

Appendix A to rule 5180:2-13-03

Moderate and Serious Risk Non-compliances and Point Values for Family Child Care**5180:2-13-03 Compliance inspection and complaint investigation****Serious Risk Non-Compliance (6 Points)**

- Provider, resident, child care staff member or employee refuses the Ohio Department of Children and Youth (DCY) or county agency access to program.
- Provider falsifies information to DCY or county agency.

5180:2-13-04 Building department inspection and fire inspection**Moderate Risk Non-Compliance (3 Points)**

- Care is provided for children on an unapproved floor or in an unapproved area of the home (Type A and Type B); room/building occupancy is exceeded (Type A only); children are cared for in room not approved for age group (Type A only).
- Fire Inspection – Failure to correct violations or inspection expired and update not requested at least 30 days prior to expiration (Type A only).
- Flammable or combustible materials and substances are store neared heaters, furnaces, water heaters or gas appliances (Type B only).
- The home's primary or alternate escape route is blocked or inaccessible (Type B only).

5180:2-13-09 Background checks**Moderate Risk Non-Compliance (3 Points)**

- Background check request not submitted or fingerprints not submitted or resident of the home turns 18 or moves into the home and background check request not submitted or fingerprints not submitted.
- Employee or child care staff member working in the home and preliminary approval is not on file or in the Ohio professional registry (OPR).
- Child care staff member left alone with child(ren) and preliminary approval or DCY 01176 is not on file or in the OPR.
- Background check is expired and not updated.

Serious Risk Non-Compliance (6 Points)

- Provider has an ineligible background check.
- Resident, employee or child care staff member is not eligible for employment or residency and remains employed or residing in the home.
- Provider, resident, employee or child care staff member refuses to submit information for a background check request or refuses to submit fingerprints.

5180:2-13-11 Indoor and outdoor space**Moderate Risk Non-Compliance (3 Points)**

- "S" hooks not closed appropriately, equipment and/or ropes not securely anchored or entrapment hazards exist.
- Protective surfacing is required but is inadequate or missing under equipment used for climbing, swinging, balancing, and sliding.
- Fence or barrier missing or inadequate.
- Unsafe route used to off-site space.

5180:2-13-12 Safe equipment and environment**Moderate Risk Non-Compliance (3 Points)**

- Chemicals or unsafe equipment (lawnmowers, power tools accessible, etc.) are accessible while a child(ren) is present.
- Child(ren) present is not protected from unsafe items, conditions or situations.
- No mats under indoor climbing equipment.
- Home does not have required or working carbon monoxide detector (Type B only).

Serious Risk Non-Compliance (6 Points)

- Firearms, weapons or ammunition materials are not secure and there's no valid exemption, or are carried by someone with a valid exemption but are accessible while child(ren) is present.
- Illegal drugs on premises or alcohol accessible while child(ren) is present.

5180:2-13-14 Transportation and field trip safety**Moderate Risk Non-Compliance (3 Points)**

- Driving a vehicle without correcting the noted violations, vehicle type not permitted to be used.
- Transporting a child under 12 years old in the front seat; not using required seat belts and/or car seats; more than one child in a seat belt, children sitting on floor or standing in a moving vehicle; not ensuring that all passengers adhere to the state of Ohio's child restraint law when transporting children in care.
- Child's health care plan documentation and/or specific items required on the health care plan not available on trip.

Serious Risk Non-Compliance (6 Points)

- 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, alcohol or other substances which could impair driving.

5180:2-13-15 Child records**Moderate Risk Non-Compliance (3 Points)**

- Health care plan not implemented, not on file or not followed.
- No trained staff on-site when child is present or on field trip with child or non-trained staff performed procedure on child.

5180:2-13-18 Group size and ratios**Moderate Risk Non-Compliance (3 Points)**

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

5180:2-13-19 Supervision of children and child guidance**Moderate Risk Non-Compliance (3 Points)**

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

Serious Risk Non-Compliance (6 Points)

- Child unattended off-site.

- Child completely left alone in home (no adults).
- Child unattended outside (not school-age).
- Provider fails to report suspected abuse/neglect/endangerment.
- Provider uses prohibited disciplinary techniques or there is a substantiated public children services agency (PCSA) finding of abuse, neglect or endangerment by any child care staff member, employee, resident or provider.
- Child not protected from harm which resulted in a serious incident or injury.

5180:2-13-20 Sleeping and napping

Moderate Risk Non-Compliance (3 Points)

- Child placed in crib or playpen with object which poses suffocation/strangulation risk (bibs, pacifier clips/ ribbons, teething jewelry, blankets, pillows, boppies, bumper pads, etc.).
- Stacked cribs are used, cribs or playpens do not meet size requirements, cribs or playpens are unstable, or cribs do not meet the Consumer Product Safety Commission standards.
- Something other than a crib or playpen used for sleeping or napping.
- DCY 01235 sleep position waiver needed but not on file.

5180:2-13-21 Non-traditional care

Moderate Risk Non-Compliance (3 Points)

- Provider or child care staff member are asleep before all children are asleep.
- Children under 5 are not on the same floor as the provider or child care staff member. Child(ren) asleep on unapproved floor of home.

5180:2-13-22 Meal preparation and nutrition

Moderate Risk Non-Compliance (3 Points)

- Child in attendance more than four hours without being offered a meal.

5180:2-13-23 Infant care and diaper care

Moderate Risk Non-Compliance (3 Points)

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

5180:2-13-24 Swimming and water safety

Serious Risk Non-Compliance (6 Points)

- No lifeguard present during water activity or lifeguard is used to meet ratio.
- Staff not actively supervising or swimming site accessible to children without staff supervision.
- Child(ren) swimming in lakes, ponds, rivers, etc.

5180:2-13-25 Medication administration

Moderate Risk Non-Compliance (3 Points)

- Health care plan and permission to give medication forms not on file or not followed, no current label or physician's instructions on prescription medication, medication not in original container.
- Medication accessible to child(ren).
- Medication instructions not followed.

Serious Risk Non-Compliance (6 Points)

- Medication was administered to the wrong child or the wrong dosage was administered to child.