

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

**DATE: 9/1/2021**

**TIME: 10:00am**

**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](mailto:rules@jfs.ohio.gov).**

Pursuant to sections 5104.25, 5104.017, 5104.018, and Chapter 119 of the Revised Code, the director of the Ohio Department of Job and Family Services (ODJFS) gives notice of the department's intent to consider amendment of the rules as identified below and of a public hearing thereon. These rules are being amended as a result of the five year review and to implement federal requirements.

**Proposed amended rules:**

5101:2-13-11 "Indoor and outdoor space requirements for a licensed family child care provider" is being proposed for amendment with the following changes:

- Clarify language about outdoor space and give examples of a natural barrier
- Remove requirement about the accessibility of wading pools in paragraph (B) as it is already a requirement in rule 5101:2-13-24
- Clarify language about sandboxes

5101:2-13-12 "Safe equipment and environment for a licensed family child care provider" is being proposed for amendment with the following change:

- Remove requirement that alcohol shall be out of sight of children

5101:2-13-13 "Sanitary equipment and environment for a licensed family child care provider" is being proposed for amendment with the following changes:

- Clarify items that need to be provided in all bathrooms
- Remove requirement that equipment shall be kept clean and in good repair as this is already a requirement in rule 5101:2-13-12
- Clarified that accumulated trash and garbage are not to be stored in an area approved for child care
- Remove duplicate cleaning instructions for dishes
- Clarify handwashing sink requirements
- Add that commercially manufactured non-permanent sinks may be used for handwashing if fresh and waste water are inaccessible to children and disposed of in a sanitary manner
- Clarify toothbrush requirements

Appendix A to Rule 5101:2-13-13

- Clarify cleaning and sanitizing schedule for blankets, sheets, cots, pads, mats, and rinse buckets

- Add new cleaning schedule for reusable cloths

#### Appendix B to Rule 5101:2-13-13

- Removed requirement that handwashing shall occur in a sink that is not used for meal preparation or clean-up and is away from the food serving area so that there is no interruption of supervision of children
- Clarify handwashing requirements for providers, child care staff members, employees, and residents
- Clarify handwashing requirements for children

5101:2-13-16 "Emergency and health-related plans for a licensed family child care provider" is being proposed for amendment with the following changes:

- Clarify posting requirements for weather alert plans
- Clarify schedule for emergency/lockdown drills
- Remove requirement that first aid supplies shall be replaced as they are used, expired, damaged or if sterile packages are opened because this is covered in appendix A to this rule
- Clarify language about the disposal of sharps items such as lancets for finger sticks or syringes in a sharps container
- Remove requirement that the provider shall decide if he or she will care for sick children as defined in appendix B to this rule as this is covered in paragraph (D)(1) of this rule
- Remove requirement that the provider shall inform parents of his or her decision to care for sick children as defined in appendix B to this rule as this is covered in appendix C to rule 5101:2-13-07
- Clarify requirements for the JFS 08087 "Communicable Disease Chart" to clarify size of chart and that it should be used to help identify and respond to communicable diseases
- Add that the provider is to report the communicable disease to ODJFS by the end of the next business day, if the communicable disease is required to be reported to the local health department in accordance with paragraph (G) of this rule
- Clarify that the provider is to complete the JFS 01299 if a child becomes ill or receives an injury which requires first aid treatment
- Clarify the definition of a serious incident
- Add that if a child is transported by anyone other than a parent for emergency treatment, the child's health and medical records are to accompany the child
- Remove references to the JFS 01156 "Serious Incident Reporting for Child Care" (rev. 10/2017)
- Clarify that the provider may print a completed serious incident report in OCLQS and give to the parent to meet the parent notification requirements of paragraph (E) of this rule
- Clarify training and other requirements for written disaster plans

#### Appendix A to Rule 5101:2-13-16

- Clarify that the first-aid kit is to contain unexpired items (where applicable)
- Remove the word "hypoallergenic" from the requirement for first-aid tape to provide more options

#### Appendix B to Rule 5101:2-13-16

- Clarify isolation, notification, and discharge procedures for sick children

- Remove requirement that the provider shall launder bedding and wash toys used by the sick child before use by another child as this is covered in appendix A to rule 5101:2-13-13

