



## Ohio Administrative Code

### Rule 5101:2-13-26 County agency responsibilities for licensed family child care providers.

Effective: October 29, 2021

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(A) What are the responsibilities of the county agency staff for licensed family child care providers?

(1) The county agency shall comply with all requirements set forth in Chapter 5104. of the Revised Code and Chapter 5101:2-13 of the Administrative Code.

(2) The county agency is to train anyone employed by the county agency to inspect or investigate licensed family child care homes using the curriculum provided by the Ohio department of job and family services (ODJFS).

(a) The training shall be documented using the form included with the curriculum. Documentation shall be maintained on file at the county agency. The documentation shall remain on file for at least three years after the person is no longer conducting inspections or investigations of licensed family child care homes.

(b) The training shall be completed prior to the person conducting inspections or investigations.

(c) If the curriculum is revised, the county agency shall document that anyone conducting inspections or investigations has reviewed the revised materials or has completed the training again.

(d) The county agency is not to have additional requirements for licensing family child care providers.

(3) The county agency is to follow ODJFS policies and procedures for all responsibilities as assigned.

(B) What documentation shall be maintained by the county and what can be shared?

(1) The county agency shall enter all child care licensing information required in the Ohio child



licensing and quality system (OCLQS).

- (a) Full inspections within seven business days of inspection.
  - (b) Revised inspections within seven business days of revision.
  - (c) Complaint intake data within five business days of receipt of complaint.
  - (d) Complaint inspections within seven business days of inspection or the completion of a public children services agency (PCSA) investigation, if applicable.
  - (e) Review of compliance materials within twenty business days of submission.
- (2) The county agency shall maintain a case file on all licensed family child care providers. The following certification and licensing documents are to be included in each provider's file using the following retention schedule:
- (a) The initial application and all supporting documentation (for the life of the license), unless the information is in OCLQS.
  - (b) Inspection reports not documented in OCLQS (for five years from the date of the report).
  - (c) All correspondence with the family child care provider or regarding the license (for five years from the date of the correspondence).
  - (d) Compliance materials (for five years from the date of the materials).
  - (e) Copies of all written notices to the provider (for five years from the date of the notices).
  - (f) Valid copies of the JFS 01176 "Program Notification of Background Check Review for Child Care" for the provider, child care staff members, employees, and residents, (replace after expiration for the life of the license), if not in the Ohio professional registry (OPR).



- (3) The files required in paragraph (B)(2) of this rule shall be maintained according to the retention schedule for all open licenses. If a license is closed or revoked, the county agency shall maintain the provider file for two years after the date the license is closed or revoked.
- (4) The county agency shall not disseminate the following confidential information:
  - (a) The identity of an information source or witness to whom confidentiality has been reasonably promised, or the identity of a complainant for whom confidentiality is required.
  - (b) Any information, when such information would disclose the identity of one to whom such confidentiality has been reasonably promised.
  - (c) Provider medical records pertaining to the medical history, diagnosis, prognosis or medical condition of the provider, which are generated and maintained in the process of medical treatment, except as authorized by section 1347.08 of the Revised Code if requested by the subject of the report.
- (5) As needed, the county agency shall share information with the PCSA or a law enforcement agency concerning an investigation of alleged child abuse or neglect or criminal activity.
- (6) A provider shall have the right to access, review and make copies of any information in the county agency or ODJFS files of the provider, except information prohibited by state or federal law. The provider may be accompanied by a representative or other legal representation for this purpose and/or may authorize a legal representative to access such information.
- (7) The county agency is responsible for sharing all provider, client and fiscal information with ODJFS during the course of a monitoring review of its licensing program or if ODJFS is investigating a complaint involving the county agency.
- (8) ODJFS shall have access to all information in the provider's file.