

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

DATE: September 6, 2017
TIME: 10:00 A.M.
LOCATION: Room 2921, Rhodes State Office Tower
30 East Broad St., Columbus, Ohio 43215

Pursuant to sections 5104.013, 5104.017, 5104.018, 5104.041, 5104.042 and Chapter 119. of the Revised Code, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the amendment, adoption and rescission of the rules as identified below and of a public hearing thereon.

Proposed new rule:

5101:2-13-09 "Background check requirements for a licensed family child care provider" is being replaced as a new rule due to the number of revisions and rearrangement of the paragraphs and to update the appendix to include language regarding sealed records. This rule outlines the new background check requirements that must be completed before working in a family child care home. Appendix A to the rule is being enacted and replaces a rescinded appendix. New language clarifies that for rehabilitation, three years does not need to elapse for misdemeanors that were sealed and ten years for felonies.

Proposed amended rules:

5101:2-13-01 "Definitions for licensed family child care" defines the terms used throughout the chapter of family child care licensing rules. This rule is being amended to add language to the definition of child care.

5101:2-13-02 "Application and amendments for a family child care provider license" outlines the process and requirements for applying for a family child care license and the process to amend a currently existing family child care license. This rule is being amended to delete the requirements for county agency to review the BCI and FBI checks for providers as it will now be done by ODJFS. Appendix A to this rule has been enacted to reflect the updated requirements for background checks that are to be submitted at the time of application.

5101:2-13-03 "Compliance inspection and complaint investigation of a licensed family child care provider" outlines guidelines and timeframes for inspections and investigations of licensed family child care providers. This rule is being amended to clarify language regarding types of inspections. The appendix to this rule has been enacted with updated language to reflect the new background check process (rule 5101:2-13-09), the updated concealed weapons requirements in Ohio (rule 5101:2-13-12), to clarify the moderate risk noncompliance (MRNC) for using vehicles that do not meet the requirements of rule 5101:2-13-14 of the Administrative Code (rule 5101:2-13-14) and to clarify when the MRNC also applies to playpens (rule 5101:2-13-20).

5101:2-13-05 "Denial, revocation and suspension of a family child care application or license" outlines the parameters for denying an application or revoking or suspending a family child care

license. This rule is being amended to include the updated background check requirements for denying or revoking a license.

5101:2-13-07 "Provider responsibilities, requirements and qualifications for a licensed family child care provider" outlines the requirements to be a licensed family child care provider. This rule is being amended to delete old background check language and to require the JFS 01174 "Ajudicated a Delinquent Child Statement" be updated as necessary. Appendix C to the rule is being enacted to clarify the breastfeeding policy requirements and to specify that the requirement is only for programs that serve infants or toddlers.

5101:2-13-08 "Employees, child care staff members and substitute responsibilities and qualifications for a licensed family child care provider" outlines the requirements for those working in a family child care home. This rule is being amended to clarify the staff orientation training requirements as well as the language for substitute child care staff members. Appendices A and B to the rule are being enacted and replaces a rescinded appendix. References to the old background check requirements were removed and training requirements language were removed as it can be found in rule 5101:2-13-10 of the Administrative Code.

5101:2-13-26 "County agency responsibilities for licensed family child care providers" outlines the duties for county agencies in licensing a family child care provider. This rule is being amended to remove the requirements of background checks as county agencies will no longer be responsible for reviewing the checks.

A copy of the proposed rules is available, without charge, to any person affected by the rules at the address listed below. The rules are also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rules 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 rules or comments on the rules should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal and Acquisition Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at rules@jfs.ohio.gov.