

Brief Summary

Title 78
Legislative Rules
Department of Health and Human Resources

Series 19

Family Child Care Home Registration Requirements

The current rule for family child care homes has been in effect since 2003, and delineates basic health and safety requirements for family child care homes operating in West Virginia. This legislative rule updates 78 CSR 19 Family Day Care Home Registration Requirements. The updated rule incorporates changes to outdated statute references and practices, clarifies training requirements to protect the welfare of children in care, and updates water testing, water play and swimming activity requirements. The rule was also revised to adopt new language pertaining to family child care homes in H.B. 4790 which becomes effective June 11, 2006. In addition, the rule revision reduces the number of attachments.

The rule covers the following items as required by §49-2B-8:

1. Physical and mental health of persons in the home;
2. Criminal and child abuse or neglect histories;
3. Discipline;
4. Fire and environmental safety;
5. Equipment and program for children;
6. Health, sanitation and nutrition; and
7. Regulatory processes and requirements.

Statement of Circumstances

Title 78
Legislative Rules
Department of Health and Human Resources

Series 19

Family Child Care Home Registration Requirements

H.B. 4790 revised language pertaining to several types of child care providers, including family child care homes. The statute allows for a registration certificate to be issued for periods of less than two years and authorizes only one provisional certificate of registration. The current rule needs to be revised to reflect these regulatory changes. The rule was also changed in response to constituent complaints regarding the prohibition on wading pools and issues with well water testing requirements. The rule was revised to achieve a balance between safety concerns and appropriate developmental activities for children. The water testing requirement was revised to allow providers alternate methods of securing safe and sanitary water supplies without the expense of water testing.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Family Child Care Home Registration Requirements

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Department of Health and Human Resources

Address: 350 Capitol Street, Room B-18 Charleston, WV 25301

Phone Number: (304) 558-0938 Email: Jcurry@wvdhhr.org

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

This rule revision will not have any financial impact on state government. Costs to family child care home providers will actually be reduced because the water testing requirement is being eliminated.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: _____

Rule Title: Family Child Care Home Registration Requirements

- 3. Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

There are no fees associated with this rule.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

This legislative rule revises 78 CSR 19 Family Day Care Home Registration Requirements. The revised rule incorporates changes to simplify the language of the rule, clarifies training requirements to protect the welfare of children in care, and removes well water testing requirements and wading pool prohibitions. The rule also adopts new language pertaining to family child care homes in H.B. 4790 which becomes effective June 11, 2006.

Because this is a rule revision, there are no additional associated costs.

Date: 7-28-06

Signature of Agency Head or Authorized Representative
Martha Yague Walker

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Deidre Craythorne, Child Care Policy Specialist, Phone (304) 558-8313

Fax (304) 558-8800

350 Capitol Street, Room B-18, Charleston, West Virginia 25301

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

Judy Curry, Child Care Program Director, Phone (304) 558-0938

Fax (304) 558-8800

350 Capitol Street, Room B-18, Charleston, West Virginia 25301

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

Not Applicable

- b. Date of hearing or comment period:

June 15, 2006 through July 25, 2006

- c. On what date did you file in the State Register the findings and determinations required together with the reasons therefore?

Not Applicable

- d. Attach findings and determinations and reasons:

Attached Not Applicable

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES

LEGISLATIVE RULES

TITLE 78, SERIES 19

FAMILY CHILD CARE HOME REGISTRATION REQUIREMENTS

2007

TITLE 78
LEGISLATIVE RULES
DEPARTMENT OF HEALTH AND HUMAN SERVICES ~~RESOURCES~~ 2:48
DIVISION OF HUMAN SERVICES

FILED

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 19
FAMILY ~~DAY~~ CHILD CARE HOME REGISTRATION REQUIREMENTS

§78-19-1. General.

1.1. Scope -- This rule establishes minimum standards and procedures for the registration of family ~~day~~ child care homes under the provisions of WV Code § 49-2B-1 et. seq., and related federal and state codes. The WV Code is available in public libraries and on the WV State Legislature's web page at <http://www.legis.state.wv.us/>.

1.2. Authority -- WV Code § 49-2B-4. et. seq.

1.3. Filing Date -- ~~May 2, 2003.~~

1.4. Effective Date -- ~~July 31, 2003.~~

§78-19-2. Application and Enforcement.

2.1. Application. This rule applies to any family ~~day~~ child care home that operates in West Virginia.

2.2. Enforcement. This rule is enforced by the Secretary of the Department of Health and Human Resources.

§78-19-3. Definitions.

In addition to the following definitions, the definitions in WV Code §49-2B-2 are applicable to this rule.

3.1. Approved Training. - Instruction or training approved by the Secretary or provided by a trainer approved through or sponsored by the West Virginia State Training and Registry System (STARS).

3.2. Caregiver. - The person primarily responsible for child care in the family ~~day~~ child care home.

3.3. Child Abuse and Neglect. - Physical injury, mental or emotional injury, sexual abuse, sexual exploitation, the sale or attempted sale or negligent treatment or maltreatment of a

child by a parent, guardian, or custodian who is responsible for the child's welfare.

3.4. ~~Child Care or Day Care.~~ - The services performed by a caregiver for a part of a day outside the child's home in relation to the child's physical, emotional, psychological, social and personal needs. Responsibility for the care and protection of the child are delegated by the parent and assumed by the caregiver.

3.5. Core Knowledge/Core Competencies of Early Childhood Educators. - Skills and knowledge that represent common standards of practice in the early childhood field in areas including health, safety, nutrition, ~~environment, physical development, cognitive development, development of creativity, communication, self, social, guidance, families,~~ child growth and development, positive interactions and relationships, curriculum, child observation and assessment, family and community, program management, and professionalism. ~~as listed in Appendix 78-19 A of this rule.~~

3.6. Corrective Action Plan. - A written agreement between the Department and the family ~~day~~ child care home when deficiencies are identified during an inspection or investigation of a complaint that includes the plan and time frame for correction.

3.7. Criminal History Background Check. - A fingerprinting process that identifies a person who has been arrested or convicted of criminal behavior.

3.8. Disinfect. - Eliminate most germs from a contact surface through the use of heat or chemical disinfectants, ~~or heat,~~ such as the bleach solutions described in ~~according to~~ Appendix 78-19 ~~B~~ A of this rule.

3.9. Infant. - A child less than twelve (12) months of age.

3.10. Parent. - A parent by blood, marriage or adoption, or a legal guardian or other person standing in loco parentis.

3.11. Relative. - Grandparent, great grandparent, aunt, uncle, great-aunt, great-uncle, or adult sibling.

3.12. Revocation. - The termination of a certificate of registration when a family ~~day~~ child care home fails to maintain the minimum requirements established by the Department under this rule.

~~3.13. Sanitize. - Remove filth or soil and small amounts of certain bacteria. For a contact surface to be considered sanitary, the surface must be clean and the number of germs reduced so that disease transmission is unlikely.~~

~~3.14.~~ 3.13. Secretary. - The Secretary of the Department of Health and Human

Resources or his or her designee.

~~3-15.~~ 3.14. School-Age Child. - A child age five (5) years to thirteen (13) years of age.

~~3-16.~~ 3.15. Self-Certify - To submit a checklist indicating the results of a personal assessment by the caregiver of compliance with the requirements of this rule.

~~3-17.~~ 3.16. Statement of Criminal Record. - A signed declaration of criminal convictions, arrests, indictments, and authorization to allow a criminal history background check.

~~3-18.~~ 3.17. Substitute. - An individual who cares for children when the caregiver is absent and is responsible to the caregiver.

~~3-19.~~ 3.18. Toddler. - A child between the ages of twelve (12) and twenty-four (24) months.

~~3-20.~~ 3.19. Universal Precautions. - Procedures for infection control, as listed in Appendix 78-19 ~~E~~ B of this rule, to use in all situations to prevent the transmission of blood borne germs that may be spread through blood and body fluids that might contain blood.

§78-19-4. Certificate of Registration Information.

4.1. Application for Registration.

4.1.a. Initial. The Department shall issue an initial certificate of registration to a family ~~day~~ child care home upon application and self-certification of compliance with this rule.

4.1.b. Renewal. The family ~~day~~ child care home shall submit an application for renewal of a current certificate of registration at least thirty (30) days before expiration of the certificate.

4.2. General Requirements.

4.2.a. A family child care home shall:

4.2.a.1. ~~A family day care home shall be~~ Be registered under the name of only one caregiver per residence;

4.2.a.2. ~~A family day care home shall be~~ Be located in the residence of the caregiver;

4.2.a.3. ~~A family day care home shall~~ Operate no longer than eighteen (18)

consecutive hours in a twenty-four (24) hour period; and

4.2.a.4. ~~A family day care home shall~~ s Self-certify compliance with the provisions of this rule.

