

**PUBLIC HEARING NOTICE  
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES**

**DATE:** May 9, 2006  
**TIME:** 10:00 a.m.  
**LOCATION:** Lobby Hearing Room, Rhodes State Office Tower  
30 East Broad St., Columbus, Ohio 43215

Pursuant to section 5104.011 and Chapter 119. of the Ohio Revised Code, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the adoption, amendment, or rescission of the rule or rules as identified below and of a public hearing thereon.

Rule 5101:2-12-20 entitled Supervision, Staff/Child Ratios and Grouping sets forth the staff/child ratios and supervision policies for licensed child care centers. It is being amended to clarify certain requirements for supervision, including the requirement that employees be free from the influence of substances and to require the posting of staff/child ratios and a written supervision policy for school aged children.

Rule 5101:2-12-21 entitled Care and Nurturing of Children sets forth requirements for the care and nurturing of children in child care centers. This rule is being rescinded and will be replaced with a rule of the same number and subject.

Rule 5101:2-12-21 entitled Care and Nurturing of Children for Licensed Child Care Centers sets forth the requirements for the care and nurturing of children in child care centers. This rule incorporates the requirements of the rule that it is replacing and adds the frequency of required diaper checks, a prohibition against staff from climbing over gates or shelving when holding children, the circumstances when a child's wet clothing must be changed and a requirement that center staff coordinate with other service providers to meet the needs of children.

Rule 5101:2-12-22 entitled Child Guidance and Management sets forth the requirements for child guidance and management in a child care center. It is being amended to require that staff clearly explain to the child the behavior management measures being used and to provide examples of appropriate behavior management techniques. Language has also been added to specify that no staff endanger any child.

Rule 5101:2-12-23 entitled Evening and Overnight Care in Licensed Child Care Centers sets forth the requirements for the care of children in a child care center during evenings or overnight. Language has been added to require supervision of the children at all times and to require that items for children be used and stored in a sanitary manner.

Rule 5101:2-12-24 entitled Administrator Responsibilities and Qualifications sets forth the qualifications and responsibilities for an administrator of a child care center. It is being amended to add the requirement that administrators of centers that operate on weekends or evenings/overnight be on site at least twenty hours during the week, and to require that a Child Development Associate (CDA) credential of any administrator be renewed according to the credentialing committee's standards.

Rule 5101:2-12-25 entitled Employee and Child Care Staff Member Requirements sets forth the requirements for employees and child care staff members of a child care center. to have medical statements, training and access to the department's regulations. It is being amended to add a physician's assistant to the list of practitioners who can sign the medical and to clarify the immunization requirements and exemptions. It is also being amended to require orientation and policy review for all new child care staff and require confidentiality of employee records.

Rule 5101:2-12-26 entitled Statement of Non-conviction and Criminal Records Checks for Licensed Child Care Center Staff sets forth the requirements for obtaining statements of non-conviction and background checks for the staff of child care centers. It is being amended to specify the process to be used, to allow for either the electronic or the paper process for background checks and to eliminate the restriction on the cost centers may assess employees.

Rule 5101:2-12-27 entitled Training in First Aid, CPR, Management of Communicable Disease and Child Abuse Prevention for Staff in Licensed Child Care Centers sets forth the requirements for training in first aid, CPR, management of communicable disease and child abuse prevention for staff in child care centers. It is being amended to specify the first aid course requirements.

Rule 5101:2-12-28 entitled In-service Training sets forth the requirements for in-service training for staff in child care centers. It has been amended to add Health and Safety as a new category of training.

Rule 5101:2-12-34 entitled Medical, Dental and General Emergency Plan sets forth requirements for a medical, dental and general emergency plan for child care centers. It is being amended to require the completion of a standardized plan and to require that any child safety seat used for emergency transport have manufacturer's label attached. An appendix has been added to specify the Ohio Child Restraint Requirements previously referenced in the rule.

Rule 5101:2-12-35 entitled Incident/Injury Report sets forth the requirement that staff in a child care center document instances when a child suffers an injury, accident or illness while at the center. It is being amended to delete a reference to reporting the administration of syrup of ipecac and to update form references.

Rule 5101:2-12-36 entitled First Aid Supplies and Procedures sets forth the requirements for first aid supplies and procedures in child care centers. It is being amended to list the items that must be contained in the first aid kit, to clarify how first aid supplies must be stored and used, and to require the labeling of other items contained in the kit.

Rule 5101:2-12-37 entitled Children's Medical and Enrollment Records sets forth the requirements for children's medical and enrollment records for child care centers. It is being amended to add a physician's assistant to the list of those who can approve the medical record, to require a record of a child's immunizations and verification that a physician, a physician's assistant or a certified nurse practitioner has reviewed the child's record against the immunizations recommended by the Ohio Department of Health, and to add a form revision date.

