of Social Services Division Michael Lynch Contact

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Agency Mailing Address (Plus Zip)	Phone	Fax

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<u>5101:2-13-03</u>

AMENDMENT TYPE of rule filing

Rule Number

Rule Title/Tag Line

<u>Compliance inspection and complaint investigation of a licensed family child care provider.</u>

<u>RULE SUMMARY</u>

1. Is the rule being filed for five year review (FYR)? No

2. Are you proposing this rule as a result of recent legislation? No

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **5104.017**, **5104.018**

5. Statute(s) the rule, as filed, amplifies or implements: **5104.03**, **5104.04**, **5104.017**, **5104.02**, **5104.018**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being amended to implement the federal requirements for background checks in 45 CFR 98.43 and to clarify policy.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE,

then summarize the content of the rule:

This rule has been amended to clarify language regarding types of inspections. The appendix to the rule has also been amended with updated language to reflect the new background check process, the updated concealed weapons requirements, the moderate risk noncompliance for using vehicles that do not meet the requirements of rule and the moderate risk noncompliance applicable to playpens. This rule outlines guidelines and timeframes for inspection and investigations of the family child care home.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(A)(3).

This rule incorporates one or more dated references to an ODJFS form or forms. Each cited ODJFS form is dated and is generally available to persons affected by this rule via the inner-web at http://innerapp.odjfs.state.oh.us/forms/inner.asp or on the inter-net at http://www.odjfs.state.oh.us/forms/inter.asp in accordance with RC 121.75(E).

This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the Ohio Revised Code because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(A)(1).

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Not applicable.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. Five Year Review (FYR) Date: 12/31/2021

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

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The proposed rule will not have an impact on the agency's projected budget during the current biennium.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

There are no anticipated new costs of compliance as a result of this rule.

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16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? No

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? Yes

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes

Type A home providers must be licensed because they serve seven or more

children. Type B home providers must be licensed if they want to serve children

who are publicly funded or they can voluntarily be regulated.

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes

Failure to comply may result in revocation of a license.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? No

ACTION: Or	igina	1					D	ATE	E: 08	SChiz Depa E <mark>E RECC</mark>	rtment of (Jolpang Fa ART F(unily Servic	ces D CARE								
Program Name					ey Code							Hours of	Operation						Day	s of Oper	ration	
License Number		I or v - In Compliance N/A - Not Applicable From: To: Date of Onsite O - Out of Compliance P/V - Previously Verified From: To:				Months of Operation																
																			Fror	m:	_ T	0:
ITEMS TO BE (ETED BY APP	LICAI	NT/AC	DMINI	STRA	TOR				TO E		LETED B	Y CHILD C	ARE LIC	ENSING	SPECI	ALIST	(se	e more in	formatior	n on back)
Name/OPIN # Date Date		Position/Start Date (if not hire date)	Tiours (sta			Hours <i>(start and end times)</i> and Days			Education Medica		Staff on fi	JFS 01176 on file	file Background	d Date Driver	Driver's License			n Date of Training			Professional Development Hours (6) (# of hours)	
(List all persons at the center/home)	of Hire	(CCSM, driver, cook, volunteer, janitor, etc)	м	т	w	R	F	s	S	Veniloutori	Clutomont	Chent		Checks	Driver Training	Liberide	FA	CPR	MCD	CA/N (6 or 3)	CA/N (1)	
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Administrator (CDA exp date or promoted fro qualifications due, if applicable)	om within	Date Administrator T	raining Di	ue/Compl	eted	Admini qualific	strator #2 ations du	2 (CDA e ue, if appli	kp date or cable)	r promoted from wi	ithin	Date Admini	istrator Training D	oue/Completed		or #3 (CDA exp ications due, if		moted from	Date Adr	ministrator T	raining Due	Completed
The information I am providing on this form is true and accurate to the best of my knowledge.						Date																

Directions:

- 1. The Provider or Administrator/designee please fill the section within the bold black box on page one. Including the name of any person who has assigned hours or responsibilities at the center or home. This would include any child care staff members, employees, janitors, vehicle drivers, second adults, students, volunteers or additional residents of the type A home.
- 2. Fill-in the date that each person began working in the center or home.
- 3. List the positions that each person holds, for child care staff members include the age group or classroom name of the group for which they provide care.
- 4. List the hours and days that each person is scheduled at the center or home, or working/volunteering for the program.
- 5. Sign at the bottom of page one.