4.3. Departmental Action on Applications for Registration.

4.3.a. Within sixty (60) days of receipt of an application for certificate of registration, the Secretary shall provide a written decision to the family ~~day~~ child care home that does one of the following:

4.3.a.1. Issues a regular certificate of registration if the family ~~day~~ child care home certifies compliance with all of the requirements of this rule;

4.3.a.2. Issues a provisional certificate of registration if the family ~~day~~ child care home is temporarily unable to certify compliance with all of the requirements of this rule; or

4.3.a.3. Denies a certification of registration if the family ~~day~~ child care home does not certify substantial compliance with all of the requirements of this rule.

4.4. Terms and Conditions of Registration.

4.4.a. A certificate of registration is not transferable to another family ~~day~~ child care home.

4.4.b. A certificate of registration applies only to the family ~~day~~ child care home at the location identified in the application.

4.4.c. A family ~~day~~ child care home shall ~~show~~ publicly display a valid certificate of registration. ~~to parents and the public upon request.~~

4.4.d. A record of all substantiated non-compliance complaints against registered family ~~day~~ child care homes and subsequent corrective action shall be maintained by the Department, and made available to parents and the public upon request.

4.5. Types of Certificates of Registration.

4.5.a. A regular certificate of registration is valid for a period of up to two (2) years from the date of issuance unless revoked or modified to a provisional status.

4.5.b. A provisional certificate of registration is valid for six (6) months from the date of issuance, ~~may be reissued no more than two (2) times, and is contingent on a plan of correction approved by the Secretary.~~ and may not be reissued unless it is the recommendation of the State Fire Marshal.

4.6. Limitations on a Certificate of Registration.

4.6.a. The Secretary may place limitations on a certificate of registration based on findings:

4.6.a.1. Of insufficient space in the home;

4.6.a.2. Of inadequate sleeping areas;

4.6.a.3. Of the provision of other home-based services, such as foster care and adult family care; or

4.6.a.4. That require a corrective action plan approved by the Secretary.

4.6.b. The limitations may apply to:

4.6.b.1. The age, sex and type of problems of children in care;

4.6.b.2. The intake of additional children; or

4.6.b.3. The total number of children in the home.

4.7. Waivers and Variances.

4.7.a. A family ~~day~~ child care home may request a waiver or variance of any requirement in this rule if:

4.7.a.1. The health, safety or well-being of children in the home is not adversely affected; and

4.7.a.2. The rule does not prohibit a waiver or variance for the requirement.

4.7.b. The request for a waiver or variance shall be in writing, addressed to the Secretary, and shall include the following information:

4.7.b.1. The specific requirement to be waived or varied;

4.7.b.2. The reasons for seeking a waiver and why a specific requirement should not be applied in a particular circumstance; and

4.7.b.3. The reasons for seeking a variance and how compliance with a specific requirement of this rule can be accomplished in a manner different from that set forth in WV

Code §49-2B-1 et seq., or in this rule.

§78-19-5 Inspection and Investigation.

5.1. A caregiver shall allow a reasonable on-site monitoring inspection by the Department.

5.2. The Department may conduct inspections with or without advance notice.

5.3. During inspections, the caregiver shall provide access to the premises and to all aspects of the family ~~day~~ child care home operation, including the children in care and the household members.

5.4. A family ~~day~~ child care home shall ensure that its records are available in easily accessible files for inspection.

5.5. A family ~~day~~ child care home shall cooperate in the investigation of complaints against the home.

§78-19-6 Caregiver, Substitute and Household Member Requirements.

6.1. General Requirements.

6.1.a. The caregiver or substitute shall be:

6.1.a.1. At least eighteen (18) years of age; and

6.1.a.2. Able to read and write.

6.1.b. The caregiver or substitute shall ensure that alcoholic beverages or illegal substances are not used, and that no one present in the home is under the influence of those substances during the time children are in care.

6.1.c. The caregiver, substitute and all household members shall keep information about children in care and about the families of the children confidential, except for required reporting to the Department.

6.2. Health Requirements.

6.2.a. The caregiver shall obtain a medical examination and either a tuberculosis risk assessment, a TB skin test or chest x-ray screening, within thirty (30) days of application for a certificate of registration and upon application for renewal of the certificate of registration.

6.2.b. Medical examinations completed up to six (6) months prior to application or renewal shall be acceptable.

6.2.c. Examination forms must indicate that the caregiver has no physical or mental condition that would negatively impact the provision of child care services. The results of the tuberculosis screening must be negative.

6.2.b.d. If an investigation determines a caregiver or household member may have a physical, mental or emotional condition that could negatively impact the care of children, the caregiver shall provide a current physical or psychological exam report by a licensed physician or a licensed mental health professional assessing the condition and its impact on the provision of care for children, which will be used by the Department to determine whether to continue, deny or place limits on the certificate of registration.

~~6.2.e.~~ e. The family day-child care home shall maintain a record of current medical examinations.

6.3. Training Requirements.

~~6.3.a. A caregiver shall complete eight (8) hours of approved training annually according to the following guidelines: Within six months of initial registration, a caregiver shall obtain:~~

~~6.3.a.1. Two (2) hours of health or safety training; Approved training in basic first aid that includes rescue breathing and choke saving.~~

~~6.3.a.2. Six (6) hours of training in at least three (3) other core competency areas, listed in Appendix 78-19 A of this rule; Two (2) hours of other approved health and safety training~~

~~6.3.a.3. Within six (6) months of initial registration, a caregiver shall obtain approved training in basic first aid that includes rescue breathing and choke saving. This training may count as the two (2) hours of health and safety training required in Paragraph 6.3.a.1. of this Subdivision for that year.~~

6.3.b. Within twelve (12) months of initial registration, a caregiver shall obtain four (4) additional hours of training in at least one other Core Knowledge/Core Competency area.

6.3.c. Thereafter, the caregiver shall complete eight (8) hours of approved training annually, encompassing a minimum of two (2) Core Knowledge/Core Competency areas.

6.3.d. Caregivers completing approved training modules lasting more than eight (8) hours may elect to apply those training module hours over and above eight (8) to the following year's training requirement. Training hours that may be carried over include hours earned

through the West Virginia Infant and Toddler Professional Development Program, Components of Quality Care and Education Modules –~~Developmentally Appropriate Care~~ and the Apprentice for Child Development Specialist or other coursework approved by the Department.

~~6.3.b.~~ 6.3.e. A family ~~day~~ child care home shall maintain a training record with certificates of attendance for training completed during the registration period.

6.4. Background Checks.

6.4.a. At the time of application and renewal for a certificate of registration, a caregiver and each adult household member shall ~~sign~~:

6.4.a.1. ~~Sign a statement of criminal record~~ consent to check Department records for child and adult abuse and neglect;
;

6.4.a.2. ~~Sign a consent to check Department records for child and adult abuse and neglect;~~ statement of criminal record; and

6.4.a.3. Submit fingerprints for purposes of obtaining a criminal record background check. Fingerprinting must be done initially and repeated at least every five (5) years.

6.4.b. The Secretary shall not grant a certificate of registration to a family ~~day~~ child care home if the caregiver or a household member:

6.4.b.1. Is currently under indictment or charged with any crime;

6.4.b.2. Is on parole or probation for a felony; or

6.4.b.3. Has been convicted of any of the following crimes:

6.4.b.3.A. Abduction;

6.4.b.3.B. Violent felonies including, but not limited, to rape, sexual assault, felonious physical assault or felonious battery;

6.4.b.3.C. Child or adult abuse or neglect;

6.4.b.3.D. Exploitation of or harm to a child or incapacitated adult;

6.4.b.3.E. Domestic violence or spousal abuse;

- 6.4.b.3.F. Felony arson;
- 6.4.b.3.G. Felony drug-related offenses within the last ten (10) years;
- 6.4.b.3.H. Felony Driving Under the Influence (DUI) or Driving While Intoxicated (DWI) convictions within the last ten (10) years;
- 6.4.b.3.I. Hate crimes as described in WV Code §61-6-21;
- 6.4.b.3.J. Murder;
- 6.4.b.3.K. Pornography involving children or incapacitated adults;
- 6.4.b.3.L. Purchase or sale of a child;
- 6.4.b.3.M. Sexual offenses including but not limited to incest, sexual abuse, or indecent exposure; or
- 6.4.b.3.N. Other crimes that the Secretary determines may pose a risk to children.

6.4.c. A family ~~day~~ child care home shall not be issued a certificate of registration ~~unless if the caregiver or a household member has convictions other than those listed in 6.4.b.3 unless the Secretary grants a waiver. of the background check requirements a waiver is requested and approved~~

~~6.4.d. The Secretary may consider a waiver if the caregiver or a household member has:~~

~~6.4.d.1. A felony conviction other than those listed in Paragraph 6.4.b.3;~~

~~6.4.d.2. Two (2) or more misdemeanor convictions; or~~

~~6.4.d.3. An unreported conviction.~~

6.4.d. A family child care home shall not be issued a certificate of registration if the caregiver or household member has been convicted of two or more misdemeanors unless a waiver is requested and approved.

6.4.e. A family child care facility shall not be approved if the caregiver or a staff or household member failed to report convictions to the Department or agency unless a waiver is requested and approved.

