

Serious Risk Non-Compliances and Point Values for Child Care Centers

All non-compliances not identified as a moderate risk or serious risk below are considered low-risk and are valued as 1 point.

**5101:2-12-03 Compliance inspection and complaint investigation of a licensed child care center
Serious Risk Non-Compliance (6 Points)**

- Owner, administrator, child care staff member, or employee refuses ODJFS access to program.
- Administrator/owner falsifies information to ODJFS.

**5101:2-12-04 Building department, fire inspection and food service licensure for a licensed child care center
Moderate Risk Non-Compliance (3 Points)**

- Food Service License – Center unable to obtain or maintain license due to violations.
- Serving food with no license.
- Fire Approval – Unable to obtain approval due to violations or update not requested at least 30 days prior to expiration.
- Center exceeds room/building occupancies.
- Cares for children on unapproved floor.
- Center fails to obtain approval for rooms used.
- Center cares for children in room not approved for age group.

**5101:2-12-09 Background check requirements for a licensed child care center
Moderate Risk Non-Compliance (3 Points)**

- Information for background checks not submitted (JFS 01175 or fingerprints).
- Child care staff member left alone with children and JFS 01176 is not on file.
- Background checks are expired and not updated.

Serious Risk Non-Compliance (6 Points)

- Administrator, employee or child care staff member is not eligible for employment and remains employed.
- Owner, owner's representative, administrator, employee or child care staff member refuses to submit information for a background check.

**5101:2-12-11 Indoor and outdoor space requirements for a licensed child care center
Moderate Risk Non-Compliance (3 Points)**

- "S" hooks not closed appropriately.
- Equipment and/or ropes not securely anchored.
- Entrapment hazards exist.
- Protective surfacing is inadequate or missing under climbing equipment.
- Fence or barrier missing or inadequate.
- Unsafe route to off-site space.

**5101:2-12-12 Safe equipment and environment for a licensed child care center
Moderate Risk Non-Compliance (3 Points)**

- Chemicals accessible to children.
- Unsafe equipment accessible to children (lawnmowers, power tools accessible, etc.).
- Children not protected from unsafe items, conditions or situations.
- Space heaters used without approval.
- No mats under indoor climbing equipment.
- Center does not have required or working carbon monoxide detector.
- Illegal drugs on premises or alcohol in area used for child care.

Serious Risk Non-Compliance (6 Points)

- Weapons, firearms or ammunition materials are found on the premises and there's no valid exemption, or are carried by someone with a valid exemption but are accessible to children.

**5101:2-12-14 Transportation and field trip safety for a licensed child care center
Moderate Risk Non-Compliance (3 Points)**

- Annual vehicle inspection not completed by Automotive Service Excellence (ASE) certified mechanic.
- Driving a vehicle without correcting the noted violations.
- Exiting/entering vehicle not from the curb.
- Not using required seat belts and/or car seats.
- More than one child in a seat belt.
- Children sitting on floor or standing in moving vehicle.
- Child under 12 in the front seat.
- Child's JFS 01236 not available on trip.
- Supplies required by child's JFS 01236 not available on trip.
- Vehicle type not permitted to be used.
- Not meeting additional adult requirements.

Serious Risk Non-Compliance (6 Points)

- Child left unattended on a field trip or in a vehicle.
- Driver not 18 years old.
- Driver is not appropriately licensed, has a suspended license or has a license that expired more than 6 months ago.
- Driver is under the influence of drugs or alcohol.

5101:2-12-15 Child record requirements for a licensed child care center

Moderate Risk Non-Compliance (3 Points)

- JFS 01236 not on file.
- JFS 01236 missing information and/or signatures.
- No trained staff on-site when child is present or on field trip with child.
- JFS 01236 not implemented or followed.
- Non-trained staff performed a procedure on child.

5101:2-12-18 Group size and ratios for a licensed child care center

Moderate Risk Non-Compliance (3 Points)

- Program is out of ratio.
- Program exceeds license capacity.
- Additional employee or child care staff member required but not present.

5101:2-12-19 Supervision of children and child guidance for a licensed child care center

Moderate Risk Non-Compliance (3 Points)

- Child left unattended.
- Child care staff member uses prohibited disciplinary techniques.
- Staff under the influence of a substance which impairs their ability to supervise.

Serious Risk Non-Compliance (6 Points)

- Child unattended outside of facility building, during a swimming activity or any time child is off site.
- Program fails to report suspected abuse/neglect/endangerment.
- Owner or administrator uses prohibited disciplinary techniques.
- Physical abuse/neglect/endangerment by any employee, child care staff member, owner or administrator.
- Substantiated public children's services agency finding of abuse or neglect for any employee, child care staff member, owner or administrator.
- Child(ren) not protected from harm which resulted in a serious incident or injury.

5101:2-12-20 Sleeping and napping requirements for a licensed child care center

Moderate Risk Non-Compliance (3 Points)

- Child placed in crib with object which poses suffocation/strangulation risk (item tied around neck, blankets, pillows, boppies, bumper pads, etc.).
- Stacked cribs are used.
- Cribs do not meet size requirements.
- Cribs are unstable.
- Something other than a crib is used for napping.
- Cribs do not meet the Consumer Product Safety Commission standards.
- JFS 01235 sleep position waiver needed but not on file.

5101:2-12-21 Evening and overnight care for a licensed child care center

Serious Risk Non-Compliance (6 Points)

- Staff responsible for supervising children are asleep.
- Child(ren) are asleep on unapproved floor of the building.

5101:2-12-23 Infant care and diaper care for a licensed child care center

Moderate Risk Non-Compliance (3 Points)

- Breast milk given to wrong child.
- Container used for heating bottles was accessible to children.

5101:2-12-24 Swimming and water safety requirements for a licensed child care center

Serious Risk Non-Compliance (6 Points)

- No life guard present during water activity.
- Staff not actively supervising.
- Life guard is used to meet ratio.
- Swimming site accessible to children without staff supervision.
- Children are swimming in lakes, ponds, rivers, etc.

5101:2-12-25 Medication administration, food supplements and medical foods for a licensed child care center

Moderate Risk Non-Compliance (3 Points)

- Medication form not on file or missing information.
- No label on prescription medication.
- Medication not in original container.
- Medication accessible to children.
- Medication instructions not followed.
- The wrong dosage was administered to the child.

Serious Risk Non-Compliance (6 Points)

- Medication was administered to the wrong child.