

As Introduced

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H. B. No. 536

Representatives Smith, Antonio

Cosponsors: Representatives Letson, Pillich, Stebelton, Fedor, Brown

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A B I L L

To amend sections 5104.015, 5104.017, and 5104.018 1
and to enact section 5104.014 of the Revised Code 2
to require that children enrolled in licensed 3
child care facilities be immunized in accordance 4
with a schedule that is based on the schedule 5
recommended by the Advisory Committee on 6
Immunization Practices of the Centers for Disease 7
Control and Prevention. 8

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 5104.015, 5104.017, and 5104.018 be 9
amended and section 5104.014 of the Revised Code be enacted to 10
read as follows: 11

Sec. 5104.014. (A) The director of job and family services 12
shall adopt for the purposes of this section and sections 13
5104.015, 5104.017, and 5104.08 of the Revised Code an 14
immunization schedule for persons age zero through eighteen years. 15
As initially established, the schedule shall be the same as the 16
schedule recommended by the advisory committee on immunization 17
practices of the centers for disease control and prevention of the 18
United States department of health and human services. The 19

director may periodically revise the schedule established under 20
this division to reflect revisions in the schedule adopted by the 21
advisory committee on immunization practices. 22

(B) Except as provided in division (C) of this section, as a 23
condition of enrollment in a child day-care center, type A family 24
day-care home, or licensed type B family day-care home, a child 25
shall be immunized in accordance with the schedule adopted by the 26
director under division (A) of this section. 27

(C) A child is not required to be immunized against a disease 28
specified in the schedule established pursuant to division (A) of 29
this section as a condition of the child's enrollment in a center, 30
type A home, or licensed type B home if either of the following 31
applies: 32

(1) The child's physician certifies in writing that 33
immunization against the disease is medically contraindicated for 34
the child; 35

(2) The child's parent or guardian certifies in writing that 36
the parent or guardian declines to have the child immunized 37
against the disease for reasons of conscience, including religious 38
convictions. 39

Sec. 5104.015. The director of job and family services shall 40
adopt rules in accordance with Chapter 119. of the Revised Code 41
governing the operation of child day-care centers, including 42
parent cooperative centers, part-time centers, drop-in centers, 43
and school-age child care centers. The rules shall reflect the 44
various forms of child care and the needs of children receiving 45
child care or publicly funded child care and shall include 46
specific rules for school-age child care centers that are 47
developed in consultation with the department of education. The 48
rules shall not require an existing school facility that is in 49

compliance with applicable building codes to undergo an additional 50
building code inspection or to have structural modifications. The 51
rules shall include the following: 52

(A) Submission of a site plan and descriptive plan of 53
operation to demonstrate how the center proposes to meet the 54
requirements of this chapter and rules adopted pursuant to this 55
chapter for the initial license application; 56

(B) Standards for ensuring that the physical surroundings of 57
the center are safe and sanitary including the physical 58
environment, the physical plant, and the equipment of the center; 59

(C) Standards for the supervision, care, and discipline of 60
children receiving child care or publicly funded child care in the 61
center; 62

(D) Standards for a program of activities, and for play 63
equipment, materials, and supplies, to enhance the development of 64
each child; however, any educational curricula, philosophies, and 65
methodologies that are developmentally appropriate and that 66
enhance the social, emotional, intellectual, and physical 67
development of each child shall be permissible. As used in this 68
division, "program" does not include instruction in religious or 69
moral doctrines, beliefs, or values that is conducted at child 70
day-care centers owned and operated by churches and does include 71
methods of disciplining children at child day-care centers. 72

(E) Admissions policies and procedures, ~~health;~~ 73

(F) Health care policies and procedures, including procedures 74
for the isolation of children with communicable diseases, ~~first;~~ 75

(G) First aid and emergency procedures, ~~procedures;~~ 76

(H) Procedures for discipline and supervision of children, ~~standards;~~ 77
standards; 78

(I) Standards for the provision of nutritious meals and 79

snacks, and procedures;	80
<u>(J) Procedures for screening children and employees, that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;</u>	81 82 83 84
(F) <u>(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;</u>	85 86
<u>(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;</u>	87 88 89 90
(G) <u>(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;</u>	91 92 93
(H) <u>(N) Procedures for record keeping, organization, and administration;</u>	94 95
(I) <u>(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;</u>	96 97 98
(J) <u>(P) Inspection procedures;</u>	99
(K) <u>(Q) Procedures and standards for setting initial license application fees;</u>	100 101
(L) <u>(R) Procedures for receiving, recording, and responding to complaints about centers;</u>	102 103
(M) <u>(S) Procedures for enforcing section 5104.04 of the Revised Code;</u>	104 105
(N) <u>(T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter</u>	106 107 108 109

or rules adopted pursuant to this chapter; 110

~~(O)~~(U) Requirements for the training of administrators and 111
child-care staff members in first aid, in prevention, recognition, 112
and management of communicable diseases, and in child abuse 113
recognition and prevention. Training requirements for child 114
day-care centers adopted under this division shall be consistent 115
with sections 5104.034 and 5104.037 of the Revised Code. 116

~~(P)~~(V) Standards providing for the special needs of children 117
who are handicapped or who require treatment for health conditions 118
while the child is receiving child care or publicly funded child 119
care in the center; 120

~~(Q)~~(W) A procedure for reporting of injuries of children that 121
occur at the center; 122

~~(R)~~(X) Standards for licensing child day-care centers for 123
children with short-term illnesses and other temporary medical 124
conditions; 125