6.4.e.6.4.f. The family ~~day~~ child care home shall report arrests, charges, indictments,

and convictions of caregivers and household members to the Department within twenty-four (24) hours of their occurrence.

~~6.4.f.~~ 6.4.g. The Secretary shall not grant a certificate of registration to a family child care home if the caregiver or a household member is an active recipient of child or adult protective services or has a history of substantiated child or adult abuse or neglect as determined by a court of law or an investigation by DHHR protective services staff.

6.5. Supervision of Children.

6.5.a. A caregiver shall be physically present at the family ~~day~~ child care home and within sight or hearing of all children in care.

6.5.b. A caregiver shall frequently observe children in cribs and playpens.

6.5.c. When supervising outdoor play, a caregiver shall remain outdoors with the children at all times when:

6.5.c.1. There is a pool, pond, hot tub, pail, or other body of water; or

6.5.c.2. There are children six (6) years of age or younger present.

6.6. Family ~~Day~~ Child Care Home Capacity.

6.6.a. A family ~~day~~ child care home shall have no more than six (6) children in care under thirteen (13) years of age at any one time. No more than two (2) of the children may be under twenty-four (24) months of age.

6.6.b. The number of children in the family ~~day~~ child care home includes:

6.6.b.1. Children under six (6) years old who live in the home; and

6.6.b.2. Children under six (6) years old who are visiting and not accompanied by a parent or a responsible adult.

6.7. Substitutes.

6.7.a. Substitutes shall be reliable and at least eighteen (18) years of age.

6.7.b. The caregiver may use a substitute to provide care for children during emergency situations, illness and during occasional non-emergency situations such as vacations, child care training, and medical appointments.

6.7.c. The caregiver shall notify parents in advance when he or she plans to use a substitute for non-emergency situations.

6.7.d. The caregiver shall require the substitute to notify parents in emergency situations.

6.7.e. The caregiver shall use a substitute for no more than two (2) consecutive full weeks annually or more than an average of eight (8) hours weekly.

6.7.f. The caregiver shall not knowingly utilize an individual as a substitute who has a felony conviction or who has been convicted of one of the crimes listed in 6.4.b.

§78-19-7. Home Safety Requirements.

7.1. Home Requirements.

7.1.a. A family ~~day~~ child care home shall have heat, electricity, indoor plumbing, and a working telephone.

7.1.b. A family ~~day~~ child care home shall meet the following requirements:

7.1.b.1. Bathrooms shall be equipped with a sink that has hot and cold running water and an operating toilet;

7.1.b.2. Kitchens shall have a sink that has hot and cold running water, a working stove for cooking and a working refrigerator;

7.1.b.3. Interior doors shall lock from the inside and also shall be able to be unlocked from the outside;

7.1.b.4. Floors, walls, ceilings, steps, railings, doors, windows and furnishings in the home shall be kept clean and in good repair;

7.1.b.5. Windows or artificial lighting shall supply sufficient illumination for children's activities;

7.1.b.6. A working flashlight shall be available in the home for emergency lighting; and

7.1.b.7. The home shall have a minimum of thirty-five (35) square feet of indoor space per child. This space does not include hallways, bathrooms or rooms not intended for or approved for children's use.

7.2. Safety Barriers.

7.2.a. All indoor or outdoor stairways, hallways, and exits shall be unobstructed except for safety barriers.

7.2.b. Stairs of four (4) or more steps shall have hand railings when children under age five (5) years are in care.

7.2.c. Safety gates shall be provided at the top and bottom of stairs to which ~~when~~ infants and toddlers ~~are in care~~ have access.

7.2.c.1. Accordion expansion gates are prohibited.

7.2.c.2. Pressure mounted gates shall not be used at the top of a set of stairs.

7.2.d. Balconies, decks, porches, ramps, and play or living areas that are elevated more than thirty-six (36) inches shall be equipped with secure, child-proof railings and barriers.

7.3. Hazards.

7.3.a. Family ~~day~~ child care homes shall:

7.3.a.1. Keep children from areas undergoing remodeling or construction;

7.3.a.2. Store cleaning supplies, detergents, aerosol cans, pesticides, poisons, flammable materials, poisonous or unknown plants, medicines, and alcoholic beverages or toxic materials out of the reach of children under six (6) years of age;

7.3.a.3. Store hazardous materials separately from food items;

7.3.a.4. Store guns, ammunition, hunting knives, bows and arrows, and other weapons in a locked cabinet or closet, ~~in an area inaccessible to children~~ and store keys out of children's reach; and

7.3.a.5. Keep strings and cords long enough to encircle a child's neck [six (6) inches or more] out of the children's reach.

7.4. Emergency Exits.

7.4.a. Rooms used by children, except bathrooms, shall have at least two (2) exits.

7.4.b. All levels of the home used by children shall have two (2) unobstructed outside exits. The second exit from a room and from a level may be a window.

7.4.c. Windows used as exits shall be located no more than forty-four (44) inches from the floor.

7.4.d. A basement used by children shall have a door that exits directly to the outside.

7.4.e. In apartment buildings, where two (2) exits are not available from the apartment, safe and continuous passageways, aisles or corridors that provide two (2) exits shall serve to meet the requirements of Subdivision 7.4.b of this Subsection.

7.5. Electrical Safety.

7.5.a. Electrical cords shall be maintained in good condition.

7.5.b. Extension cords shall be heavy duty UL ~~listed~~ approved and not run under carpets or rugs, nor through common walkways, unless stabilized to prevent tripping.

7.5.c. Protective covers shall be installed on all unused electrical outlets accessible to children who are under five (5) years of age.

§78-19-8. Fire Safety.

8.1. Evacuation Plan.

8.1.a. A family ~~day~~ child care home shall develop and post a written plan for emergency evacuation of the children from the home.

8.1.b. The evacuation plan shall include a drawing of the primary and secondary exits from all areas of the house and meeting places for the children once they have exited the home.

8.1.c. A family ~~day~~ child care home shall conduct monthly fire evacuation drills and maintain a written record of when they are conducted.

8.2. Heating and Cooling.

8.2.a. Heating devices that require ventilation shall be vented to the outside.

8.2.b. Unvented gas heaters may be used as a supplemental source of heat when both of the following requirements are met:

8.2.b.1. A properly functioning digital carbon monoxide detector has been

installed in a central location in the home; and

8.2.b.2. The heater is equipped with an oxygen depletion sensor that automatically shuts the heater off if a hazardous level of carbon monoxide accumulates.

8.2.c. Non-flammable protective barriers, guards or screens shall be installed around wood burning stoves, open fireplaces, and unvented heaters to protect children from burns and flames and to prevent access.

8.2.d. Electric space heaters are allowed if they are UL approved, stable, and inaccessible to children.

8.2.e. Kerosene heating stoves shall not be used while children are in care.

8.2.f. Heating equipment and hot water tanks shall be kept clear of combustible materials.

8.2.g. Hot water tanks shall be equipped with a pressure relief valve and in an area inaccessible to children.

8.2.h. Family ~~day~~ child care homes shall use air conditioning or fans that are either adequately shielded or out of children's reach when temperatures exceed eighty (80) degrees Fahrenheit.

8.3. General Fire Safety.

8.3.a. One (1) working smoke detector shall be installed on every level of the home.

8.3.b. Digital carbon monoxide detectors shall be installed in all residences that use gas appliances, fireplaces, pellet or wood-burning stoves, natural gas, oil, or propane heating systems.

8.3.c. Smoke detectors and carbon monoxide detectors shall have working batteries installed at all times.

8.3.d. Detectors shall be checked frequently, and batteries replaced semi-annually to insure proper functioning.

8.3.e. An ABC-rated multi-purpose fire extinguisher shall be available in the home at all times.

§78-19-9. Environmental Safety.

9.1. Tobacco Use.

9.1.a. A caregiver shall notify parents in advance if anyone in the home smokes or uses smokeless tobacco.

9.1.b. A caregiver shall provide a smoke-free environment while children are present.

9.1.c. Smoking is prohibited when the children are in vehicles with the caregiver.

9.1.d. All tobacco products, ashtrays, butts, ashes, spittoons, lighters, and matches shall be kept out of the children's reach.

9.2. Pets and Animals.

9.2.a. A family ~~day~~ child care home shall:

9.2.a.1. Keep documentation available on site of rabies vaccinations for all cats and dogs kept on the premises;

9.2.a.2. Confine animals that are sick, aggressive, or injured in an area not accessible to the children;

9.2.a.3. Keep litter boxes out of areas used by children and away from food preparation areas; and

9.2.a.4. Keep pets such as birds, ferrets, reptiles, or wild animals in an area of the home or the premises that is not accessible to children.

9.2.b. If an animal bites a child and the skin is broken, the caregiver shall notify the parents immediately and notify the Department within twenty-four (24) hours.

9.3. Play Areas.

9.3.a. A family ~~day~~ child care home shall provide for outdoor play space within reasonable walking or driving distance from the home.

