



Proposed Regulation Changes

(my comments/questions/concerns are highlighted)

- Beginning January 1, 2023, increasing the fine for unlicensed care to \$1000 or imprisoned not more than 6 months;
- Beginning July 1, 2023, within 45 days of enrollment, obtaining parent or guardian consent or denial to complete the Department's approved developmental and social emotional screening tool, or documentation giving the licensee consent to complete the screening tool, if the parent or guardian fails to do so. Screenings must be conducted annually for each child who has not begun kindergarten or a higher grade, unless the parent or guardian does not consent; **Please explain what is meant by if parent fails to do so. If parent denies screening, will center still be required to complete annually? Will parents be required to sign consent or denial annually or will initial consent/denial signature carry over each year?**
- Beginning January 2023, with parent consent, requiring the developmental and social emotional screening tool to be conducted annually until the child enters kindergarten or a higher grade;
- Beginning January 1, 2023, requiring a person to be fingerprinted and receive an eligibility determination or provisional eligibility determination before the person is present in the home;
- Requiring comprehensive background checks to be conducted every five years for household members, staff, and adult volunteers;
- Requiring the licensee, non-emergency substitute, and large family staff to complete OCCL's approved health and safety training;
- Requiring a licensee to design effective positive behavioral supports or to make reasonable accommodations to comply with provisions in an Individualized Family Service Plan (IFSP) or Individualized Education Plan (IEP); **Needs further clarification. Who is to determine what is reasonable vs an unreasonable accommodation?**
- Requiring a licensee to ask if a child has an IFSP or IEP during the enrollment process and to discuss any reasonable accommodations or modifications needed by a child with a disability to access the program; **This is crossing into a gray area and may open up child care centers to discrimination lawsuits should a family feel that they did not receive care because their child has a IFSP or IEP. I feel that this would be a violation of the American with Disability Act (ADA) and should be further discussed with state and constitutional lawyers**
- Requiring the licensee to allow immediate access to the family and large family home by OCCL during the hours of operation;
- Requiring a State business license or verification of tax-exempt status for licensure and renewals;
- Clarifying that radon testing is part of license renewal every 5 years;
- Allowing for Office of Child Care Licensing (OCCL) to investigate complaints typically investigated by other entities if the complaint involves a violation of OCCL's regulations;
- No longer requiring property insurance for large family child care homes;

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- Adding information about OCCL procedures regarding suspension to explain that the license is suspended for an Institutional Abuse investigation or law enforcement investigation until the resolution of the investigation; Needs further clarification
- Requiring a licensee to follow all federal, State, and local laws and regulations;
- Requiring OCCL to be notified if a child accidentally ingests a medication or drug while at the FCCH/LFCCH that results in medical attention; Any requirement where a child care facility must self-report is a violation of that child care centers Constitutional Rights, specifically the 5th Amendment of self-incrimination and any self-reporting should be removed from the OCCL regulations.
- To align with CACFP standards, for infants age four months or older, stating semi-solid foods may be fed as requested by the parent or guardian and are required once an infant is six months old rather than 8 months unless the parent or guardian provides documentation from the infant's health care provider stating otherwise;
- Changing the breast milk regulations to comply with the Center for Disease Control's guidelines to state, "Thawed, previously frozen breast milk may be kept at room temperature for one to two hours. Breast milk must be used within two hours after a feeding has finished. Expressed breast milk must be returned to the parent if it is in an unsanitary bottle, partially used, or if it has been unrefrigerated for more than four hours or within two hours after a feeding has finished. Refrigerated, unused, freshly expressed breast milk that was never frozen must be returned to the parent after four days.";
- Adding additional requirements and explanations of safety hazards to children:
A licensee shall ensure toys and equipment used by the children are sturdy, safely assembled, hazard-free, and not recalled. Toys and equipment may not cause children to become trapped or have rough edges, sharp corners, pinch and crush points, splinters, or exposed bolts. Equipment in poor condition must be repaired, removed, or made inaccessible to children. A licensee shall take the following measures to prevent hazards to children in care:
 - o To prevent cuts, abrasions, and punctures, equipment, materials, and other objects on the premises that have sharp edges, protruding nails, bolts, or other dangers must be repaired, removed, or made inaccessible to children. Sharp edges on natural wooden equipment must be sanded;
 - o To prevent burns, equipment, materials, or products that may be hot enough to injure a child must be made inaccessible to children;
 - o To prevent sheering, crushing, or pinching, broken or cracked equipment, materials, and objects must be repaired, removed, or made inaccessible to children;
 - o To prevent entrapment, freezers, refrigerators, washers, dryers, compost bins, and other entrapment dangers must be inaccessible to children unless being actively supervised;
 - o To prevent tripping, uneven indoor or outdoor walkways, damaged flooring or carpeting, or other tripping hazards must be removed or repaired;
 - o To prevent injuries and death, large objects that pose a risk of falling or tipping must be securely anchored. Large objects include, but are not limited to, televisions, dressers, bookshelves, wall cabinets, sideboards or hutches, and wall units; and Needs further clarification as some shelving is designed to be free-standing in the center of rooms and does not support anchoring to floor or walls.



- o To prevent injuries, equipment in poor condition (rusty parts, flaking paint, or other dangers) must be repaired, removed, or made inaccessible to children.
- Clarifying the prohibition of outdoor portable sinks.
- Clarifying the prohibition of accordion and pressure gates in any area of the home;
- Raising the acceptable food temperature to align with the Division of Public Health's standards from 40° F to 41° F or colder;
- Prohibiting the use of air fresheners in the child care home during the hours of operation due to health concerns;
- Aligning the regulations and study guide on what is considered a medication error. Medication errors include giving the wrong medication, giving the wrong dose, failing to give the medication at the correct time or at all, giving medication to the wrong child, giving the medication by the wrong route, or giving medication without documenting the administration;
- Changing provisional license issuance to be time-limited; **Has the time limit of the non-permanent license changed?**
- For over-night care, requiring the licensee to discuss with the parent or guardian the child's preferences, habits, or disability or health-related needs or accommodations for bedtime of waking;
- Adding the approved training topic of disability non-discrimination, accommodations, or modifications;
- Requiring annual training to be completed at least 30 days before license expiration; **This is completely unreasonable as OCCL is now limiting the amount of time that we now have to get our staff their annual training. We as providers do not control the number of trainings nor when they are offered.**
- Renaming behavior management to behavior supports; and
- Changes to comply with the Register of Regulations' Drafting Manual.