

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: 09/01/2021

TIME: 10:00 A.M.

LOCATION: Teleconference

Due to COVID-19 precautions this meeting will be held by teleconference. If you would like to submit oral testimony, please call in at the above date and time to 1-614-721-2972. Then enter the meeting I.D. which is 283 843 92#. Written testimony may also be submitted electronically to rules@jfs.ohio.gov.

Pursuant to sections 5104.01, 5104.015, 5104.016, 5104.042, 5104.043 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 amendment, rescission and adoption of the rules as identified below and of a public hearing thereon. These rules are being amended as a result of Amended Substitute House Bill 65 of the 133rd General Assembly.

Proposed rules:

5101:2-12-01 "Definitions for licensed child care centers" outlines definitions of terminology used in rules for a licensed child care center. This rule is being amended with the following changes: clarified definitions of moderate risk non-compliance, serious risk non-compliance, corrective action plan and substitute child care staff member.

5101:2-12-02 "Application and amendments for a child care center license" outlines the process and requirements for applying for a child care center license and the process to amend a currently existing child care license. This rule is being amended with the following changes: clarified the application process, amendment process, and guidelines for moving to a different location or providing care in a temporary location. Also clarified required documents and information that is to be submitted in the Ohio Child Licensing and Quality System (OCLQS).

5101:2-12-03 "Compliance inspection and complaint investigation of a licensed child care center" outlines guidelines and timeframes for inspections and investigations of licensed child care centers. This rule is being amended with the following changes: clarified inspection requirements and criteria for moderate and serious risk non-compliances.

5101:2-12-04 "Building department inspection, fire inspection and food service requirements for a licensed child care center" outlines the separate requirements of building inspections, fire inspections and food service requirements for licensed child care centers. This rule is being amended with the following changes: clarified certificate of occupancy and fire inspection guidelines; and updated food service license, exemption and guidelines for utilizing meals or snacks provided by an off-site food processing establishment registered with the Ohio department of agriculture (ODA).

5101:2-12-05 "Denial, revocation and suspension of a licensed child care center application or license" outlines the parameters for denying an application and suspending or revoking a child care center license. This rule is being amended with the following changes: added guidance surrounding family notification of intent to revoke the center's license and clarified that closing a license if the owner has changed is not subject to an administrative hearing.

5101:2-12-06 "Procedures for a licensed child care center operating under a provisional license" outlines the operating requirements during the provisional licensing period. This rule is being amended with the following changes: clarified the qualified administrator requirement for the center provisional license to be amended to a continuous license at the end of the provisional period.

5101:2-12-07 "Administrator responsibilities, requirements and qualifications for a licensed child care center" outlines the education and responsibilities to become an administrator in a licensed child care center. This rule is being amended with the following changes: clarified and updated references to the Ohio professional registry (OPR) throughout the rule; clarified administrator training requirements, on-site hours, and cooperation with other government agencies; and clarified appendices.

5101:2-12-08 "Employee and child care staff member requirements for a licensed child care center" outlines the qualifications for employees and child care staff members in a licensed child care center. This rule is being amended with the following changes: clarified medical statement and immunization against tetanus, diphtheria and pertussis (Tdap), orientation requirements and whistle blower protection for employees and child care staff members; updated references to the OPR; and added new policy from House Bill 210 requiring tuberculosis (TB) screening and, if applicable, testing for child care center applicants. Clarified appendices and added a new appendix for reference in circumstances where an applicant tests positive for TB.

5101:2-12-10 "Training and professional development requirements for a licensed child care center" outlines the training and professional development requirements for licensed child care center staff. This rule is being amended with the following changes: clarified first aid, cardiopulmonary resuscitation (CPR) and child abuse and prevention training requirements and clarified health trainer, course content, and health training documentation requirements.

5101:2-12-14 "Transportation and field trip safety for a licensed child care center" outlines transportation and field trip safety requirements for a licensed child care center. This rule is being rescinded and added as new with the following changes: clarified health and safety requirements, vehicle inspections and field trip permission documentation; included the driver in passenger counts; and removed contracted drivers from rule.

5101:2-12-15 "Child record requirements for a licensed child care center" outlines child record requirements for a licensed child care center. This rule is being amended with the following changes: clarified medical examination, health care plan, child care staff member health care plan training guidelines and child record documentation requirements.

5101:2-12-22 "Meal preparation/nutritional requirements for a licensed child care center" outlines procedures for meal preparation and nutritional requirements for a licensed child care center. This rule is being amended with the following changes: clarified guidelines for food groups and meal servings and ensured that supplemental food is to be on-site and that no child goes more than four hours without a snack or meal. Consolidated the fluid milk requirements into a new appendix for easy reference and updated the appendices.

5101:2-12-25 "Medication administration for a licensed child care center" outlines the requirements for administering medication for a licensed child care center. This rule is being amended with the following changes: clarified requirements for JFS 01217 "Request for Administration of Medication for Child Care;" clarified administering and storing prescription and non-prescription medications, medical foods, topical products and lotions; and clarified the documentation requirement for administration of medication when school-age children administer their own medication.

Copies of the proposed rules are 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 copies 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.