9.3.b. Play areas shall be free from unsanitary or hazardous items, trash receptacles, burning facilities, abandoned cars, appliances, farm animals, animal waste, debris, combustible rubbish, unsafe toys, open sewage, chemicals, exposed roots, open or abandoned wells, tires, and any other hazardous items or conditions.

9.3.c. Outdoor play equipment shall be safe, in good repair, and free of sharp edges and protruding parts.

9.3.c.1. Anchored play equipment shall not be placed over, or immediately adjacent to, hard surfaces.

9.3.c.2. All outdoor activity areas shall be maintained in a clean and safe condition by removing debris, dilapidated structures, broken or worn play equipment, building supplies, glass, sharp rocks, twigs, toxic plants, and other injurious materials.

9.3.d. Trampolines shall not be accessible to the children in care.

§78-19-10. Health, Sanitation, and Nutrition.

10.1. Health.

10.1.a. A caregiver shall:

10.1.a.1. Observe the children daily upon their arrival and note signs of illness or injury;

10.1.a.2. Promptly report accidents, suspected illnesses, or exposure of a child to a communicable disease to the child's parents; and

10.1.a.3. Isolate a sick child from the other children.

10.1.b. A caregiver shall obtain written permission from parents to administer non-prescription and prescription medication according to the following guidelines:

10.1.b.1. Non-prescription medication shall be administered according to a written schedule, with information about dosages, how to administer the medication, and times provided by the parents; and

10.1.b.2. Prescription medication shall be stored in original containers clearly labeled with the child's name and dosage, date, and name of medication.

10.1.b.3. The caregiver shall administer the medication according to the label.

10.1.c. Caregivers shall provide parents with the recommended schedules guidelines for immunizations and the periodicity schedule for Health Check Exams recommended by the West Virginia Early and Periodic Screening, Diagnosis and Treatment Program.

10.1.d. The caregiver shall maintain a record of each child's health examinations and immunizations according to the following guidelines:

~~10.1.ed.1.~~ A general medical examination for all children ~~who have not yet reached their sixth (6th) birthday~~ shall be obtained by the parents within ~~six (6) months prior to or thirty (30) days following~~ of admission to the home, provided the examination was completed no more than six (6) prior to the child's admission to the home;

~~10.1.ed.2.~~ Children's medical examination records shall be updated ~~annually every two years until the child is six (6) years of age;~~

~~10.1.ed.3.~~ Immunization records shall be completed and updated according to the schedule recommended by the Department;

~~10.1.ed.4.~~ If immunizations are not current, the caregiver shall obtain a schedule for completion from the parent for the family ~~day~~ child care home's files; and

~~10.1.ed.5.~~ A family ~~day~~ child care home shall not require immunization records for children whose parents provide written documentation of religious objections, or when immunizations are contraindicated due to a medical condition documented by a physician.

10.2. Sanitation.

10.2.a. The family ~~day~~ child care home shall have sufficient safe water for drinking, hand washing, and other household needs.

10.2.b. The family ~~day~~ child care home shall have safe drinking water available to the children at all times either from a municipal water supply, well water that has been tested by the West Virginia Bureau for Public Health or through use of commercially available bottled water.

~~10.2.c. If a family day care home uses water from sources other than a regular municipal water supply, the water shall be tested annually for compliance with water quality requirements of the West Virginia Department of Public Health.~~

~~10.2.d c.~~ The caregiver and the children shall thoroughly wash their hands with soap and water for at least ~~ten (10)~~ twenty (20) seconds any time they are soiled, including at the following times:

~~10.2.-dc.1.~~ Before eating;

~~10.2.-d c.2.~~ Before handling or preparing foods;

~~10.2.-d c. 3.~~ After contact with animals;

10.2.~~d~~ c.4. Before and after diaper changing, assisting a child with toilet use, or personal bathroom use; and

10.2.~~d~~ c. 5. When the caregiver or the children come into contact with blood or bodily fluids containing blood.

10.2.e d. The caregiver shall employ universal precautions for protection from disease and infection, as detailed in Appendix 78-19 ~~C~~ B of this rule.

10.2.f e. The caregiver shall store food and drinks in closed containers and refrigerate as needed.

10.2.g f. To ensure the cleanliness of the home the caregiver shall:

10.2.g f.1. Cover garbage cans with lids, maintain them in a sanitary manner with liners, and empty them daily;

10.2.g f.2. Clean bathroom facilities used by the children daily and when soiled, as listed in Appendix 78-19 B of this rule;

10.2.g f.3. Clean dishes in a dishwasher or in hot water and detergent. If they are washed by hand, they shall be rinsed thoroughly and allowed to air dry;

10.2.g f.4. Maintain the family ~~day~~ child care home and furnishings in a safe and sanitary condition to prevent accidents and illnesses;

10.2.g f.5. Ensure that the family ~~day~~ child care home is free of rodent or insect infestation; and

10.2.g f.6. Ensure doors and windows that are left open have screens.

10.3. Nutrition.

10.3.a. Children shall receive nutritious meals and snacks, served in a sanitary manner and in amounts adequate to meet their nutritional needs, as detailed in ~~Appendix 78-19 D of this rule.~~ the USDA Dietary Guidelines for Americans.

10.3.b. Children shall be encouraged, but not forced to eat.

10.3.c. Children who do not require a highchair shall be seated comfortably at a table when meals and snacks are served.

§78-19-11. Water Safety.

11.1. Pools and Hot Tubs. For all water play and/or swimming activities, the caregiver shall:

11.1.a. Obtain prior written permission from parents for children to participate;

11.1.b. Be physically present at the site of any water play and provide constant, direct supervision of children;

11.1.c. Ensure that an adult swimmer is present when children are involved in swimming activities in pools deeper than twenty-four (24) inches;

11.1.d. Ensure that life guards are present when taking children to a swimming area outside of the family child care home;

11.1.e. Provide simple water safety rules to children based on their ages and developmental levels;

11.1.f. Ensure that a second adult is available to supervise when:

11.1.f.1. Some children are not swimming; and

11.1.f.2. More than three (3) children under six (6) years of age are participating in swimming activities in pools deeper than twenty-four (24) inches;

11.1.g. Ensure that children who are not toilet trained wear swim diapers during water play of any kind.

~~11.1.a. The caregiver shall prohibit the children's use of wading pools, inflatable pools, and hot tubs.~~

~~11.1.b. A caregiver shall enclose in-ground swimming pools with a fence at least four (4) feet high.~~

~~11.1.c. A caregiver shall equip above ground pools with the following:~~

~~11.1.c.1. Entry gates and ladders that remain locked when the pool is not in use;~~

~~11.1.c.2. A fence that encloses the pool and is at least four (4) feet high; or~~

~~11.1.c.3. A fence manufactured strictly for above ground pools that extends at least two (2) feet above the pool with a locking ladder attached.~~

~~11.1.d. The caregiver shall ensure that any pools used by the children have working~~

~~filtration systems and are maintained to prevent development of bacteria and algae.~~

~~11.1.c. A caregiver shall equip hot tubs with a hard cover.~~

11.2. Water Play.

~~11.2.a. A caregiver shall make sure that the children involved in swimming activities are supervised by an adult swimmer. Wading pools of less than twenty-four (24) inches in depth may be used when the following requirements are met:~~

~~11.2.a.1. The pool is clean and free of debris;~~

~~11.2.a.2. The pool is emptied and disinfected before and after each play period or immediately when they become dirty or contaminated; and~~

~~11.2.a.3. The pool remains empty when not in use and does not collect water.~~

~~11.2.b. The caregiver shall store empty pools out of children's reach.~~

~~11.2.b. When a caregiver takes children to swimming areas outside the home, the caregiver shall:~~

~~11.2.b.1. Obtain prior written permission from the parents;~~

~~11.2.b.2. Supervise the children at all times; and~~

~~11.2.b.3. Ensure that life guards are present.~~

11.3. Pools and Hot Tubs.

~~11.3.a. A caregiver shall:~~

~~11.3.a.1. Enclose all swimming pools deeper than twenty-four (24) inches with a fence at least four (4) feet high;~~

~~11.3.a.2. Ensure that entry gates remain locked when the pool is not in use;~~

~~11.3.a.3. Ensure that pools deeper than twenty-four (24) inches used by children in care have working filtration systems and are maintained to prevent development of bacteria and algae;~~

~~11.3.a.4. Ensure that, if using a fence manufactured strictly for above ground pools, it extends at least two (2) feet above the pool and has a locking ladder attached and~~

11.3.a.5. Ensure that pools used by children in care are set up, maintained, and operated according to manufacturer guidelines and age recommendations.

11.3.b. A caregiver shall:

11.3.b.1. Equip hot tubs with a hard cover; and

11.3.b.2. Prohibit the children's use of hot tubs.

§78-19-12. Emergency Practices.