Educ Verif.	Verification of completion of high school education or higher degree
Med	Employee medical statements are required at the time of employment. (JFS 01296 may be used)
Staff Orient.	All CCSMs must complete the Staff Orientation Training, using the curriculum provider by the department.
JFS 01176 on file	A background check is required to be requested to ODJFS for all staff. The determination of eligibility for employment is required to be on file.
Exp. Date of Background Checks	Background checks are required to be updated every five years.
DVT	Driver Vehicle Training must be completed by all drivers.
Driver's Lic.	Drivers must hold a currently valid driver's license that is required by Ohio law for the type of vehicle being driven.
Professional Development	All CCSMs must complete at least 6 hours of professional development training annually.
FA	First Aid
CPR	Cardiopulmonary Resuscitation
MCD	Management of Communicable Disease
CA/N	Child Abuse and Neglect Recognition and Prevention
Total	The total inservice training hours completed and on file.

Ohio Department of Job and Family Services INSPECTION REPORT FOR FAMILY CHILD CARE

Provider Name			License Number	Telephone Number				
Address			County	Hours of Operation				
City			Zip Code					
Date(s) of	Time of	Inspection	Purpose of Inspection	Name of County Agency				
Inspection	Arrive	ÂM/PM	Pre-Licensing Staff Complaint Complaint					
Announced	Depart	AM/PM	Compliance Monitoring/Follow-up					
		Compli	ance Status Key Code:					
		-	= In Compliance					
			Out of Compliance					
			Previously Verified					
			ompliance Not Verified					
			*					
Please Note: Fac	h rule must have		A = Not Applicable is key code and all noncompliances s	hall be summarized on page 8-0				
				ments				
Compliance	e Item	Status	Com	inents				
5101:2-13-02 Application Req	uirements		 Application completed Provider Medical Statement JFS 01176 "Program Notification of Background Check Review for Child Care" for provider and all adults in home High school diploma or GED verified for providers licensed or certified on or after April 1, 2003 JFS 01250 "Plan of Operation for Child Care" 					
5101:2-13-02 Issuance of Licer	nse		☐ JFS 08087 "Communicable Dis ☐ License posted	sease Chart" given to provider				
5101:2-13-04 Building Approv	val		Type A Homes Only: Building department inspection	report on file				
5101:2-13-04 Fire Approval/F	ire Safety		Type A Homes Only:	ort on file				
			care Window openings 5.7 sq. ft. No space accessible only by lac used All stairs, hallways and passage Doorways, corridors, stairways Written evacuation plan Proper storage of flammable/co	d floor of building used for child lder, folding stairs or trapdoor is es to exit are adequately lighted are clear of obstructions mbustible materials detector on each level of the home fire extinguisher; one in kitchen rs, no unprotected flames				

JFS 01926 (Rev. 10/2017)

5101:2-13-07 Provider Qualifications	 At least 18 years of age/Date of birth: Resides in the home Provides safe and healthy environment Not employed elsewhere during operating hours Scheduled hours of availability posted On-site 75% of operating hours Liability insurance or waiver
5101:2-13-07 Provider On-Going Responsibilities	 Polices/Procedures manual/handbook Foster parent Rules available Liability insurance
5101:2-13-08 Child Care Staff Members and Substitutes	 At least 18 years of age High school diploma Medical statement
5101:2-13-09 Criminal Records	 JFS 01176 "Program Notification of Background Check Review for Child Care" current and on file for provider and all adults in the home JFS 01176 "Program Notification of Background Check Review for Child Care" current and on file for employees, child care staff members and substitutes
5101:2-13-10 Training Requirements Professional Development	Provider: Currently trained in First Aid Currently trained in CPR Currently trained in of Communicable disease Currently trained in Child Abuse and Neglect Recognition Annual 6 hours of professional development Child Care Staff Member: Currently trained in First Aid Currently trained in CPR Currently trained in CPR Currently trained in CPR Currently trained in Child Abuse and Neglect Recognition – 1 hour course Annual 6 hours of professional development Substitute: Currently trained in First Aid Currently trained in First Aid Currently trained in First Aid
5101:2-13-11 Indoor Space	Indoor square footage available for child careRoom 1: WidthLengthRoom 2: WidthLengthRoom 3: WidthLength
5101:2-13-11 Outdoor Space	Outdoor square footage available for child care Width Length Equipment:

