



Ohio Administrative Code

Rule 5101:2-13-01 Definitions for licensed family child care.

Effective: [October 29, 2021](#)

(A) "Adult" means an individual who is at least eighteen years of age.

(B) "Advanced practice registered nurse (APRN)" means a certified registered nurse anesthetist, clinical nurse specialist, certified nurse midwife or certified nurse practitioner under Chapter 4723. of the Revised Code. This was previously called advanced practice nurse (APN).

(C) "Authorized representative" means an individual employed by a type A home, that is owned by a person other than an individual and who is authorized by the owner to do all of the following:

(1) Communicate on the owner's behalf.

(2) Submit on the owner's behalf applications for licensure or approval.

(3) Enter into on the owner's behalf provider agreements for publicly funded child care.

(D) "Career pathways model" means an alternative pathway to meeting the requirements for a child care staff member or administrator that uses an approved framework to document formal education, training, experience, specialized credentials and certifications. This allows the child care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.

(E) "Certified nurse practitioner (CNP)" means a registered nurse who holds a valid certificate of authority issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a CNP in accordance with section 4723.43 of the Revised Code and rules adopted by the board of nursing.

(F) "Child" means an infant, toddler, preschool child or school-age child.



(G) "Child care" per section 5104.01 of the Revised Code means all of the following:

(1) Administering to the needs of infants, toddlers, preschool-age children and school-age children outside of school hours.

(2) By persons other than their parents, guardians, or custodians.

(3) For part of the twenty-four-hour day.

(4) In a place other than a child's own home, except that an in-home aide provides child care in the child's own home.

(5) By a provider required by Chapter 5104. of the Revised Code to be licensed or approved by the department of job and family services, certified by a county department of job and family services, or under contract with the department to provide publicly funded child care as described in section 5104.32 of the Revised Code.

(H) "Child care staff member" means an employee of the family child care provider who is responsible for the care and supervision of children. A substitute child care staff member may replace a child care staff member on a temporary basis. The administrator, authorized representative, or owner may be a child care staff member when not involved in other duties.

(I) "Corrective action plan" describes the action taken by the program to correct a non-compliance. This plan does not confirm the program is in compliance with the rule, or negate the non-compliance finding. Corrective action plans are submitted in the Ohio child licensing and quality system (OCLQS) and are to be completed in their entirety to be approved.

(J) "Employee" means a person who either receives compensation for duties performed in a licensed family child care home or has assigned work hours or duties in a licensed family child care home.

(K) "Family child care provider" is an Ohio department of job and family services (ODJFS) licensed type A home provider or an ODJFS licensed type B home provider.



(L) "Field trips" means infrequent or irregularly scheduled excursions from the licensed family child care home.

(M) "Food supplement" means a vitamin, mineral, or combination of one or more vitamins, minerals and/or energy-producing nutrients (carbohydrate, protein or fat) used in addition to meals or snacks.

(N) "Infant" means a child who is under eighteen months of age.

(O) "License capacity" is the maximum number of children who may be cared for in a family child care home at any one time. License capacity is indicated on the license. License capacity is not the same as the total number of children enrolled in the home or attending the home on any given day. Children away from the home on a field trip or a special outing, and under the supervision of a child care staff member, shall be included in the count for license capacity.

(P) "Medication" means any substance or preparation of a substance which is used to prevent or treat a wound, injury, infection, infirmity, or disease. This includes medication that is over the counter, or prescribed or recommended by a physician or advance practice nurse certified to prescribe medication, and permitted by the parent for administration or application.

(Q) "Moderate risk non-compliance" means a licensure rule violation that has the potential to lead to an increased risk of harm to, or death of a child, and is observable, not inferable.

(R) "Modified diet" means any diet eliminating the use of any one or more of the four food groups or altering the amount of food required to be served to meet one-third of the recommended dietary allowance as required by rule 5101:2-13-22 of the Administrative Code.

(S) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity.

(T) "Parent" means the father or mother of a child, an adult who has legal custody of a child, an adult who is the guardian of a child, or an adult who stands in loco parentis with respect to a child, and whose presence in the home is needed as the caretaker of the child. Parent has the same meaning as "caretaker parent" as defined in section 5104.01 of the Revised Code.



(U) "Physician" means a person issued a certificate to practice in accordance with Chapter 4731. of the Revised Code and rules adopted by the state medical board or a comparable body in another state.

(V) "Physician assistant (PA)" means a person who has obtained a valid certificate to practice in accordance with Chapter 4730. of the Revised Code and rules adopted by the state medical board or a comparable body in another state.

(W) "Preschool child" means a child who is three years old or older but is not a school-age child.

(X) "Provider" means the person responsible for the daily operation of the family child care home. The provider and the owner of the family child care home shall be the same person and the family child care home shall be the permanent residence. If the owner of the family child care program is a corporation, the agent(s) of the corporation shall include the provider. For a type A home, the provider is also the named administrator.

(Y) "Public children services agency (PCSA)" means an entity specified in section 5153.02 of the Revised Code that has assumed the powers and duties of the children services function prescribed by Chapter 5153. of the Revised Code for a county.

(Z) "Related to the provider" means any of the following persons when determining group size in a family child care home: grandchildren, daughters, sons, step daughters, step sons, sisters, brothers, step sisters, step brothers, nieces, nephews, half brothers, half sisters, or first cousins who are related to the provider by blood, marriage or adoption. Children receiving foster care from the provider are not considered to be related to the provider.

(AA) "Resident" means a person who lives in the family child care home for more than ten consecutive calendar days and is included in the household composition.

(BB) "Routine trips" means repeated excursions off the premises of the home which regularly occur on a previously scheduled basis and that parents have been made aware of the destinations of the trip.



(CC) "School-age child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above, but who is less than fifteen years old or, in the case of a child who is receiving special needs child care, is less than eighteen years old.

(DD) "Serious risk non-compliance" means a licensure rule violation that has the potential to lead to a great risk of harm to, or death of, a child.

(EE) "Special needs child care" means child care provided to a child who is less than eighteen years of age and either has one or more chronic health conditions or does not meet age appropriate expectations in one or more areas of development, including social, emotional, cognitive, communicative, perceptual, motor, physical, and behavioral development and that may include on a regular basis such services, adaptations, modifications, or adjustments needed to assist in the child's function or development.

(FF) "Specialized foster home" means a medically fragile foster home or a treatment foster home.

(GG) "Toddler" means a child who is at least eighteen months of age but less than three years of age.

(HH) "Treatment foster care" means foster caregiver-based treatment services for children whose special or exceptional needs cannot be met in their own homes. Treatment foster care focuses on providing rehabilitative services to children with special or exceptional needs and their families with the primary location of treatment being in the treatment foster home.

(II) "Type A home" means the permanent residence of the provider in which child care is provided for seven to twelve children at one time.

(JJ) "Type B home" means the permanent residence of the provider in which child care is provided for one to six children at one time and no more than three children are under two years of age.

(KK) "Voluntary temporary closure" means the program requests to stop serving children, but not close the license. A voluntary temporary closure shall not exceed twelve months.