12.1. Emergency Information.

12.1.a. A family ~~day~~ child care home shall ensure that written emergency information is available near the telephone within easy access of the caregiver, children, and substitutes that contains telephone numbers for the following:

12.1.a.1. Police and fire departments;

12.1.a.2. The child abuse and neglect hotline;

12.1.a.3. Ambulance service;

12.1.a.4. A poison control center or the universal poison control center telephone number, 1-800-222-1222;

12.1.a.5. Parents' work and home;

12.1.a.6. Numbers for each child's ~~doctor~~ health care provider; and

12.1.a.7. An emergency substitute, if applicable.

12.1.b. Emergency information for each child and parental permission forms for emergency medical treatment shall be obtained prior to a child's placement in the home, maintained in the providers records, and updated when information changes.

12.1.c. Emergency information for each child includes emergency contacts, family information, permission to seek medical treatment, and permission to transport the child.

12.1.d. Emergency consent forms shall be notarized.

12.2. First Aid Supplies.

12.2.a. A family ~~day~~ child care home shall keep the following first aid supplies available in a portable container and ensure they are out of children's reach:

- 12.2.a.1. A digital thermometer;
- 12.2.a.2. Disposable gloves;
- 12.2.a.3. Blunt tipped scissors;
- 12.2.a.4. Tweezers;
- 12.2.a.5. Bandage tape;
- 12.2.a.6. Sterile gauze;
- 12.2.a.7. Non-medicated adhesive strips;
- 12.2.a.8. Sealed packages of alcohol wipes or antiseptic;
- 12.2.a.9. Soap;
- 12.2.a.10. Syrup of ipecac; and ~~12.2.a.11.~~ A first aid guide.

~~12.2.b. A family day care home shall administer syrup of ipecac only upon instructions from a poison control center or a licensed physician.~~

§78-19-13. Transportation.

13.1. When transporting children the caregiver shall:

- 13.1.a. Notify parents in advance when activities are planned that require transportation;
- 13.1.b. Make sure the children's emergency consent forms are carried in the vehicle in case of accident or illness;
- 13.1.c. Accompany children on activities that require transportation;
- 13.1.d. Ensure the driver transporting the children has a valid driver's license; and
- 13.1.e. Ensure the vehicle used to transport the children is maintained in safe running condition, with insurance and a current inspection sticker.

13.2. A family ~~day~~ child care home shall ensure that each child is secured in an approved child safety seat or seat belt at a ratio of one child per seat belt as required by state law WV §17C-15-56.

~~13.2.a.1. Children three (3) years of age and under are secured in an approved child safety seat, as required by WV Code §17C-15-46;~~

~~13.2.a.2. Children over three (3) years of age are secured in individual seat belts, as required by WV Code §17C-15-46; and~~

~~13.2.a.3. Children do not share seatbelts.~~

§78-19-14. Program and Equipment.

14.1. Daily Routine.

14.1.a. A family ~~day~~ child care home shall post the daily routine.

14.1.b. The daily routine shall be appropriate to the ages of the children in care and include:

14.1.b.1. Specific meal times;

14.1.b.2. Nap times for children who need them;

14.1.b.3. Indoor play time;

14.1.b.4. Outdoor play time on days when temperatures are forty (40) degrees and above, weather and circumstances permitting;

14.1.b.5. A balance of active and quiet play; and

14.1.b.6. Time to learn self-help skills, such as hand washing, brushing teeth, dressing and toileting.

14.2. Program.

14.2.a. A family ~~day~~ child care home shall implement a program that:

14.2.a.1. Is appropriate to the ages and stages of development of children in care;
and

14.2.a.2. Enhances the healthy growth and development of children.

14.2.b. A family ~~day~~ child care home shall select toys, equipment, and activities referenced in the resource tables in Appendix 78-19 E C of this rule. Examples include:

14.2.b.1. Art and craft activities, music, games, puzzles and books;

14.2.b.2. Building blocks;

14.2.b.3. Outdoor play equipment, such as balls and riding toys;

14.2.b.4. Dress up clothes for dramatic play;

14.2.b.5. Manipulative toys;

14.2.b.6. Large muscle equipment; and

14.2.b.7. Science materials.

14.2.c. A family ~~day~~ child care home shall ensure that age-appropriate books are read on a daily basis to children between the ages of six (6) months and five (5) years of age.

14.3. Equipment.

14.3.a. A family ~~day~~ child care home shall ensure each child has an appropriately-sized place to rest, such as a crib, playpen, bed, cot, sofa, or mat with clean individual bedding.

14.3.b. Toys and equipment used by the children shall be non-toxic, safe, sturdy, easy to clean and free of hazards, as specified in Appendix 78-19 E of this rule.

§78-19-15. Guidance and Discipline.

15.1. Guidance.

15.1.a. The caregiver and parents shall discuss and agree upon positive methods of guidance that encourage a child's acceptable behavior.

15.1.b. The caregiver shall use guidance that helps the children understand appropriate behavior and is appropriate to their ages.

15.1.c. A family ~~day~~ child care home shall have rules that are fair, consistent, and relevant to the children's ages.

15.1.d. A family ~~day~~ child care home may use a time-out that lasts no more than one (1) minute for each year of a child's age only for the purpose of helping a child regain control.

15.2. Discipline.

15.2.a. A caregiver, household member or substitute shall not use any of the following harmful forms of discipline:

15.2.a.1. Punishing a child physically including spanking, hitting, kicking, biting, shaking, swatting, thumping, pinching, popping, shoving, spitting, or other cruel treatment;

15.2.a.2. Punishing or threatening a child in association with food, sleep, rest, or toilet training;

15.2.a.3. Putting anything in or on a child's mouth as punishment;

15.2.a.4. Confining a child in a closet or locked room or using physical restraints for confinement;

15.2.a.5. Using loud, profane, or abusive language or threats of physical punishment;

15.2.a.6. Punishing a child psychologically including public or private humiliation, shaming, and negative remarks about the child or child's family;

15.2.a.7. Punishing a child emotionally including rejecting, terrorizing, ignoring, or isolating; and

15.2.a.8. Allowing a child to discipline other children.

15.2.b. A caregiver shall not seek or accept parental permission to use any punishments or acts prohibited in this rule.

§78-19-16. Infants and Toddlers.

16.1. Equipment.

16.1.a. A family ~~day~~ child care home:

16.1.a.1. Shall provide infants ~~and toddlers under thirteen (13) months of age~~ under thirty-five (35) inches tall with a crib, port-a-crib, or playpen that has no more than two and three-eighths (2³/₈) inches between slats, side, or end panels;

16.1.a.2. Shall not allow infants ~~or toddlers under thirteen (13) months of age~~ under thirty-five (35) inches tall to sleep on any type of adult bed or sofa;

16.1.a.3. Shall not place soft pillows or stuffed animals in infant beds during sleep or nap times;

16.1.a.4. Shall not allow the use of mobile walkers;

16.1.a.5. Shall ensure that high chairs, infant swings, playpens and cribs are safe and in good working condition; and

16.1.a.6. Shall disinfect toys and play equipment used by infants and toddlers after each use. Resource tables are contained in Appendices ~~78-19-B and E~~ C of this rule.

16.2. Feeding and Care.

16.2.a. A family ~~day~~ child care home caring for infants and toddlers shall:

16.2.a.1. Keep milk and formula under refrigeration at all times;

16.2.a.2. Offer water to infants and toddlers several times daily;

16.2.a.3. Hold infants six (6) months of age and younger while bottle-feeding. Bottle propping is prohibited;

16.2.a.4. Hold infants and toddlers with special needs over six (6) months of age while bottle-fed until they are able to hold their own bottles securely;

16.2.a.5. Ensure that infants and toddlers participate in activities outside of cribs or playpens;

16.2.a.6. Hold, cuddle, talk to, sing to, and respond to the particular needs of infants and toddlers; and

16.2.a.7. Place an infant who is unable to turn over independently on his or her back to sleep unless medical documentation prohibits sleep in that position.

16.3. Diapering and Toilet Training.

16.3.a. A caregiver caring for children in diapers shall:

16.3.a.1. Use a clean non-porous surface or pad for diaper changing and shall clean it after each use;

16.3.a.2. Have sufficient quantities of clean diapers available; and

16.3.a.3. Change diapers when soiled and dispose of them in a closed container that is emptied daily.

16.3.b. A family ~~day~~ child care home caring for a child who is toilet training shall:

16.3.b.1. Discuss and agree with the child's parent on a schedule for toilet training; and

16.3.b.2. Empty and ~~sanitize~~ disinfect potty chairs after each use.

§78-19-17. Night Time Care.

17.1. Sleeping.

17.1.a. A family ~~day~~ child care home providing night time care:

17.1.a.1. Shall not place mats or sleeping bags directly on the floor for overnight sleeping;

17.1.a.2. Shall provide the children with clean linen, pillows, and additional coverings as needed for comfort;

17.1.a.3. Shall be awake while the children are awake and sleep only when all the children are asleep; and

17.1.a.4. Shall ensure that only children of the same family and sex sleep together in the same bed.