~~(S)~~(Y) Any other procedures and standards necessary to carry 126
out the provisions of this chapter regarding child day-care 127
centers. 128

Sec. 5104.017. The director of job and family services shall 129
adopt rules pursuant to Chapter 119. of the Revised Code governing 130
the operation of type A family day-care homes, including parent 131
cooperative type A homes, part-time type A homes, drop-in type A 132
homes, and school-age child type A homes. The rules shall reflect 133
the various forms of child care and the needs of children 134
receiving child care. The rules shall include the following: 135

(A) Submission of a site plan and descriptive plan of 136
operation to demonstrate how the type A home proposes to meet the 137
requirements of this chapter and rules adopted pursuant to this 138
chapter for the initial license application; 139

(B) Standards for ensuring that the physical surroundings of the type A home are safe and sanitary, including the physical environment, the physical plant, and the equipment of the type A home;	140 141 142 143
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home;	144 145 146
(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	147 148 149 150 151 152
(E) Admissions policies and procedures, health ;	153
(F) <u>Health</u> care policies and procedures, including procedures for the isolation of children with communicable diseases, first ;	154 155
(G) <u>First</u> aid and emergency procedures, procedures ;	156
(H) <u>Procedures</u> for discipline and supervision of children, standards ;	157 158
(I) <u>Standards</u> for the provision of nutritious meals and snacks, and procedures ;	159 160
(J) <u>Procedures</u> for screening children and employees , including any necessary physical examinations and <u>the</u> immunizations <u>required pursuant to section 5104.014 of the Revised Code</u> ;	161 162 163 164
(F) (K) <u>Procedures for screening employees, including any necessary physical examinations and immunizations</u> ;	165 166
(L) <u>Methods</u> for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities	167 168 169

of parents and employees are met;	170
(G) <u>(M)</u> Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	171 172 173
(H) <u>(N)</u> Procedures for record keeping, organization, and administration;	174 175
(I) <u>(O)</u> Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	176 177 178
(J) <u>(P)</u> Inspection procedures;	179
(K) <u>(Q)</u> Procedures and standards for setting initial license application fees;	180 181
(L) <u>(R)</u> Procedures for receiving, recording, and responding to complaints about type A homes;	182 183
(M) <u>(S)</u> Procedures for enforcing section 5104.04 of the Revised Code;	184 185
(N) <u>(T)</u> A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;	186 187 188 189 190
(O) <u>(U)</u> Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	191 192 193 194
(P) <u>(V)</u> Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;	195 196 197 198
(Q) <u>(W)</u> Standards for the maximum number of children per	199

child-care staff member;	200
(R) <u>(X)</u> Requirements for the amount of usable indoor floor space for each child;	201 202
(S) <u>(Y)</u> Requirements for safe outdoor play space;	203
(T) <u>(Z)</u> Qualifications and training requirements for administrators and for child-care staff members;	204 205
(U) <u>(AA)</u> Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	206 207 208
(V) <u>(BB)</u> Standards for the preparation and distribution of a roster of parents, custodians, and guardians;	209 210
(W) <u>(CC)</u> Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.	211 212
Sec. 5104.018. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the licensure of type B family day-care homes. The rules shall provide for safeguarding the health, safety, and welfare of children receiving child care or publicly funded child care in a licensed type B family day-care home and shall include all of the following:	213 214 215 216 217 218 219
(A) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code.	220 221 222
(B) Standards for ensuring that the type B home and the physical surroundings of the type B home are safe and sanitary, including physical environment, physical plant, and equipment;	223 224 225
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the home;	226 227 228

(D) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	229 230 231 232 233 234
(E) Admission policies and procedures, health;	235
(F) <u>Health</u> care, first aid and emergency procedures, procedures;	236 237
(G) <u>Procedures</u> for the care of sick children, procedures;	238
(H) <u>Procedures</u> for discipline and supervision of children, nutritional;	239 240
(I) <u>Nutritional</u> standards, and procedures;	241
(J) <u>Procedures</u> for screening children and administrators, including any necessary physical examinations and <u>the immunizations required pursuant to section 5104.014 of the Revised Code;</u>	242 243 244 245
(F) (K) <u>Procedures for screening administrators, including any necessary physical examinations and immunizations;</u>	246 247
(L) Methods of encouraging parental participation and ensuring that the rights of children, parents, and administrators are protected and the responsibilities of parents and administrators are met;	248 249 250 251
(G) (M) Standards for the safe transport of children when under the care of administrators;	252 253
(H) (N) Procedures for issuing, denying, or revoking licenses;	254
(I) (O) Procedures for the inspection of type B homes that require, at a minimum, that each type B home be inspected prior to licensure to ensure that the home is safe and sanitary;	255 256 257

(J) <u>(P)</u> Procedures for record keeping and evaluation;	258
(K) <u>(O)</u> Procedures for receiving, recording, and responding to complaints;	259 260
(L) <u>(R)</u> Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving child care or publicly funded child care in the type B home;	261 262 263 264
(M) <u>(S)</u> Requirements for the amount of usable indoor floor space for each child;	265 266
(N) <u>(T)</u> Requirements for safe outdoor play space;	267
(O) <u>(U)</u> Qualification and training requirements for administrators;	268 269
(P) <u>(V)</u> Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;	270 271 272
(Q) <u>(W)</u> Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;	273 274 275
(R) <u>(X)</u> Any other procedures and standards necessary to carry out the provisions of this chapter regarding licensure of type B homes.	276 277 278
Section 2. That existing sections 5104.015, 5104.017, and 5104.018 of the Revised Code are hereby repealed.	279 280