

CCMTL 91 (Type B rules and forms, eff. 8/14/2008)

Child Care Manual Transmittal Letter No. 91

August 6, 2008

TO: ALL CHILD CARE MANUAL HOLDERS
FROM: Helen E. Jones-Kelley, Director
SUBJECT: Chapter 14 Rule and Form Revisions for Certified Type B Homes as a Result of the Five Year Rule Review and SB 163

This letter transmits amended rules and revised forms to be used by certified type B child care providers. Over the past year the rules governing type B family child care homes have been revised as a result of the mandated rule review process which must occur at least every five years. Additional changes were also made as a result of the passage of Sub. SB 163 of the 127th General Assembly which was signed into law by the governor on May 14, 2008. **These rules and forms will be effective August 14, 2008.**

One of the major rule changes required by the new legislation is the requirement that all providers have a criminal records check completed every four years by the Ohio Bureau of Criminal Identification and Investigation (BCII). Until the effective date of this rule, providers who were certified by the county before October 29, 1993 were not required to have a BCII criminal records check. With the passage of SB 163, all providers must now have a criminal records check completed and updated every four years. Providers who do not have a BCII records check on file and providers who's criminal record checks were completed more than four years ago must have a BCII criminal records check completed prior to their next recertification date and every four years thereafter at the time of recertification. Providers who have had a BCII records check completed within the past four years must have a new records check completed within four years from the completion of the most recent records check. This new criminal records check must be completed prior to their annual recertification in that fourth year. Applicants seeking certification on or after August 14, 2008 must have a BCII and a Federal Bureau of Investigation (FBI) criminal records check completed prior to certification and every four years thereafter prior to recertification.

The forms used to document the provider's statement of nonconviction have been revised. In the past, providers have signed the **JFS 01328** and the emergency/substitute caregivers and adults residing in the home have signed the **JFS 01329**. SB 163 made the prohibited offenses the same for all providers, emergency/substitute caregivers and adults residing in the home. As a result, all persons associated with type B homes (providers, in-home aides, emergency caregivers, substitute caregivers and adults living in the home) shall sign the same form, the revised JFS 01329 "Statement Of Nonconviction For Type B Homes And In-Home Aides." This form is now required to be signed annually.

The following is a summary of the rule revisions:

Rule 5101:2-14-01 "Definitions for certification of type B home providers and in-home aides" has been amended to change the title, add definitions for certified nurse

practitioner, advance practice nurse, medically fragile foster home, physician, physician assistant and specialized foster home and to clarify definitions including "related to the provider." The definition of absent day has been clarified to include language that the authorization from the CDJFS for the provider to provide child care services must be in writing prior to the provider being permitted to bill for an absent day.

Rule 5101:2-14-02 "Application for professional certification as a type B home provider or in-home aide" has been amended to require individuals submitting applications for certification to submit all required information within sixty days, the county department of job and family services (CDJFS) to process

certification applications within 120 days, the revised JFS 01329 be signed, an FBI criminal records check be completed for all persons and results be returned prior to issuance of the certificate. Form revision dates have been updated.

Rule 5101:2-14-03 "Professional certification compliance inspection of type B home providers and in-home aides" has been amended to change the title, delete language for complaint investigations and update a form revision date.

Rule 5101:2-14-03.1 "Complaint investigation of professional and limited type B home providers and in-home aides" is a new rule with the requirements for complaint investigations. This rule replaces language in rules 5101:2-14-03 and 5101:2-14-57. This new rule also requires CDJFS staff to notify caretakers if there is a complaint that alleges immediate risk to children.

Rule 5101:2-14-04 "Issuance and renewal of professional certification as a type B home provider or in-home aide" has been amended to add requirements that the CDJFS have the results of the BCII and PSCA record checks prior to certifying a provider, to allow only one certificate to be issued at each address for new applicants requesting to be certified, to prohibit type B home certification from being issued to a home which is already licensed as a type A family child care home and to require a new PSCA records check at recertification. The revised rule also permits the CDJFS to choose to not renew a certificate if in the past six months the provider has not provided child care for children residing in Ohio.

Rule 5101:2-14-05 "Provider qualifications for professional certification as a type B home provider or in-home aide" has been amended to update form revision dates to reference the prohibited convictions that were changed by SB 163, to add the requirement for the PSCA records check information to be considered by the CDJFS, to require that an FBI criminal records check be completed for all persons and results be returned prior to issuance of the certificate and to require the provider to notify the CDJFS when any person is staying at the home for more than five days. Additionally, providers who are foster parents must notify caretakers about foster children receiving care in the provider's home and may not provide specialized foster care services if the provider is certified after the effective date of this rule. The revised rule requires that providers make available to caretakers the information needed for tax preparation and providers must report any payment errors to the CDJFS within ten days.