17.2. Bathing.

17.2.a. When bathing a child, the caregiver shall:

17.2.a.1. Discuss bathing arrangements with the child's parents;

17.2.a.2. Provide age appropriate bathing facilities for children for overnight care;

17.2.a.3. Supervise a child under six (6) years of age while bathing;

17.2.a.4. Equip bathtubs and showers with safety devices to prevent slipping or falling;

17.2.a.5. Provide soap, clean water, clean individual wash cloths and towels for each child: and

17.2.a.6. Thoroughly clean the tub between baths.

§78-19-18. Parent Involvement.

18.1. Responsibilities.

18.1.a. A family ~~day~~ child care home shall maintain all completed parental forms required by the Department, including emergency information and medical forms, on file.

18.1.b. The caregiver shall require parents to review and sign daily sign in and out sheets to document the time all children are in care.

18.1.c. A family ~~day~~ child care home shall keep records on file for two (2) years.

18.1.d. The caregiver shall work with parents, the school system, the Birth to Three Program, and other providers to plan for a child's transition to other programs.

18.2. Rights.

18.2.a. The caregiver shall give parents an opportunity for pre-enrollment visits to discuss services and requirements of the family ~~day~~ child care home as well as the needs of the family and children.

18.2.b. The caregiver shall give custodial parents immediate and unlimited access to their children in care and follow these guidelines:

18.2.b.1. The caregiver shall release the children only to the individuals listed on the parent's emergency consent form; and

18.2.b.2. The caregiver shall require identification before releasing a child to someone unknown to the caregiver.

§78-19-19. Required Reporting to the Department.

19.1. A family ~~day~~ child care home shall immediately report suspected child abuse or neglect to the Department in accordance with WV Code §49-6A-1 et seq.

19.2. A family ~~day~~ child care home shall immediately report to the Department any accidents or illnesses resulting in emergency treatment, hospitalization, or the death of a child

and follow up with a written report within seventy-two (72) hours on a form designated by the Department.

19.3. A family ~~day~~ child care home shall report the following within seventy-two (72) hours:

19.3.a. An adult added to the household so statements of criminal record, child abuse and neglect history can be completed;

19.3.b. Major damage to the home caused by fire, flood, or storms; and

19.3.c. A change in address.

§78-19-20. Enforcement Action.

20.1. This rule may be enforced by revocation of a certificate of registration, or by immediate closure, or both, in accordance with WV Code §§49-2B-11 and -12.

§78-19-21. Administrative and Judicial Review.

21.1. In accordance with the provisions of WV Code §49-2B-13, a family ~~day~~ child care home may seek an administrative review of a decision made by the Secretary by requesting a hearing within thirty (30) days of receiving the notice of the decision.

21.2. A family ~~day~~ child care home may also seek immediate relief from the decision of the Secretary by a showing of good cause made by verified petition to the circuit court of Kanawha County or the circuit court of the county where the home is located.

Appendix 78-19-A

WEST VIRGINIA CORE COMPETENCIES

It is implicitly understood that these competencies are necessary to promote the optimal development of all children, including those with special needs, and that activities and environments should be adapted to accommodate each child's learning modality and style.

Health

- Is familiar with what diseases require exclusion of children; what diseases require isolation of children in attendance; and what diseases and conditions can be included in the regular classroom;
- Models and promotes good health and nutrition habits;
- Provides environment that contributes to the prevention of illness;
- Nurtures children's developing identity and feelings of self-worth;
- Integrates health care activities into the curriculum;
- Can identify symptoms of common early childhood illnesses;
- Provides for nutritional needs of children as specified under USDA; and
- Can demonstrate effective procedures to prevent the spread of disease.

Safety

- Provides a safe environment to prevent and reduce injuries;
- Is attentive to children's activities;
- Has skills and knowledge to prevent injuries and handle emergencies and injuries appropriately when they occur;
- Has formal training and up-to-date Certification in First Aid for children, including rescue breathing; and
- Recognizes indicators of child abuse and neglect and understands legal responsibility to report suspected child abuse.

Environment

- Appropriately addresses issues of space, social relationships, materials and routines in setting the environment;
- Promotes warm, positive, nurturing and respectful interactions among providers, children and families.
- Creates an interesting, secure and enjoyable environment that encourages play, exploration and learning;
- Supports a broad array of experiences;

- Establishes a reliable routine;
- Maintains an appropriate adult/child ratio; and
- Encourages visits and participation by parents and includes families as partners in the provision of services.

Physical Development

- Provides a variety of equipment, activities and opportunities to promote the physical development of children;
- Provides for physical development, including large and small muscle strengthening, coordination and control;
- Recognizes, respects and accommodates wide differences in individual rates of physical development;
- Demonstrates an understanding of patterns and stages of a child's physical growth; and
- Observe and discusses with parents and notes in writing any unusual patterns of growth or unusual behavior that might be related to physical capability.

Cognitive Development

- Provides activities and opportunities that encourage curiosity, exploration and problem-solving;
- Uses developmental criteria and understanding of learning styles in working with children;
- Responds to children's interests by providing new learning opportunities;
- Responds to children's questions with information and enthusiasm;
- Respects the relationship of cognitive development with other areas of development (physical, social and emotional);
- Demonstrates an understanding of patterns and stages of a child's cognitive growth; and
- Understands and can explain to parents the ways in which each of the activities for children contribute to cognitive development.

Development of Creativity

- Provides opportunities that stimulate children to play with sound, rhythm, language, materials, space, ideas in individual ways;
- Supports and respects children's expression of creative abilities;
- Encourages spontaneous expression; and
- Expands children's imaginations.

Communication

- ~~Communicates verbally and non-verbally with other staff to create a well-functioning team;~~
- ~~Models good communication skills;~~
- ~~Provides opportunities and support for children to understand, acquire and use verbal and non-verbal means of communicating thoughts and feelings;~~
- ~~Provides ample opportunity for children to listen, interact and express themselves freely with other children and adults; and~~
 - Demonstrates an understanding of patterns and stages of a child's language development.

Self

- ~~Provides physical and emotional security for each child;~~
- ~~Helps each child to know, accept and take pride in himself or herself;~~
- ~~Helps children develop independence;~~
- ~~Demonstrates and encourages respect for and valuing of cultural, racial, gender, socio-economic and physical ability differences;~~
- ~~Supports child's self-esteem by providing opportunities for the child to master new abilities, to experience success and safely make mistakes;~~
- ~~Helps children find their own ways to handle increasingly challenging tasks;~~
- ~~Demonstrates an understanding of patterns and stages of a child's self-growth;~~
- ~~Recognizes each child as a unique person and establishes a caring relationship; and~~
- ~~Recognizes each child's identity as part of a family and works in partnership with parents.~~

Social

- ~~Helps each child feel secure and accepted in the group;~~
- ~~Helps children learn to communicate and get along with others;~~
- ~~Encourages feelings of empathy and mutual respect among children and adults;~~
- ~~Integrates multi-cultural/anti-bias themes, literature and experience in all curriculum areas;~~
- ~~Demonstrates an understanding of patterns and stages of a child's social development; and~~
- ~~Demonstrates the ability to facilitate the development of group cooperation among the children and to contribute to a feeling of community and family supportiveness in the program as a whole.~~

Guidance

- ~~Provides a supportive environment in which children learn and practice appropriate~~

and acceptable behaviors;

- Provides consistent limits and realistic expectations;
- Clearly and positively defines expectations;
- When setting expectations, takes into account each child's development and needs;
- Supports children's efforts to independently resolve their own problems;
- Discusses guidance with parents and makes sure that children understand any differences in approach between the home and the program; and
- Demonstrates ability to use positive methods of guidance rather than punishment.

Families

- Supports the family's role as primary caregiver and teachers of the children;
- Respects and supports each child's cultural, racial and socio-economic background;
- Creates and maintains open, friendly, cooperative relationships with each child's family;
- Encourages each family's involvement in the program in a variety of ways, responsive to each family's situation;
- Supports the child's relationship with his or her family;
- Respects the diverse values of families;
- Individualizes referrals to community resources for families;
- Recognizes children and families with emotional distress, abuse and neglect and provides avenues of assistance;
- Establishes regular communication with parents to gain needed information about the child's life outside the program and give parents needed information about the child's play; and
- Generates opportunities for the program and parents to collaborate.

Program Management

- Works cooperatively with co-workers and families;
- Has a systematic approach to organizing, planning and keeping records;
- Delegates responsibility;
- Uses all available resources to ensure effective operation;
- Keeps accurate records of needs, plans and practices; and
- Observes and records children's behavior, makes plans based on observed needs.