5101:2-13-17 "Programming and materials for a licensed family child care provider" is being proposed for amendment with the following changes:

- Clarify that equipment, materials, and furnishings provided for both indoor and outdoor play are sufficient in quantity so that each child can be actively involved in an activity

5101:2-13-18 "Group size and ratios for a licensed family child care provider" is being proposed for amendment with the following changes:

- Clarify circumstances when children count in group size
- Clarify that Ohio's automated child care system cannot be used to meet written documentation requirement of the child's arrival and departure times
- Clarify that for attendance records the original written documentation shall be kept for a period of one year

5101:2-13-19 "Supervision of children and child guidance for a licensed family child care provider" is being proposed for amendment with the following changes:

- Added that the provider is to be familiar with the developmental and behavioral needs and parental preferences of each child in their care
- Remove word "approved" in reference to outdoor play space that school-age children can use
- Add that when a child is expelled from the family child care home for a behavioral reason, the expulsion is to be reported in OCLQS in accordance with paragraph (G) of rule 5101:2-13-16 of the Administrative Code

5101:2-13-20 "Sleeping and napping requirements for a licensed family child care provider" is being proposed for amendment with the following changes:

- Remove requirement that each couch and bed used shall have clean bed linens changed at least weekly, and more often if necessary, as this is covered in appendix A to rule 5101:2-13-13
- Remove requirement that bed linens shall be laundered before another child uses them as this is covered in appendix A to rule 5101:2-13-13
- Remove references to revision date from the JFS 01235 "Sleep Position Waiver Statement for Child Care" and clarify that it is valid for one year

5101:2-13-21 "Evening and overnight care for a licensed family child care provider" is being proposed for amendment with the following changes:

- Remove requirement that each child in care during evening and overnight hours shall be provided with an individual crib, playpen, cot, mattress, couch, or bed as this is addressed in rule 5101:2-13-20
- Clarify that bedtime routines are to be developed and followed
- Remove requirement that the provider shall have activities before bedtime as this is covered in paragraph (B)(6) of this rule

- Remove requirement that bed linens shall be changed at least weekly, when soiled and when assigned to a different child as this is covered in appendix A to rule 5101:2-13-13
- Clarify procedures if children have bedtime routines occurring at the program

5101:2-13-23 "Infant care and diaper care for a licensed family child care provider" is being proposed for amendment with the following changes:

- Clarify that each non-crawling infant is provided the opportunity for tummy time, outside of their crib or playpen, each day
- Remove requirement that providers shall store, prepare and serve food, formula and breast milk in a safe and clean manner as this is covered in rule 5101:2-13-22
- Remove requirement that if an infant's diapers are to be changed in a crib, there shall be a separation material between the infant and the crib sheet and if the bedding becomes wet or soiled during the diaper change, it shall be replaced with clean bedding as this is covered in appendix A to rule 5101:2-13-13
- Add that if the provider uses gloves while diapering, the provider is to use non-latex gloves

5101:2-13-24 "Swimming and water safety requirements for a licensed family child care provider" is being proposed for amendment with the following changes:

- Clarify when the provider is to have written permission from the parent for water activities

5101:2-13-26 "County agency responsibilities for licensed family child care providers" is being proposed for amendment with the following changes:

- Move requirement that the county agency is not to have additional requirements for licensing family child care providers from paragraph (C) to paragraph (A)
- Add that the county agency is to follow ODJFS policies and procedures for all responsibilities as assigned
- Clarify that the county agency is to enter complaint inspections within seven business days of inspection or the completion of a public children services agency (PCSA) investigation, if applicable in the Ohio child licensing and quality system (OCLQS)
- Add that the county is to keep valid copies of the JFS 01176 "Program Notification of Background Check Review for Child Care" on file if not in the OPR for all individuals associated with the FCC home
- Remove requirement in paragraph (C) that any additional requirements approved prior to the effective date of this rule shall no longer be permitted

A copy of the proposed rules is available, without charge, to any person affected by the rules at the address listed below. These 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, 31<sup>st</sup> Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at [rules@jfs.ohio.gov](mailto:rules@jfs.ohio.gov).