	 Anchored or stable Ropes attached at both ends (< 5" diameter loop or less) "S" hooks closed Free of rust, cracks, holes splinters, sharp points or edges. No chipped/peeling paint or toxic substances. No protruding bolts or tripping hazards Protective barriers on platforms over 30" Assembled/Installed according to manufacturer's guidelines Sandboxes covered when not in use Shade available Free of trash, foreign objects, garbage, hazards Fall zone of protective resilient material under and around equipment
5101:2-13-12 Safe Equipment	 No broken or unsafe equipment No toys small enough to swallow Protective covering under indoor gross motor Equipment straps used properly Safe use of equipment No trampolines or bounce houses permitted
5101:2-13-12 Safe Environment	 Firearms, weapons and ammunition onsite secured Weapons or handguns unsecured but meet exemption requirements Temperature 65-85 degrees indoor Hot and cold water, Hot water temperature: Free of lead One working UL or FM carbon monoxide detector on each level of home No hazardous conditions Cleaning supplies stored appropriately and labeled Pets inoculated, licensed and properly cared for Electrical outlet covers Fans and air conditioners used safely Blind cords, electrical cords secure Toilet and sink height suitable or platform Sink, refrigerator, stove available Proper ventilation Handles of pots facing inward on stove No spray aerosols No mercury thermometers "No Weapons" sign posted [per ORC 2923.1212(A)(8)] Consumer Product Safety Commission (CPSC) guidelines followed
5101:2-13-13 Sanitary Equipment and Environment	 Toilet tissue, liquid soap, toweling available for handwashing Toilets flushed after each use Home and equipment clean and in good repair Food/drink servings discarded if not used Cups/dishes/silverware cleaned and sanitized after use or sent home Bottles labeled and sanitized Water supply is safe and sanitary, Non-public water supply (Public water complies with EPA) Trash not accessible Cleaning according to schedule No insects or rodents present Diaper changing surface cleaned if visibly soiled Surface sanitized after each diaper changed

5101:2-13-13 Handwashing	At required times
5101:2-13-13 Smoke Free Environment	 No smoking in home or attached buildings Person smoking cannot be seen by children Area removed so that smoke not inhaled Written notice provided to caretakers if smoking permitted in home after child care hours No smoking in vehicles while children are being transported "No Smoking" sign posted No ashes or butts
5101:2-13-14 Transportation Vehicle Requirements	 Written permission for routine trips or field trips JFS 01234 "Child Enrollment and Health Information for Child Care" JFS 01236 "Child Medical/Physical Care Plan for Child Care" First aid supplies Working cell phone or other means of immediate communication Driver has valid driver's license Approved child restraint systems used No children under 12 years old in the front seat Contact information shall be attached to the child Driver is 18 Driver trained/ODJFS training Children not unattended Additional adult Weekly inspection of vehicle
5101:2-13-14 Field Trips/Routine Trips	 Child's name Destination (and date for field trips) Parent's signature and date Notification if children will have access to bodies of water eighteen inches or more in depth How child is transported
5101:2-13-15 Child Records	 JFS 01234 "Child Enrollment and Health Information for Child Care" complete for every child in care JFS 01234 "Child Enrollment and Health Information for Child Care" updated annually and as needed by caretaker Child's Medical Statement on file within 30 days of attendance for every child (not yet attending school) in care Medical exam completed every 13 months Records are kept confidential Records can be easily/quickly accessed and removed in an emergency
5101:2-13-15 Care of Child with Special Needs or Health Conditions	 JFS 01236 "Child Medical/Physical Care Plan for Child Care" on file for children with special needs or health conditions Plan updated at least annually and as needed Provider, Child Care Staff Member and Substitute have received training as needed Modified meal plan on file