Professionalism

- Makes decisions based on knowledge of early childhood theories and practices;
- Promotes quality in child care services;
- Takes advantage of opportunities to improve competence;

- ~~Continues to set new goals, takes initiative;~~
- ~~Works to resolve issues and problems cooperatively and respectfully;~~
- ~~Advocates for quality child care;~~
- ~~Develops relationships with other child care professionals for support and information exchange;~~
- ~~Is familiar with and assists families in accessing available community resources; and~~
- ~~Joins professional organizations and plays responsible role.~~

Appendix 78-19 B-A

DISINFECTANT AND SANITIZING SOLUTION

!!!Remember to mix fresh solution daily!!!				
To disinfect diaper changing tables and other hard surfaces:				
¼ cup bleach	to	1 gallon of water	=	800 ppm
2 tablespoons (1 oz.) bleach	to	½ gallon of water	=	800 ppm
1 tablespoon (½ oz.) bleach	to	1 quart of water	=	800 ppm
2 teaspoons (¼ oz.) bleach	to	1 pint of water	=	800 ppm
To disinfect cots, tables, counters and toys:				
1 tablespoon (½ oz.) bleach	to	1 gallon of water	=	200 ppm
2 teaspoons (¼ oz.) bleach	to	½ gallon of water	=	200 ppm
1 teaspoon (⅛ oz.) bleach	to	1 quart of water	=	200 ppm
½ teaspoon bleach	to	1 pint of water	=	200 ppm
To disinfect dishes & utensils:				
2 teaspoons (¼ oz.) bleach	to	1 gallon of water	=	100 ppm
<p>!!!Dishes and utensils must be submerged in sanitizing solution for at least one minute!!! Example: If sink will hold 3 gallons then mix 6 teaspoons bleach to 3 gallons of water. Mix fresh with each dishwashing—the solution should be replaced when the bleach concentration falls below 50 ppm.</p>				
Measurement Equivalent:				
1 teaspoon	=	1/8 fluid ounces		
2 tablespoons	=	1 fluid ounce		
1 cup	=	8 fluid ounces		
1 pint	=	16 fluid ounces		
1 quart = 2 pints	=	32 fluid ounces		
1 gallon = 4 quarts	=	128 ounces		
Pollutants and trace minerals are often reported in units called ppm. What is a ppm?				
Part per million; 1 gram in 1 million grams of material				

DISINFECTANT SOLUTION

Add ¼ cup bleach to 1 gallon of water:



1/4 cup bleach

+



1 gallon of cool water

OR

Add 1 tablespoon of bleach to 1 quart of water:



1 tablespoon bleach

+



1 quart of cool water

Mix a fresh solution each day.

Use it to disinfect surfaces that have been cleaned.

Dispense it from a spray bottle that you keep out of the reach of children.

Wet the entire surface until glistening and *leave* solution on the surface at least 2 minutes. *Dry* with a paper towel or allow to air dry.

Appendix 78-19 B
Universal Precautions

Spills of body fluids (i.e., urine, feces, blood, saliva, nasal discharge, and injury or tissue discharge) shall be cleaned up immediately as follows:

For spills of vomit, urine, and feces: walls, bathroom, table tops, toys, kitchen counter-tops, and diaper-changing tables shall be cleaned and disinfected.

For spills of blood or blood-containing body fluids and injury tissue discharges: the area shall be cleaned and disinfected. Gloves shall be used in these situations unless the amount of blood or body fluid is so small that it can easily be contained by the material used for cleaning. If disposable gloves are used, they shall be discarded immediately and hands washed.

Persons involved in cleaning contaminated surfaces shall avoid exposure of open sores or mucous membranes to blood or blood-containing body fluids and injury or tissue discharges by using gloves to protect hands when cleaning contaminated surfaces.

Mops shall be cleaned, rinsed in sanitizing solution, wrung as dry as possible and hung to dry. Persons cleaning mops shall wear gloves.

Blood-contaminated material and diapers shall be disposed of in a plastic bag with a secure tie.

Appendix 78-19 D
MINIMUM MEAL PATTERN PLAN FOR CHILDREN

Meal	1-2 Year Old	3-5 Year Old	6-12 Year Old
Breakfast			
Milk, fluid	½ cup	¾ cup	1 cup
Juice or fruit	¼ cup	½ cup	½ cup
Cereal or bread product	Choose one of the following		
— Enriched or whole grain	½ slice	½ slice	1 slice
— Cold, dry cereal or	¼ cup	1/3 cup	¾ cup
— Cooked cereal	¼ cup	¼ cup	½ cup
— Cooked pasta or noodle	¼ cup	½ cup	¼ cup
Midmorning or midafternoon snack (the following choices are recommendations only)			
Milk, fluid; or juice; or fruit;	½ cup	½ cup	1 cup
Cereal or bread	Choose one of the following		
— Enriched or whole grain	½ slice	½ slice	1 slice
— Cereal	¼ cup	1/3 cup	¾ cup
Lunch or Supper			
Milk, fluid	½ cup	¾ cup	1 cup
Meat and/or meat alternate	Choose one of the following		
— Meat, poultry or fish	1 ounce	1 ½ ounce	2 ounces
— Cheese	1 ounce	1 ½ ounce	2 ounces
— Cooked dry beans	¼ cup	3/8 cup	½ cup
— Peanut butter	¼ tbsp.	3 tbsp.	4 tbsp.
— Egg	1 egg	1 egg	1 egg
Vegetables and fruit — 2	¼ cup	½ cup	¾ cup
Bread and bread alternates	Choose one of the following		
— Enriched or whole grain	½ slice	½ slice	1 slice
— Cooked pasta or noodle	¼ cup	¼ cup	½ cup
— Cooked cereal grains	¼ cup	¼ cup	½ cup
— 1 pound of meat or cheese meets minimum serving for:	16 children	11 children	8 children
Recommended Daily Dietary Allowances of the National Research Council/National Academy of Sciences			

APPENDIX 78 – 19 C

The following tables suggest examples of play equipment, types of toys, and materials that can be used with children of different age groups. All activities and equipment need to be suited to a child's age and stage of development. Toys for infants and toddlers should be sturdy, have no sharp points or edges, have no loose parts that could be swallowed or block airways, and be painted with non-toxic paint.

Table A: Equipment and Materials for Infants

Type of Materials	Types of Supplies and Equipment
Music, Art and Dramatic Play	Wrist or ankle bells; rattles; adult operated tape or cd player with assorted music; musical toys designed for infants; musical mobiles; banging materials that are simple and light weight; secured <u>unbreakable</u> infant mirrors; play telephones; soft washable dolls, animals and puppets; simple toys with wheels or rollers.
Blocks and Manipulative Play	Soft and textured blocks, disks or keys on a ring; squeeze toys; teething toys; interlocking rings; large connecting blocks, large hollow blocks; jumbo pop beads; nesting cups, stacking toys; simple peg boards; boxes.
Language and Science	Picture books; toy telephones; adult operated recordings, tapes, discs and players; photographs; textured surfaces; floating toys; sponges; spoons and scoops.
Large Muscle Equipment	Low, soft or padded climbing platform for crawlers; infant activity gym; foam or soft plastic balls; simple push toys; secure swings designed for infants.

APPENDIX 78-19 E-C

Resource Tables for Section 14 of this rule.

Table B: Equipment and Materials for Toddlers

Type of Materials	Types of Supplies and Equipment
Music, Art and Dramatic Play	Well secured unbreakable mirrors; adult operated tape or cd player with assorted music accompanied by simple body and finger movement; hand bells, xylophones, drums, toddler pianos/keyboards; non toxic art supplies such as play-dough and large crayons; finger paints; large paint brushes used with washable paint on paper; washable markers; kitchen play sets, tool play sets; hats, capes, purses, shoes, boots; play telephones; soft dolls, animal figures, puppets; simple wheel toys such as cars and trains with large wheels or rollers.
Blocks and Manipulative Play	Large connecting blocks, large hollow blocks, large wooden blocks; jumbo pop beads; nesting cups; simple peg boards, simple puzzles; simple threading toys; mobile pull toys; simple dial, key and button toys; pop-up boxes; boxes.
Language and Science	Picture books, touch-me books, simple rhyming books, books for lap reading; toy telephones; adult operated recordings/tapes/discs and players; photographs; water play toys, scoops and containers.
Large Muscle Equipment	Low, soft or padded climbing platforms and slides; riding/rocking toys that are feet propelled; foam or soft plastic balls; gym mats; play tunnels; push toys; secure swings designed for toddlers.

APPENDIX 78-19 E-C

Resource Tables for Section 14 of this rule.

Table C: Equipment and Materials for Children age 2-5 years

Type of Materials	Types of Supplies and Equipment
Music, Art and Dramatic Play	Bells, cymbals, drums, tambourines, sand blocks, triangles, rhythm sticks, keyboards, blowing instruments; rattles; adult operated tape or cd player with assorted music; non toxic art supplies such as play-dough, large crayons and finger paints; large paint brushes used with washable paint on paper; washable markers; glue sticks; chalk; sponges; adjustable easel; colored construction paper; blunt end scissors; unbreakable mirrors; dress-up and role playing materials; masks; housekeeping equipment; play house; doctor kit; doll equipment; play scene sets with people figures and animal figures; puppets; train and car sets.
Blocks and Manipulative Play	Connecting blocks, large hollow blocks, hardwood unit blocks and accessories; nesting cups, stacking toys; pop beads; peg boards, puzzles; threading toys; boxes; shape sorters; matching games; mosaic blocks.
Language and Science	Picture books, easy to read along books or beginning reader books, pop-up books; hidden pictures; child oriented magazines; child dictionary; tape/cd players and recorders; photographs; beginning computer software; aquariums; terrarium; sandbox and play equipment; water play equipment such as cups, droppers, floating toys, containers; magnets; magnifying glasses; collections such as rocks and shells; simple gear and lever devices; simple math games.
Large Muscle Equipment	Low climbing platforms and slides; riding and rocking toys; foam or soft plastic balls; sports balls of all sizes matching the age of child; jump rope; flying disks; gym mats; play tunnels; push and pull toys that look like adult equipment; low child swings; stable ride on equipment.

