

5101:2-12-02.1**Temporary Pandemic Child Care Center License.****(A) What is a temporary pandemic child care center license?**

A temporary pandemic child care center license is a short-term license to provide child care services to children whose parents are employed providing health, safety and other essential services as defined by the director of the Ohio department of job and family services in consultation with the director of the Ohio emergency management agency.

(B) When may ODJFS issue a temporary pandemic child care license?

ODJFS may issue a temporary pandemic child care license if the governor of Ohio declares a state of emergency and directs ODJFS to issue this license type.

(C) How do programs apply for a temporary pandemic child care license?

- (1) The child care center shall submit the JFS 01258 "Application for Temporary Pandemic Child Care Center License" to ODJFS.
- (2) If the program is not currently operating as a licensed child care center, it shall also comply with a pre-licensing inspection.
- (3) If the program is currently operating a licensed child care center, a pre-licensing inspection shall not be required.

(D) What are the licensing requirements for a pandemic child care center?

The pandemic child care center shall meet the following requirements. The other requirements in this chapter shall not apply during the temporary license period.

- (1) The pandemic center shall have a building certificate of occupancy and fire inspection for the space being utilized for child care.
- (2) There shall be at least thirty-five square feet of usable wall-to-wall indoor floor space for each child the center is licensed to serve.
- (3) All employees and child care staff members (including the owner and administrator) shall submit a request for background checks and fingerprints pursuant to rule 5101:2-12-09 of the Administrative Code within seven calendar days of the individual's date of hire or assignment. Child care staff may be used in ratio but shall not be left alone with children until the JFS 01176 "Program Notification of Background Check Review for Child Care" is received by the pandemic child care center.

- (4) There shall be at least one child care staff member on-site during all hours of operation who is currently trained in cardiopulmonary resuscitation (CPR) appropriate for all age groups that the center is licensed to serve. The training shall meet the requirements in appendix A to rule 5101:2-12-10 of the Administrative Code.
- (5) The pandemic child care center shall ensure that required staff child ratios and maximum group size limitations are maintained at all times in accordance with appendix A to this rule.
- (6) Child care staff members shall not leave a child unsupervised. Supervision means the child care staff members have knowledge of a child's needs and accountability for his or her care at all times. Supervision includes awareness of and responsibility for the activity of each child and being near enough to respond and reach children immediately including responding to the child's basic needs and protecting them from harm.
- (7) The child care staff members shall ensure all children in care are within sight and hearing of child care staff members at all times. Within sight and hearing means without the use of mechanical devices such as baby monitors, video cameras or walkie talkies. The use of mirrors to view children in another room does not meet the supervision requirements of this rule.
- (8) Each child care staff member shall use only the allowable discipline techniques in appendix A to rule 5101:2-12-19 of the Administrative Code.
- (9) If the owner, administrator, employee or child care staff member suspects that a child has been abused or neglected, he or she shall immediately notify the public children services agency (PCSA).
- (10) Each child enrolled for care shall have a completed JFS 01234 "Child Enrollment and Health Information for Child Care" and a completed JFS 01259 "Pandemic Child Care Center Child Enrollment Addendum" on file by the child's first day of attendance at the center.
- (11) The pandemic child care center shall have a written attendance record that tracks in and out times for each child each day. The record shall include the child's name and date of birth.
- (12) The pandemic child care center shall provide opportunities for both quiet and active play suitable to the developmental levels and abilities of each child in care.

- (13) Children in care shall be protected from any items and conditions which threaten their health, safety, and well being, including but not limited to: stoves, bodies of water, window covering pull cords, telephone cords, electrical cords, extension cords, lead hazards, asbestos, wells, traffic, employee's personal belongings and other environmental hazards and dangerous situations.
 - (14) The pandemic child care center shall follow the cleaning and sanitizing chart in appendix A to rule 5101:2-12-13 of the Administrative Code and the handwashing requirements in appendix B to rule 5101:2-12-13 of the Administrative Code.
 - (15) Children are not permitted to rest, nap, or sleep on the floor without a cot or mat. Cots and mats shall meet the requirements described in rule 5101:2-12-20 of the Administrative Code.
 - (16) All infants shall rest and nap in a crib. Cribs shall meet the following requirements:

 - (a) Any crib manufactured before June 28, 2011 shall have a certificate of compliance (COC) on file. The center may have to contact the manufacturer of the crib to receive a COC if they do not request one from the retailer when they purchase the crib
 - (b) Cribs with a documented manufacture date after June 28, 2011 have to meet the new federal standards to be sold, so they do not require a COC. The date of manufacture shall be attached to the crib.
 - (c) Cribs shall be used according to manufacturer's instructions.
 - (17) Parents/caregivers shall provide written permission and instructions (if different than the label) when the center shall administer prescription medications, nonprescription medicines containing codeine or aspirin, or nonprescription medication.
 - (18) The pandemic child care center shall not provide transportation nor swimming activities in water deeper than eighteen inches to any child without prior approval from ODJFS.
- (E) How long is a temporary pandemic child care license valid?
- The temporary pandemic child care license is valid until the governor of Ohio rescinds the executive order.
- (F) What happens when the executive order is rescinded by the governor of Ohio?

- (1) If the center was licensed as a child care center before becoming a pandemic child care center, the center shall resume following all of the child care center licensing requirements of this chapter.
- (2) If the center was not previously licensed as a child care center, it shall do one of the following within ten calendar days of the rescision of the executive order:

 - (a) Notify ODJFS in writing that the center will voluntarily close not later than ten days after the rescision of the executive order.
 - (b) Submit an application for a child care center license pursuant to rule 5101:2-12-02 of the Administrative Code.
- (3) If the pandemic child care center does not voluntarily close or submit an application within 10 calendar days, ODJFS will revoke the temporary license.
- (G) A denial of an application for a license for a pandemic child care center and the revocation of a temporary license for a pandemic child care center are not subject to appeal rights pursuant to Chapter 119. of the Revised Code.
- (H) How will the pandemic child care center be paid?

The pandemic child care center will be paid through an agreement with ODJFS.

Effective: 3/18/2020

CERTIFIED ELECTRONICALLY

Certification

03/18/2020

Date

Promulgated Under: 119.03
Statutory Authority: 5104.015, 5104.016
Rule Amplifies: 5104.015, 5104.03, 5104.032, 5104.05