Rule 5101:2-14-06 "Denial, revocation and withdrawal of professional certification as a type B home provider or in-home aide" has been amended to prohibit spouses from being able to apply for certification for one year after an application has been denied for the other spouse residing in the same home. The time period in which the provider or other relatives residing in the home are prohibited from

reapplying for certification after revocation of certification has been extended to five years. The amended rule allows denial of an application or revocation of a certificate for delinquent copayments owed by the provider to another child care provider, for being consistently unavailable for announced or unannounced inspections or if the results of the PCSA records check indicate the provider or any other resident of the home may endanger the health or safety of children. Amendments include the additional prohibited offenses required by SB 163 and updating of Revised Code citations.

Rule 5101:2-14-07 "Fire safety for professional certification as a type B home provider or in-home aide" has been amended to prohibit child care providers certified after August 14, 2008 from providing care on the third floor or above of a building and to add the requirement that the provider's home have no exposed light bulbs which could pose a hazard to children and states where carbon monoxide detectors must be located.

Rule 5101:2-14-08 "Indoor space, programming and equipment for professional certification as a type B home provider or in-home aide" has been amended to clarify language on usable indoor floor space and to require the posting of the daily program schedule.

Rule 5101:2-14-11 "Requirements for criminal records checks for certification as a type B professional or limited home provider or in-home aide, or as an emergency or substitute caregiver" has been amended to change the title and to require an updated criminal records check be completed every four years. Providers with criminal record checks that are more than four years old at the time of recertification must have a new criminal records check completed before their new certificate is issued. The rule requires the revised JFS 01329 "Nonconviction Statement" to be signed annually by all persons working with children and adult residents of the home, a BCII and an FBI criminal records check completed for all persons applying to work with children and adult residents of the home. The revised rule also deletes unnecessary language regarding five year residency and FBI checks, and adds language to allow rehabilitation standards to be applied to persons with certain felony convictions.

Rule 5101:2-14-13 "Training requirements for professional certification as a type B home provider or in-home aide" has been amended to require that providers and in-home aides be currently certified in "Management of Communicable Disease and Child Abuse Recognition and Prevention" by the end of their first certification year. Currently certified providers who have completed a full year of certification shall continue to acquire six hours of training each year with at least two of the six hours being taken in "Child Growth and Development."

Rule 5101:2-14-14 "Emergency and substitute child care for professional certification as a type B home provider or in-home aide" has been amended to reference the Revised Code language required by SB 163, to update form titles and revision dates and to require that by February 14, 2009, all providers have at least one emergency or substitute caregiver who is not a certified provider. The rule also lists the required documents for the file of an emergency/substitute caregiver as well as requiring that the CDJFS be notified when a certified provider is providing emergency or substitute care for another provider. The CDJFS must then verify that the emergency/substitute caregiver is not exceeding their maximum group size limitations.

Rule 5101:2-14-16 "Group size for professional certification as a type B home

provider or in-home aide" has been amended to clarify language regarding what children are counted as "in care."

Rule 5101:2-14-17 "Outdoor play for professional certification as a type B home provider or in-home aide" has been amended to prohibit the use of any trampolines by children in care and to require that shade be available when children are playing outside. The amended rule also requires off-site play areas to meet the same requirements as onsite play areas, sandboxes to be covered when not in use and bodies of water to be separated from the play area by a fence or other physical barrier that prevents children from accessing the water. The rule clarifies that a fence is required around the outdoor play area when the CDJFS staff determine it is needed to protect children from traffic or other safety hazards.

Rule 5101:2-14-18 "Napping, sleeping, evening and overnight care for professional certification as a type B home provider or in-home aide" has been amended to add a requirement for lighted walkways and to define the use of air mattresses for sleeping.

Rule 5101:2-14-19 "Safe and sanitary equipment and environment for professional certification as a type B home provider or in-home aide" has been amended to require yard care machinery to be stored inaccessible to children, area rugs in the home to have nonskid backing, gates to be firmly anchored and used safely, liquid soap to be used and wading pools to be sanitized daily. The rule includes requirements for handwashing, restrictions on smoking in the home and requirements for vehicles used for transporting children. Appendix A has been added to show cleaning and sanitizing requirements for equipment and the environment. Additionally, the rule includes requirements for care of any pets in the home and the requirement that caretakers be notified of any animals that their children will be exposed to while at the home.

