



H.B. 111

124th General Assembly
(As Introduced)

Reps. Jerse, Salerno, D. Miller, DePiero, Ford, Patton, Distel, S. Smith, Hartnett, Allen, Flannery, Kearns, Krupinski, Redfern, Callender, Britton, Bocchieri, Barrett, Latell, Sullivan

BILL SUMMARY

- Prohibits a child day-care provider by act or omission from knowingly misrepresenting the provision of child day-care to specified persons if the misrepresentation places the health or safety of a child substantially at risk.
- Prohibits a child day-care provider from failing to disclose to a parent, guardian, custodian, or other person responsible for the care of a child receiving child day-care from the provider or considering the provider as a child day-care provider for the child that: (1) a child died while in the care of the provider or as a result of injuries suffered while under the care of the provider and (2) a child suffered injuries while under the care of the provider that led to the child being hospitalized for more than 24 hours.

CONTENT AND OPERATION

Misrepresentation by a child day-care provider

The bill prohibits a child day-care provider by act or omission from knowingly misrepresenting the provision of child day-care to any of the following if the misrepresentation places the health or safety of a child substantially at risk (R.C. 2919.221(B)):

- (1) A parent, guardian, custodian, or other person responsible for the care of a child receiving child day-care from the provider;
- (2) A parent, guardian, custodian, or other person responsible for the care of a child considering the provider as a child day-care provider for the child;

(3) A public official responsible for issuing the provider a license or certificate to provide child day-care;

(4) A public official investigating or inquiring about the provision of child day-care by the provider;

(5) A peace officer.

A person who violates this prohibition is guilty of misrepresentation by a child day-care provider, a felony of the fifth degree (R.C. 2919.221(D)).

Failure to disclose the death or serious injury of a child

The bill prohibits a child day-care provider from failing to disclose to a parent, guardian, custodian, or other person responsible for the care of a child receiving child day-care from the provider or considering the provider as a child day-care provider for the child both of the following (R.C. 2919.221(C)):

(1) A child died while in the care of the provider or as a result of injuries suffered while under the care of the provider.

(2) A child suffered injuries while under the care of the provider that led to the child being hospitalized for more than 24 hours.

A person who violates this prohibition is guilty of failure to disclose the death or serious injury of a child, a misdemeanor of the fourth degree (R.C. 2919.221(E)).

Definitions

As used in the bill:

Child day-care provider

"Child day-care provider" means any of the following (R.C. 2919.221(A)(2)):

(1) An owner, administrator, or employee of, or volunteer at, a child day-care center or type A family day-care home;

(2) A provider or employee of, or volunteer at, a type B family day-care home;

(3) An administrator or employee of, or volunteer at, a type C family day-care home;

- (4) An in-home aide;
- (5) A director or employee of, or volunteer at, a preschool program or school child program;
- (6) A person who represents that the person provides child day-care.

Misrepresent the provision of child day-care

To "*misrepresent the provision of child day-care*" includes misrepresenting any of the following (R.C. 2919.221(A)(4)):

- (1) The number of children to whom child day-care is provided at one time or the number of children receiving child day-care in a center, home, or school at one time;
- (2) The area of the center, home, or school in which child day-care is provided;
- (3) The qualifications to provide child day-care of the child day-care provider or of a person employed by the provider or who provides child day-care as a volunteer.

Child day-care

"Child day-care" means administering to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the 24-hour day in a place or residence other than a child's own home (R.C. 2919.221(A)(1) by reference to R.C. 5104.01(K)--not in the bill).

Child day-care center

"Child day-care center" means any place in which child day-care or publicly funded child day-care is provided for 13 or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child day-care or publicly funded child day-care is provided for 7 to 12 children at one time. (R.C. 2919.221(A)(1) by reference to R.C. 5104.01(L)--not in the bill.) "Child day-care center" does not include any of the following:

- (1) A place located in and operated by a hospital in which the needs of children are administered to, if all the children whose needs are being administered to are monitored under the on-site supervision of a licensed physician or a licensed registered nurse, and the services are provided only for

children who, in the opinion of the child's parent, guardian, or custodian, are exhibiting symptoms of a communicable disease or other illness or are injured;

(2) A child day camp;

(3) A place that provides child day-care, but not publicly funded child day-care, if all of the following apply: (a) an organized religious body provides the child day-care, (b) a parent, custodian, or guardian of at least one child receiving child day-care is on the premises and readily accessible at all times, (c) the child day-care is not provided for more than 30 days a year, and (d) the child day-care is provided only for preschool and school children.

