



## Ohio Administrative Code

### Rule 5101:2-12-01 Definitions for licensed child care centers.

Effective: December 1, 2019

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(A) "Administrator" means the person responsible for the daily operation of the center. The administrator and the owner may be the same person. The administrator is also a child care staff member.

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

(C) "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).

(D) "Authorized representative" means an individual employed by a center 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.

(E) "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.

(F) "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.

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

(H) "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.

(I) "Child care staff member" means an employee of a child care center who is responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a child care staff member when not involved in other duties.

(J) "Drop-in center," as defined in Chapter 5104. of the Revised Code, means a center that provides child care for children on a temporary, irregular basis. "Temporary and irregular" means no more than thirty days a year for any child enrolled. Drop-in centers shall comply with all rules in Chapter 5101:2-12 of the Administrative Code except:

(1) In reference to rule 5101:2-12-25 of the Administrative Code, the drop-in center shall not administer any medication, food supplement or modified diet.



(2) In reference to rule 5101:2-12-20 of the Administrative Code, the drop-in center shall not be required to provide a cot for each child the center is licensed to serve.

(3) In reference to rule 5101:2-12-04 of the Administrative Code, the drop-in center which does not prepare and serve food shall not be required to obtain a health department approval.

(4) In reference to rule 5101:2-12-11 of the Administrative Code, the drop-in center shall not be required to meet the provisions of paragraphs (C) and (D) of that rule, but if these provisions are not met, the drop-in center shall have a specific plan to provide for gross motor activity for children in care. If a drop-in center chooses to include outdoor play the drop-in center shall meet the requirements of paragraph (A)(5) of rule 5101:2-12-17 of the Administrative Code.

(K) "Employee" means a person who either receives compensation for duties performed in a child care center or has assigned work hours or duties in a child care center.

(L) "Field trips" means infrequent or irregularly scheduled excursions from the center.

(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 child care center 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 center or attending the center on any given day. Children away from the center 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 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) "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 5101:2-12-22 of the Administrative Code.

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

(S) "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.

(T) "Parent cooperative child care center", as defined in Chapter 5104. of the Revised Code, means a corporation or association organized for providing educational services only for children of its members without gain to the corporation. Ownership and control of the corporation or association rests solely with its members, and at least one parent member of the corporation is on the premises during the center's hours of operation. Parent cooperatives shall comply with all rules in Chapter 5101:2-12 of the Administrative Code except:

(1) In reference to rule 5101:2-12-07 of the Administrative Code, the duties of the administrator of a parent cooperative may be carried out under the supervision and in conjunction with a parent board.

(2) In reference to rule 5101:2-12-07 of the Administrative Code, the parent board of a parent cooperative, in cooperation with the administrator, may be responsible for conducting preadmission interviews.

(3) In reference to rule 5101:2-12-04 of the Administrative Code, the parent cooperative center which does not prepare and serve food shall not be required to obtain a health department approval.

(U) "Part-time child care center," as defined in Chapter 5104. of the Revised Code, means a center that provides child care for no more than four hours per day for any child or no more than fifteen weeks per summer. Part-time child care centers shall comply with all rules in Chapter 5101:2-12 of the Administrative Code except:



(1) In reference to rule 5101:2-12-20 of the Administrative Code, the part-time center, which does not include a nap as part of their scheduled daily program, shall be required to provide only one washable cot, mat, or pad for an ill child.

(2) In reference to rule 5101:2-12-07 of the Administrative Code, an administrator of a part-time center may have duties as a child care staff member during all hours of operation.

(3) In reference to rule 5101:2-12-17 of the Administrative Code, only the part-time center which includes outdoor play as part of their scheduled daily program shall be required to comply with all stipulations of that rule, except as indicated in paragraph (A)(5) of rule 5101:2-12-17 of the Administrative Code, for a part-time program that provides child care for no more than four hours per day for any child.

(V) "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.

(W) "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.

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

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

(AA) "School-age child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above, but 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.

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

(CC) "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.

(DD) "Substitute" means a child care staff member who replaces an assigned staff member on a temporary basis.

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

(FF) "Transitioning child" means any child enrolled in a center who, for easy adjustment, is temporarily being placed with a group prior to being permanently assigned to that group.

(GG) "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.