Rule 5101:2-14-20 "Safety and supervision of children for professional certification as a type B home provider or in-home aide" has been amended to add a definition of "supervision," to require that the provider not be under the influence of any substances that would impede the care of children and to have immediate access to a working land-line telephone on the premises. Language was added to clarify supervision of school-age children while outside and supervision of children during water or swimming play.

Rule 5101:2-14-21 "Transportation and field trip safety for professional certification as a type B home provider or in-home aide" has been amended to add requirements for items needed on trips away from the home, to restrict smoking in any vehicle when children are present and to disallow children under twelve years of age to sit in the front seat of the vehicle.

Rule 5101:2-14-22 "Child guidance and management for professional certification as a type B home or in-home aide" has been amended to include guidance techniques that should be used with children and to clarify that any special behavior management plans must be in writing and reviewed with the caretaker before implementing with the child.

Rule 5101:2-14-24 "Caretaker/provider responsibilities for professional certification as a type B home provider or in-home aide" has been amended to update a form revision date, add a reference to the "Child Care Provider Reimbursement Reporting Calendar" and add a requirement for the provider to give a

written receipt to the caretaker for all payments made.

Rule 5101:2-14-26 "Records requirements for professional certification as a type B home provider or in-home aide" has been amended to require that the JFS 01297 be sent with a child who is being emergency transported, that copies of the child's enrollment/health information and medical care plan be kept in a location that the provider can easily access in an emergency, that all children who are not attending a grade of kindergarten or above must have an annual physical and that a certified nurse practitioner or physician's assistant can sign the child's medical statement.

Rule 5101:2-14-27 "Care of children with special needs or health conditions for professional certification as a type B home provider or in-home aide" has been amended to add a required form and procedures for obtaining a medical or physical care plan.

Rule 5101:2-14-28 "Medical and dental emergency plan for professional certification as a type B home provider or in-home aide" has been amended to delete language regarding emergency transportation, to add a new form to be posted as a medical and dental emergency plan and to clarify language regarding the incident/injury report.

Rule 5101:2-14-29 "First aid supplies and procedures for professional certification as a type B home provider or in-home aide" has been amended to add items required in the first aid box and to elaborate on the basic precaution procedures.

Rule 5101:2-14-30 "Management of communicable disease for professional certification as a type B home provider or in-home aide" has been amended to add a list of symptoms defining a sick child and to clarify language regarding the care of a sick child.

Rule 5101:2-14-31 "Administration of medication for professional certification as a type B home provider or in-home aide" has been amended to clarify the use of the revised JFS 01644 that documents the provider's administration of medication. The rule also now requires the caretaker to administer the first dose of any medication to determine if the child has any reactions to the medication and requires the provider to document any medication errors.

Rule 5101:2-14-32 "Meal preparation/nutritional requirements for professional certification as a type B home provider or in-home aide" has been amended to specify when a child must be provided with meals and snacks, what nutritional requirements must be met by the meals and snacks and that a weekly menu must be posted.

Rule 5101:2-14-34 "Infant Care for professional certification as a type B home provider or in-home aide" is a new rule that contains infant care language deleted from rules 5101:2-14-08 and 5101:2-14-32. It requires that the caretakers of infants be provided with a brief, daily report, sets requirements for the infant daily program and clarifies the preparation, storage and feeding of formula and breast milk.

Rule 5101:2-14-35 "Diaper care for professional certification as a type B home provider or in-home aide" has been amended to require that diapers be checked at least every two hours and clarifies the process to be used for diaper changes.

Rule 5101:2-14-36 "Crib and playpen requirements for professional certification as a type B home provider or in-home aide" has been amended to require the

child's physician to sign a sleep position waiver for infants who are not to sleep on their backs. The rule requires that cribs be cleaned and sanitized monthly, that crib mattress supports be in the lowest position and crib rails in their highest position when in use and permits infants who are 16 months of age to sleep on cots with the caretaker's permission.

Rule 5101:2-14-37 "Swimming and water safety requirements for professional certification as a type B home provider or in-home aide" has been amended to prohibit the use of saunas, hot tubs and spas by children and to add requirements for swimming and water safety, including making swimming pools inaccessible and requiring written permission for infants and toddlers to use wading pools.