Rule 5101:2-12-38 entitled Care of Children with Health Conditions in Licensed Child Care Centers sets forth the requirements for the care of children with health conditions in a child care center. It is being amended to clarify language and add the revision date of a form.

Rule 5101:2-13-20 entitled Supervision and Staff/Child Ratios in Licensed Type A Homes sets forth the staff/child ratios and supervision policies for type A child care homes. It is being amended to clarify certain requirements for supervision, including the requirement that employees be free from the influence of substances.

Rule 5101:2-13-21 entitled Care and Nurturing of Children sets forth requirements for child care staff members to meet the basic needs of children in a type A child care home. It is being amended to add the frequency of required diaper checks, a prohibition against staff from climbing over gates or shelving when holding children, the circumstances when a child's wet clothing must be changed and a requirement that center staff coordinate with other service providers to meet the needs of children.

Rule 5101:2-13-22 entitled Child Guidance and Management sets forth requirements for child guidance and management in type A child care homes. It is being amended to require that staff clearly explain to the child the behavior management measures being used and to provide examples of appropriate behavior management techniques. Language has also been added to specify that no staff endanger any child.

Rule 5101:2-13-23 entitled Evening and Overnight Care sets forth requirements for the provision of evening and overnight care for children in type A child care homes. It is being amended to add language to require supervision of the children at all times and to require that items for children be used and stored in a sanitary manner.

Rule 5101:2-13-24 entitled Administrator Responsibilities and Qualifications sets forth the qualifications and responsibilities for an administrator of a type A child care home. It is being amended to add the requirement that administrators be required to renew a Child Development Associate (CDA) credential to the credentialing committee's standards.

Rule 5101:2-13-25 entitled Employee and Child Care Staff Member Requirements sets forth the requirements for staff members and employees of a type A child care home to have medical statements, references and access to the department's regulations. It is being amended to add a physician's assistant to the list of practitioners who can sign the medical, to clarify the immunization requirements and exemptions and to specify that a telephone reference does not require a signature from the person providing the reference.

Rule 5101:2-13-26 entitled Statement of Non-conviction and Criminal Records Checks for Licensed Type A Homes sets forth the requirements for obtaining statements of non-conviction and background checks for the owners, administrators and staff of type A child care homes. It is being amended to require completion of a form prior to the issuance of a provisional license and to specify the process to be used to allow for either the electronic or the paper process for background checks and to eliminate the restriction on the cost centers may assess employees.

Rule 5101:2-13-27 entitled Training in First Aid, CPR, Management of Communicable Disease and Child Abuse Prevention sets forth the requirements for training in first aid, CPR, management of communicable disease and child abuse prevention for staff in type A child care homes. It is being amended to specify the first aid course requirements.

Rule 5101:2-13-28 entitled In-service Training sets forth requirements for in-service training for administrators and staff of type A child care homes. It has been amended to add Health and Safety as a new category of training.

Rule 5101:2-13-34 entitled Medical, Dental and General Emergency Plan sets forth requirements for a medical, dental and general emergency plan in type A child care homes. It is being amended to require the completion of a standardized plan and to require that any child safety seat used for emergency transport have manufacturer's label attached. An appendix has been added to specify the Ohio Child Restraint Requirements previously referenced in the rule.

Rule 5101:2-13-35 entitled Incident/Injury Report sets forth the requirement that staff in a type A child care home document instances when a child suffers an injury, accident or illness while at the center. It is being amended to delete a reference to reporting the administration of syrup of ipecac and to update form references.

Rule 5101:2-13-36 entitled First Aid Supplies/Procedures sets forth the requirements for first aid supplies and procedures in type A child care home. It is being amended to list the items that must be contained in the first aid kit, to clarify how first aid supplies must be stored and used, and to require the labeling of other items contained in the kit.

Rule 5101:2-13-37 entitled Children's Medical and Enrollment Records sets forth the requirements for children's medical and enrollment records for child care centers.

Rule 5101:2-13-38 entitled Care of Children with Health Conditions sets forth the requirements for the care of children with health conditions in a type A child care home. It is being amended to clarify language and add the revision date of a form.

A copy of the proposed rule(s) is available, without charge, to any person affected by the rule(s) at the address listed below. The rule(s) is also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rule(s) will be held at the date, time, and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Requests for a copy of the proposed rule(s) or comments on the rule(s) should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal Services, 30 East Broad Street, 31<sup>st</sup> Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at [rules@odjfs.state.oh.us](mailto:rules@odjfs.state.oh.us).