



## Ohio Administrative Code

### Rule 5180:2-13-07 Provider responsibilities, requirements and qualifications for a licensed family child care provider.

Effective: October 29, 2021

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(A) What are the requirements to be a licensed family child care provider?

(1) The family child care provider is to:

(a) Be at least eighteen years old, and for those type B certified or licensed after April 1, 2003, have completed a high school education. Verification of high school education is detailed in appendix A to this rule.

(b) Meet the training or education requirements detailed in appendix B to this rule.

(c) Have written documentation on file of current immunization against tetanus, diphtheria and pertussis (Tdap) from a licensed physician as defined in Chapter 4731. of the Revised Code, physician's assistant, advanced practice nurse, certified nurse midwife, certified nurse practitioner or licensed pharmacist. The provider may be exempt from the immunization requirement for religious reasons with written documentation signed by the individual and for medical reasons with written documentation signed by a licensed physician.

(d) Reside in the home where the care is being provided.

(e) Provide a safe, healthy environment when child care services are being provided.

(f) Not be involved in any activities that interfere with the care of the children. This includes not being involved in other employment during the operating hours of the family child care home.

(2) The provider and anyone in the family child care home, including any child care staff members is not to:

(a) Demonstrate physical or mental conditions potentially harmful to children.



- (b) Be under the influence of alcohol or other drugs while child care is being provided.
- (3) The provider is to complete only one of the following:
- (a) Obtain and maintain liability insurance that insures the family child care provider against liability arising out of, or in connection with, the operation of the family child care home.
- (i) The liability insurance shall cover any cause for which the family child care home would be liable, in the amount of at least one hundred thousand dollars per occurrence and three hundred thousand dollars in the aggregate.
- (ii) Proof of insurance shall be maintained at the home.
- (iii) If the family child care provider is not the owner of the home where the family child care home is located and the provider obtains liability insurance described in this rule, the provider shall name the owner of the property as an additional insured party on the liability insurance policy if all of the following apply:
- (a) The owner requests the provider in writing to add the owner to the liability insurance policy as an additional insured party.
- (b) The addition of the owner does not result in cancellation or nonrenewal of the insurance policy.
- (c) The owner pays any additional premium assessed for coverage of the owner.
- (b) Complete the JFS 01933 "Liability Insurance Statement for Family Child Care Providers" if the family child care provider is not obtaining liability insurance and shall provide the JFS 01933 to the parent of each child receiving care in the home. The JFS 01933 shall be signed and dated by the parent and on file by the child's first day of attendance.
- (i) If the family child care provider is not the owner of the home where the family child care home is in operation, the statement shall also include that the owner of the home may not provide coverage



of any liability arising out of, or in connection with, the operation of the family child care home.

(ii) The JFS 01933 shall be kept on file at the home.

(B) What are the responsibilities of the licensed family child care provider?

The family child care provider is to:

(1) Be on-site a minimum of seventy-five per cent of the operating hours per week. The provider may request a short-term exemption from this requirement from the county agency.

(2) Post the provider's scheduled hours of availability to meet with parents in a noticeable location.

(3) Make available the current licensing rules to all staff and parents. The rules may be made available via paper copy or electronically.

(4) Upon request, provide a parent with any information necessary for the parent to compile child care related expenses for income tax preparation, including tax identification numbers.

(5) Be responsible for the creation, maintenance and implementation of the policies and procedures detailed in appendix C to this rule. A copy of these policies and procedures shall be available on-site at the home. Nothing in these policies is to conflict with Chapter 5104. of the Revised Code or Chapter 5101:2-13 of the Administrative Code, and if applicable, Chapter 5101:2-16 or 5101:2-17 of the Administrative Code.

(6) Provide the parent and all employees with the policies and practices in appendix C to this rule.

(7) Provide a copy of appendix D to this rule to the parents of children enrolled in the home.

(8) Update in the Ohio child licensing and quality system (OCLQS) no later than five calendar days of any change in the household composition including someone joining the household or leaving the household as well as anyone staying in the home for more than ten consecutive calendar days.



(9) Be responsible for all information provided to the county agency or the Ohio department of job and family services (ODJFS) including information provided by a child care staff member, employee, administrator or resident of the home.

(10) Cooperate with other government agencies as necessary to maintain compliance with Chapter 5101:2-13 of the Administrative Code.

(11) Submit to the county agency an updated JFS 01174 "Adjudicated a delinquent child statement" within ten business days if a child residing in the home is adjudicated a delinquent child.

(12) Ensure that no employee, licensee or child care staff member discriminates in the enrollment of children upon the basis of race, color, religion, sex, disability, or national origin.

(13) Ensure compliance with Chapter 5104. of the Revised Code and Chapter 5101:2-13 of the Administrative Code.

(C) What are the Ohio professional registry (OPR) and documentation responsibilities for the licensed family child care provider?

The family child care provider is to:

(1) Create or update their individual profile in the OPR.

(2) Create or update the program's organization dashboard in the OPR.

(3) Ensure that all employees and child care staff members complete the following in the OPR:

(a) Create or update their individual profile in the OPR.

(b) Create an employment record in the OPR for the program on or before their first day of employment, including date of hire.

(c) Update changes to positions or roles in the OPR within five calendar days of a change.



(4) Update the program's organization dashboard in the OPR within five calendar days of a change for employees and child care staff members of the program, including:

(a) Scheduled days and hours.

(b) Group assignments, if applicable.

(c) The end date of employment.

(5) Maintain records for each current employee and child care staff member as required in Chapter 5101:2-13 of the Administrative Code on file at the home, if not yet verified in the OPR.

(a) Make employment records available upon request by the county agency or by ODJFS for at least three years after each person's departure, if not yet verified in the OPR.

(b) Keep employment records confidential, except when made available to the county agency or ODJFS for the purpose of administering Chapter 5104. of the Revised Code and Chapter 5101:2-13 of the Administrative Code.

(6) Ensure that all residents over the age of eighteen create a profile in the OPR and that the residents complete an employment record for the family child care provider within five days of becoming a resident or turning eighteen.

(7) Within five calendar days of a change in residency, update the program's organization dashboard in the OPR for residents over the age of eighteen, if applicable.

(D) What if the type B home provider is a foster parent?

The type B home provider shall:

(1) Notify the county agency and all parents.



- (2) Notify the county agency of all children receiving care within one business day of when the type B home provider is to begin caring for additional foster children.
- (3) Maintain a written record documenting the date and how the county agency and parents were notified about foster children in care.