Rule 5101:2-14-40 "Appeal review procedures for limited and professional certification as a type B home provider or in-home aide" has been amended to include the CDJFS taking action to recover a child care overpayment as a reason for the provider to request an appeal review. The amended rule limits the time that an extension for an appeal review can be granted to ninety days.

Rule 5101:2-14-55 "Application and approval for limited certification as a type B home provider or in-home aide" has been amended to include the language required by SB 163, to update form titles and revision dates, to add items that the CDJFS needs prior to the issuance of a certificate and to require the CDJFS to approve or deny all applications for certification within 120 days of receipt of a complete application. The language covering provisional limited certification issuance has been deleted and moved to rule 5101:2-14-56.

Rule 5101:2-14-56 "Issuance and renewal of a certificate for limited certification as a type B home provider or in-home aide" is a new rule with requirements for the certification of limited providers.

Rule 5101:2-14-57 "Limited certification compliance inspection of type B home providers and in-home aides" has been amended to change the title, to add the requirement that the provider allow access to all areas of the home during an inspection, to specify that the inspection for provisional certification take place within ten days after the issuance of the certificate, to add requirements for compliance by the provider and to delete language on investigations that has been moved to rule 5101:2-14-03.1.

Rule 5101:2-14-58 "Limited certification provider qualifications and responsibilities as a type B home provider or in-home aide" has been amended to change the title, to add requirements for the physical exam of the provider, to add responsibilities for the safety of children, and to add the requirement for use of the JFS 01297, the JFS 01932 and the JFS 01299. Also added are requirements for providers to complete First Aid and CPR training and to require an approved sleeping area for children in evening and overnight care. This rule was also amended to include the requirements of SB 163.

5101:2-14-60 "Denial, revocation and withdrawal of limited certification as a type B home provider or in-home aide" has been amended to change the title, add language regarding the time limits for reapplying after denial and revocation and to list the reasons and process for denial or revocation of a limited certificate. This rule was amended to include the requirements of SB 163.

5101:2-14-61 "County department of job and family services (CDJFS) certification responsibilities for certified type B home providers and in-home

aides" has been amended to change the title, to update form titles and revision dates and to permit the CDJFS to give providers electronic copies of Chapter 5101:2-14 and Chapter 5101:2-16 rules. This rule was also amended to require that the CDJFS provide training for everyone doing inspections or investigations for type B homes using the curriculum provided by ODJFS.

5101:2-14-62 "Confidentiality involving a professional or limited certified home provider or in-home aide" has been amended to change the title and to specify that the CDJFS shall not release any confidential information from the public children services agency report.

The following is a summary of the form revisions:

JFS 01280 "Medical Statement for Type B Home and In-Home Aide Child Care Providers" has been reformatted to meet department form requirements as well as to add rule requirements for the physical examination on the form for the health care provider signing the form. Applicants who are certified after September 14, 2008 must have their medical completed on this form (rev. 8/2008).

JFS 01297 "Child Enrollment and Health Information" has been reformatted to meet department form requirements as well as to collect emergency contact and health information on one form. Children enrolled with a provider on or after August 14, 2008 must have the revised JFS 01297 on file by the first day care is provided. Children enrolled prior to August 14, 2008 must have a revised JFS 01297 completed within one year of the last time the caretaker reviewed, completed or updated the child's enrollment information. As of August 14, 2009 all children in care must have the revised JFS 01297 completed and on file with the provider.

JFS 01328 "Statement of Nonconviction for Child Care Centers, Type A Homes and Type B Homes" has been revised and is now obsolete for use by type B providers. It shall only be used by child centers and type A homes.

JFS 01329 "Statement Of Nonconviction For Type B Homes and In-Home Aides" has been revised to change the title and include additional convictions. This form will be used by everyone associated with the certified type B child care program (providers, in-home aides, emergency caregivers, substitute caregivers and adults living in a certified home).

Note: This form will be released in a separate child care manual transmittal letter.

JFS 01634 "Caretaker/Provider Agreement" has been reformatted to meet department form requirements and to provide additional spaces for the agency certifying the home to record information.

JFS 01642 "Application/Inspection for Limited Certification" has been reformatted to meet department form requirements and to reflect the revisions made to the child care certification rules.

JFS 01643 "Application for Professional Type B Home and In-Home Aide Certification" has been reformatted to meet department form requirements and to add a statement for providers to verify that they are capable of complying with child care rules and performing child care activities.

JFS 01644 "Permission to Administer Medication" has been reformatted to meet department form requirements. It has also been revised to provide additional information about the administration of medication process and to make the form easier to complete correctly.