5101:2-13-16Medical and Dental PlanEmergency Plan5101:2-13-16Incident/Injury Report	 Disaster plan on file Required drills conducted JFS 01242 "Medical, Dental and General Emergency Plan for Child Care JFS 01201 "Dental First Aid" JFS 01299 "Incident/Injury Report for Child Care" appropriately completed and filed OCLQS notified as required for serious incidents/injuries or death
5101:2-13-16 First Aid Supplies and Procedures	Supplies: Tweezers Rounded end scissors Digital thermometer Assorted adhesive bandages Triangular bandages Assorted gauze squares First Aid tape Rolled gauze bandage Instant cold pack or ice Disposable non-latex gloves Pocket mask or face shield for CPR Working flashlight Sealable plastic bags, assorted sizes Tooth preservation system or fresh chilled milk (providers serving S/A only) Soap (fieldtrips/routine trips only) Bottled water (fieldtrips/routine trips only) Hand sanitizer, if applicable Procedures: Kit taken on field trips and routine trips Supplies in a closed, unlocked first aid container that is readily available, but out of reach of children
5101:2-13-16 Management of Communicable Disease	 Provider observes children for signs of communicable illness upon arrival each day Ill children isolated away from other children Current Communicable Disease Chart posted Parents notified when child has been exposed to a communicable Illness
5101:2-13-17 Programming	 Balanced program of activities/quiet and active play Copy of daily program posted and being followed Program designed to promote children's physical, social- emotional, cognitive and language development Daily outdoor or indoor gross motor activities Opportunities for child initiated activities
5101:2-13-17 Equipment	 Equipment available for all appropriate age categories Sufficient quantities of equipment Furniture durable and child sized Play materials accessible and orderly Equipment accessible to children, able to select, remove, replace Store personal belongings

5101:2-13-18	No. of Staff:
Group Size	□ No more than six children (Type B home provider)
-	No more than 12 children (Type A home provider)
	Number of children under 2:
	Number of children under 6 included:
	Number of children 6-14 years, not related to provider:
	Number of children 6-15 years, related to provider and care
	provided are included:
	Number of children 15-17 years, not related to provider and
	private or publicly funded, are included:
	Number of Provider/Staff:
	Child attendance documentation complete
	Each group tracking children
5101:2-13-19	
Supervision	Children supervised at all times (within sight or hearing)
Supervision	Provider not under any influence that impairs their ability to
	perform duties
	 Outdoor supervision requirements met (within sight and hearing) Notifies PCSA if suspects abuse or neglect
	Provider/Staff have access to phone
5101:2-13-19	
Child Guidance	Separation from situations developmentally appropriate and not used with infants
	Does not use a prohibited discipline technique
5101:2-13-20	
Sleeping/Napping	 Individual bed, cot, sofa, pad or mat for each resting child No children directly on floor
	Mats or pads/floor carpeted, clean, warm, dry, draft free and 1.5"
	thick
	Areas lighted to allow for visual supervision
	Non-napping children provided with quiet activities
	Cots, etc. assigned to children Cots, etc. sanitized in between children
	Linen changed at least weekly and between children for beds,
	cribs, pack and plays and couch
	Evacuation routes not blocked
	Written permission on file for infant (12 months or older) to sleep
	on mat or cot
5101:2-13-20	
Crib/Playpen	Cribs have COC on file or documented manufacture date after
Requirements	6/28/11
▲ · · · · · · · · · · · · · · · · · · ·	Closely spaced bars (2 3/8") No more than 1 ½ inches between mattress and sides
	Firm mattress at least $1\frac{1}{2}$ inches thick, playpen no more than $1"$
	thick
	Safe, waterproof mattress cover that can be sanitized
	 Properly fitting sheets Bumper pads not in use
	☐ Bumper pads not in use ☐ Items not hung over the side of the crib or playpen
	Cribs/playpens sanitized between children
	☐ Infants not placed in crib with bibs or other strangulation or
	suffocation hazards
	Cribs or playpens not used for storage of toys or other materials
	No blankets in crib
	No sleeping in anything other than crib or playpen
	\Box Cribs with corner posts do not exceed 1/16 of an inch above the