Custodian

"Custodian" means a person who has legal custody of a child or a public children services agency or private child placing agency that has permanent, temporary, or legal custody of a child (R.C. 2919.221(A)(3), by reference to R.C. 2151.011(B)(10)--not in the bill).

In-home aide

"In-home aide" means a person certified by a county director of job and family services to provide publicly funded child day-care to a child in a child's own home pursuant to the Child Day Care Law and any rules adopted under it (R.C. 2919.221(A)(1) by reference to R.C. 5104.01(X)--not in the bill).

Peace officer

"Peace officer" generally includes a sheriff; deputy sheriff; marshal; deputy marshal; member of the organized police department of any municipal corporation, including a member of the organized police department of a municipal corporation in an adjoining state serving in Ohio under a contract; member of a police force employed by a metropolitan housing authority; member of a police force employed by a regional transit authority; state university law enforcement officer; designated enforcement agent of the Department of Public Safety; employee of the Department of Natural Resources who is designated a natural resources law enforcement staff officer, a designated forest officer, a designated preserve officer, a designated wildlife officer, a designated park officer, or a designated state watercraft officer; a designated park district employee; a designated conservancy district employee; Ohio veterans' home police officer; special police officer employed by a port authority; police constable of any township; and police officer of a township or joint township police district; and, for specified purpose the Superintendent and troopers of the State Highway Patrol (R.C. 2919.221(B)(5) by reference to R.C. 2935.01(B)--not in the bill).

Preschool program

"Preschool program" means either of the following (R.C. 2919.221(A)(5), by reference to R.C. 3301.52(A)--not in the bill):

(1) A child day-care program for preschool children that is operated by a school district board of education, an eligible nonpublic school, a head start grantee, or a head start delegate agency.

(2) A child day-care program for preschool children age three or older that is operated by a county MR/DD board.

School child program

"School child program" means a child day-care program for only school children that is operated by a school district board of education, county MR/DD board, or eligible nonpublic school (R.C. 2919.221(A)(5), by reference to R.C. 3301.52(J)--not in the bill).

Type A family day-care home

"Type A family day-care home" means a permanent residence of the administrator in which child day-care or publicly funded child day-care is provided for 7 to 12 children at one time or a permanent residence of the administrator in which child day-care is provided for 4 to 12 children at one time if four or more children at one time are under two years of age. "Type A family day-care home" does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. "Type A family day-care home" does not include any child day camp. (R.C. 2919.221(A)(1) by reference to R.C. 5104.01(QQ)--not in the bill.)

Type B family day-care home

"Type B family day-care home" means a permanent residence of the provider in which child day-care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. "Type B family day-care home" does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. "Type B family day-care home" does not include any child day camp. (R.C. 2919.221(A)(1) by reference to R.C. 5104.01(RR)--not in the bill.)

Type C family day-care home

"Type C family day-care home" means a family day-care home authorized to provide child day-care by Sub. H.B. 62 of the 121st General Assembly, as amended by Am. Sub. S.B. 160 of the 121st General Assembly and Sub. H.B. 407 of the 123rd General Assembly (R.C. 2919.221(A)(6)).

Sub. H.B. 62 of the 121st General Assembly required the Ohio Department of Human Services to establish a pilot project under which a person providing child day-care in Paulding County to one to nine children at one time may obtain certification as a type C family day-care home and be exempt from type A home licensing requirements. Am. Sub. S.B. 160 of the 121st General Assembly lengthened the pilot project and expanded it to six additional counties in Northwest Ohio: Defiance, Fulton, Henry, Putnam, Van Wert, and Williams. Sub. H.B. 407 of the 123rd General Assembly lengthened the pilot program again; it currently is to terminate March 28, 2003.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-20-01	p. 165

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