



## Ohio Administrative Code

### Rule 5101:2-14-14 County agency responsibilities for in-home aide certifications, compliance inspections and complaint investigations.

Effective: November 12, 2023

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(A) What are the county agency responsibilities for certifying an in-home aide (IHA)?

(1) The county agency is to accept and approve or deny all applications for certification as an IHA within one hundred twenty days from the date the application is submitted in the Ohio child licensing and quality system (OCLQS).

(2) If the parent and IHA applicant need help in completing the forms, the county agency is to provide assistance.

(3) The county agency is to conduct a pre-certification inspection at the home of the parent to verify compliance.

(4) The county agency is to issue a certificate when the county determines the IHA is in compliance with Chapter 5104. of the Revised Code and Chapter 5101:2-14 of the Administrative Code.

(5) The county agency is to provide a copy of the certificate to the parent of a child receiving in-home aide services.

(6) The county agency is to comply with Chapter 5104. of the Revised Code and Chapter 5101:2-14 of the Administrative Code.

(B) When is the county agency to renew a certificate?

The county agency is to renew a certificate when all of the following are met:

(1) The IHA has submitted a renewal application in OCLQS.

(2) The parent and IHA complete a new JFS 01642 "In-Home Aide Assurances."



(3) The county agency conducts a renewal home inspection.

(4) It is determined the IHA remains in compliance with Chapter 5101:2-14 of the Administrative Code.

(C) What are the additional county agency responsibilities for compliance inspections?

(1) The county agency is to conduct an annual, unannounced inspection beginning the next fiscal year after the issuance or renewal of an IHA certificate.

(2) The county agency is to conduct an inspection within ten days of notification that the parent has moved to a new address.

(D) What are the county agency responsibilities for complaint investigations of an IHA?

(1) Document the complaint in OCLQS on the same day the complaint is received.

(2) The county agency is to investigate any complaints against an IHA. The county agency may inspect the IHA home as part of the complaint investigation.

(3) If the complaint alleges immediate risk to children, the county agency is to begin the investigation within one business day of the receipt of the complaint.

(4) If the complaint does not allege immediate risk to children, the county agency is to begin the investigation within five business days of the receipt of the complaint.

(5) Complaints alleging child abuse and neglect are to be immediately reported to the public children services agency (PCSA). The county agency is to follow PCSA instructions if additional information is needed.

(6) A PCSA investigation does not relieve the county agency of its responsibility to investigate IHA noncompliance with regulations contained in Chapter 5101:2-14 of the Administrative Code. The



county agency is to work with the PCSA to ensure the county agency investigation does not interfere with the PCSA investigation.

(E) What does the county agency do if it is determined the IHA is not in compliance?

(1) If the county agency determines that the IHA is not in compliance with Chapter 5101:2-14 of the Administrative Code or Chapter 5104. of the Revised Code, the county agency may revoke the certificate.

(2) Upon revocation of a certificate, the county agency is to notify the IHA of their right to appeal the decision to revoke the certificate and request a county appeal review in accordance with procedures outlined in paragraph (F) of this rule.

(3) The voluntary surrender of a certificate to the county agency is not to prohibit the county agency from revoking a certificate pursuant to this paragraph of this rule.

(4) If the parent whose child is receiving IHA services fails to cooperate with the county agency or to comply with this chapter and Chapter 5104. of the Revised Code, the county agency is to deny or terminate the IHA arrangement, revoke the IHA certificate and inform the parent of alternative child care options.

(5) If the IHA certification is revoked, another IHA certification is not to be issued to the IHA until five years have elapsed from the date the certification was revoked.

(F) What is the process if an IHA requests a county review of a non-compliance finding or revocation of the IHA certificate?

(1) If the IHA requests a review, the following steps are to be followed:

(a) The county agency is to schedule a county review within fifteen business days of receipt of a written request to review a non-compliance finding and notify the IHA in writing of the time, date and place of the review.



(b) The individual responsible for conducting the county review is not to be someone who was a party to the decision that is the subject of the review.

(c) The IHA is to have the opportunity to present his or her case and examine the contents of the case file that are relevant to the county agency decision to revoke or deny the certification.

(d) The county agency is responsible for preparing and issuing a written decision to the IHA within ten business days from the date of the county review. The decision is to include the following information:

(i) The action which was appealed.

(ii) Finding of facts.

(iii) Citation and summarization of relevant Administrative Code rules which support the facts established.

(iv) Outcome of the appeal on each issue addressed.

(2) The county decision is final and no further action can be taken by the IHA.

(G) What are the county agency responsibilities for maintaining documentation?

(1) The county agency is to enter and update all IHA certification and inspection documentation in the Ohio child licensing and quality system (OCLQS), and provide an electronic copy of the inspection to the IHA.

(a) Compliance inspections and complaint investigations within seven days from the date of inspection.

(b) Updates to inspections within seven days of the update.

(c) Review of compliance materials within twenty business days of submission.



(2) The JFS 01642 "In-Home Aide Assurances" is to be maintained in OCLQS. The county agency, after removal of confidential information, is to provide a copy of the JFS 01642 to anyone who submits a request to the county agency.

(3) The county agency is to maintain an electronic or paper case file on all certified in-home aides. The following certification documents are to be included in each in-home aide's file using the following retention schedule for open certifications:

(a) The application for certification and all supporting documentation (for the life of the certification), 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 IHA or regarding the certification (for five years from the date of correspondence).

(d) Compliance materials not documented in OCLQS (for five years from the date of the materials).

(e) Copies of all written notices to the IHA (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 IHA, (replace after expiration for the life of the certification), if not in the Ohio professional registry (OPR).

(4) If a certification is ended or revoked, the county agency is to maintain the IHA file and all contents for two years after the date the certification is ended or revoked.

(H) What information can a county agency publicly share regarding an IHA?

(1) Except as provided in paragraphs (H)(2) and (H)(3) of this rule, the county agency is not to disseminate confidential information which includes, but is not limited to, the following:



- (a) Child abuse and neglect investigative records, pursuant to section 2151.421 of the Revised Code and rule 5101:2-33-21 of the Administrative Code.
  
- (b) The identity of an information source or witness to whom confidentiality has been reasonably promised.
  
- (c) Any information, when such information would reasonably tend to disclose the identity of one to whom such confidentiality has been reasonably promised.
  
- (d) IHA 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.
  
- (2) The county agency is responsible for sharing all IHA, client, and fiscal information with ODJFS during the course of a monitoring review of its certification program or when ODJFS is investigating a complaint involving the county agency.
  
- (3) As needed, the county agency is to share information with the PCSA or a law enforcement agency concerning an investigation of alleged child abuse or neglect.
  
- (4) When information is disseminated, the following is to be documented in the IHA's record:
  - (a) Date information was disseminated.
  
  - (b) Agency, organizations, or individual to whom information was disseminated.
  
  - (c) Reason for dissemination.
  
  - (d) Specific information disseminated.
  
- (I) May the county have additional requirements that exceed the in-home aide certification standards in Chapter 5101:2-14 of the Administrative Code?



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The county agency is not to have additional requirements for certifying IHAs.