	top of end panel Playpens have mesh openings less than ¼ inch Supports in lowest setting No stacked cribs Written permission for infants over 12 months to sleep on cot/mat, if applicable
5101:2-13-21 Evening and Overnight Care	 Individual crib, cot mattress or bed and blankets for each child Children under five years, sleep on same level as provider Safe and sanitary and private area for washing and changing Provider assists children as needed with washing and changing Each child provided with washcloth, towel and toothbrush Provider (or Child Care Staff Member) remains awake until all children are asleep Monitoring device to ensure sight or hearing Bedtime routines and activities Children sleeping four hours or more have clean, comfortable sleeping garments Outdoor walkways, bathrooms, hallways, sleeping rooms and entrances adequately lighted Approved sleeping areas Tubs sanitized Access to soap, water and toothpaste
5101:2-13-22 Meal Preparation Nutritional Requirements	 Breakfast Served – Fluid milk, + two food groups Meals Served – Fluid milk, meat/meat alternative, two fruit/vegetable, one grain/bread Snack Served – Two foods from two food groups Follows USDA portion recommendations Meals and snacks are varied, nutritious and appropriately timed Children are fed required meals Food is prepared, served and stored in a clean and safe manner Refrigerator Temp (40 degrees or lower) Current weekly menu is posted Non-choking foods Written instructions for medical diet No screens on during meals Whole milk 12-24 months Skim milk/1% over 24 months
5101:2-13-23 Infant Care	□ Infants allowed to safely and comfortably sit, crawl, toddle, walk and play □ Parents provided with written daily record which includes: food intake, sleep, diapers changes and daily activities □ Tummy time □ No bottles propped □ Bottles labeled with name and date of preparation □ Bottles refrigerated upon arrival (unless commercially prepared) □ Formula and food labeled w/name and when prepared, discarded according to manufacturer's instructions □ Formula/food expiration dates verified □ No solid foods under 4 months of age without physician note □ Breast milk: labeled w/date expressed and date of receipt. □ Breast milk stored appropriately: Storage Temperature (at or below) Storage Time Room temp (78F) 6-8 hours Refrigerator (39F) 5 days (expressed) Freezer w/in refrigerator (5F) 2 weeks Freezer/refrigerator w/separate door (0)F 3-6 months Deep freeze (-4F) 6-12 months

5101:2-13-23	
Diaper Care	 Children not left unattended on changing table Provider washes all soiled areas of child Disposable separation material used Soiled clothing bagged and sent home Covered, plastic lined, receptacle that prevents hand contamination and is not accessible to children Wipes/washcloths discarded, or properly sanitized and laundered Ensure that each child has a clean supply of diapers and a change of clothes
5101:2-13-24 Swimming and Water Safety	 Onsite swimming pools inaccessible to children by fence or barrier Saunas, hot tubs, spas inaccessible to children and not used by children Wading pools 18" or less filtered or emptied and sanitized daily Provider supervises at all time with a clear view of all parts of pool and surrounding areas where children are playing Approved off-site swim sites meet all state/local guidelines for health Activities in water eighteen inches or more in depth supervised by lifeguard or Water Safety Instructor No swimming activities in lakes, rivers, ponds, creeks or similar bodies Written permission from parent before swimming or infants/toddlers in wading pools
5101:2-13-25 Administration of Medication	 Provider uses the JFS 01217 "Request for Administration of Medication for Child Care" for all medications, topical ointments and food supplements Medications properly labeled Medications are safely and properly stored Provider ensures that child has had medication prior to the provider administering Medication in refrigerator stored in a separate container Medications no longer needed or expired, sent home or disposed
Additional Comments/Noncompliances – (County Agency Staff

Comments – Provider

The inspection documented on this form was conducted by county agency staff to determine compliance with family child care rules. All statements on this report are true and accurate documentation of compliance items on the date of the inspection.

Signature of County Agency Staff	Date
The provider's signature below indicates acknowledgement of receipt of the report, not necessary	rily agreement with findings.
Signature of Provider	Date