APPENDIX 78-19 E-C

Resource Tables for Section 14 of this rule.

Table D: Equipment and Materials for School Age Children

Type of Materials	Types of Supplies and Equipment
Music, Art and Dramatic Play	Tape, cd or karaoke player/recorder; variety of music; assorted musical instruments such as hand bells, xylophones, drums, pianos/keyboards; art supplies such as clay, paints, paint brushes, markers, yarn, scissors, glue, colored pencils, variety of art paper, chalk, scraps of material, beads, common household items for art construction; weaving materials; models; mirrors; dress-up and role playing materials; masks; housekeeping and gardening equipment; play house, tent, grocery store, work shop; doctor kit; culturally diverse dolls; doll equipment; play scene sets with people figures and animal figures; puppets;
Blocks and Manipulative Play	Small interlocking blocks; log builder sets; wood blocks and accessories; geometric interlocking blocks; materials for detailed construction of models; jig-saw puzzles and 3-D puzzles.
Language and Science	Story books; chapter books; tape recorders; cameras; computer programs; games and books that require problem solving; games based on words; matching games; beginning strategy games; globes; maps; aquariums; terrarium; gardening; magnets; magnifying glasses; collections such as rocks and shells; ant farms; child microscope.
Large Muscle Equipment	Music for movement; sports balls and equipment for beginning team play; target activities; complex climbing structures such as ladders and ropes; hula hoops; jump rope; outdoor running and tagging games.

**Comments Received on the Family Child Care
Home Registration Requirements**

**CHILD CARE REGULATORY REQUIREMENTS
PUBLIC COMMENT FORM**

Rule Name: Family Child Care Home 78-19 (Care for 4-6 children)

Topic: NEW RULING

Concern/Issue VERY PLEASED WITH "CHILD CARE"! I LIKE
IT MUCH BETTER THAN "DAYCARE".
THANK YOU FOR POOL AND WATER CHANGES.

Suggested Rule Revision: _____

NO COMPLAINTS TO MAKE JUST
THANKING YOU FOR THE OPPORTUNITY
TO SHARE THEM.
GOD BLESS YOU FOR ALL YOUR
DOING FOR WV CHILDREN.

MANDY FINX
Print or Type Name

Mandy Finx
Signature

RA 1 Box 227B BIRD WV 24701
Address

304.425.5122
Phone Number

Please mail to:

Attn: Division of Early Care & Education
WV Department of Health and Human Resources
350 Capitol Street, Room B-18
Charleston, WV 25301

*Have Pat
type comment*

**CHILD CARE REGULATORY REQUIREMENTS
PUBLIC COMMENT FORM**

Rule Name: Family Child Care Home 78-19 (Care for 4-6 children)

Topic: Wading pool - water testing

Concern/Issue I feel that wading pool are not ness
you wouldnt know if the children, had pottied in it. There is just
too many thing that could gaurang, Child might slip, break arm, leg ect.

Suggested Rule Revision: I dont think our water should be
tested, if we havent got sick from it, it is unlikely the
children in our care would either.

I dont think we should have to go to another county, for
child care classes. We dont get paid, then we have to
find someone to watch the ones in our care. The classes
should be held on SATURDAYS not A week day

No require
that you
allow
add sm
diapers
very bad as matter
wonder
any
no showing
any
wonder

intat
of rule
was to
whow
need
what
not
part
of
rule

Debra Fultz
Print or Type Name

Debra Fultz
Signature

1956 Six Johns Run Rd
Address
Berkeley Springs, WV 25411

304-258-4494
Phone Number

Please mail to:

Attn: Division of Early Care & Education
WV Department of Health and Human Resources
350 Capitol Street, Room B-18
Charleston, WV 25301

**CHILD CARE REGULATORY REQUIREMENTS
PUBLIC COMMENT FORM**

Rule Name: Family Child Care Home 78-19 (Care for 4-6 children)

Topic: Water Safty

Concern/Issue Well water should be tested - give other options

Suggested Rule Revision:

Fences around pools - fences as required with 24" must be installed
wading pools should be allowed with some adult in attendance see above
Well water should be tested above all for anything

Linda Sue Wills

Print or Type Name

Hc 80 Box 20A
Hinton, WV 25951

Address

Linda S. Wills

Signature

466-4113

Phone Number

Please mail to:

Attn: Division of Early Care & Education
WV Department of Health and Human Resources
350 Capitol Street, Room B-18
Charleston, WV 25301

**CHILD CARE REGULATORY REQUIREMENTS
PUBLIC COMMENT FORM**

- Rule Name: Informal/Relative Family Child Care 78-20
(Care for up to 3 children/relatives only)
 Family Child Care Home 78-19 (Care for 4-6 children)
 Family Child Care Facility 78-18 (care for 7-12 children)

Topic: Number of children we may care for.

Concern/Issue I would like to be able to care for 7 children as an "in home provider" as long as the children were ages 3-5 years old.

Suggested Rule Revision: _____

I am a certified teacher. I have operated "Tiny Tots Nursery School" as an in-home provider for the last 24 years. I take only children ages 3-5 years old who are toilet trained. I propose that providers be allowed to care for 7 children in this age bracket. It would allow us to earn a bit more money - something which is desperately needed!

Sarah Cobb

Print or Type Name

Sarah Cobb

Signature

6 N. High Street

Address

457-3467

Phone Number

Philippi, WV
26416

Please mail to:

wable to cheyter

Attn: Division of Early Care & Education
WV Department of Health and Human Resources
350 Capitol Street, Room B-18
Charleston, WV 25301

CHILD CARE REGULATORY REQUIREMENTS
PUBLIC COMMENT FORM

- Rule Name: Informal/Relative Family Child Care 78-20
(Care for up to 3 children/relatives only)
 Family Child Care Home 78-19 (Care for 4-6 children)
 Family Child Care Facility 78-18 (care for 7-12 children)

Topic: Infant & Toddler

Concern/Issue Infants & Toddlers are "top heavy"
They fall off - causing injuries to the
head area or even death

Suggested Rule Revision: 16.1.a.2 Shall not allow
"under 13 months" No! No! No! Should be
at least 24 months, even this is to
young. Cots are available. Grants are
needed for this. Providers can not afford.
Infants & Toddlers should be "confined"
to a sleeping area "safe" playpen or
Crib.

Tina Bowman
Print or Type Name

Tina Bowman
Signature

7915 Williamsport Pike
Address
Falling Waters W

304-274-1913
Phone Number

Please mail to:

Attn: Division of Early Care & Education
WV Department of Health and Human Resources
350 Capitol Street, Room B-18
Charleston, WV 25301

RECEIVED
JUL 19 2006
Early Care & Education

**CHILD CARE REGULATORY REQUIREMENTS
PUBLIC COMMENT FORM**

- Rule Name: Informal/Relative Family Child Care 78-20
(Care for up to 3 children/relatives only)
 Family Child Care Home 78-19 (Care for 4-6 children)
 Family Child Care Facility 78-18 (care for 7-12 children)

Topic: Approved Trainings

Concern/Issue As a journey person for the ACDS I approve of the over 8 hours of training to be transferred to the next year.

Suggested Rule Revision: 6.3.d

As a provider it is difficult to schedule trainings to attend that do not interfere with providing care for my children. I cannot afford a substitute so when I go for trainings lasting over 8 hours, I want them to apply to the next year. All providers should receive the training from the ACDS program!!

Tina Bowman

Print or Type Name

7915 Williamsport Pike
Address
Jelling Waters WV

Tina Bowman

Signature

304-274-1913

Phone Number

Please mail to:

Attn: Division of Early Care & Education
WV Department of Health and Human Resources
350 Capitol Street, Room B-18
Charleston, WV 25301

RECEIVED

JUL 19 2006

Early Care & Education

From: Joel Harris
To: Deidre Craythorne
Date: Fri, Jun 23, 2006 3:22 PM
Subject: Fwd: Inconsistencies in New CC Laws

James found some inconsistencies in the three regulations booklets.
Please read through for possible changes.
Thanks.

>>> James Richards 06/23/2006 2:55:42 PM >>>

I noticed that the first aid lists in each of the three C C laws are not consistent. For example, two of the three lists call for a digital thermometer while the third does not. Another example is that two of the three lists call for bandage tape while the other just specifies "tape." Hopefully, the provider would include the appropriate tape, but in case they do not, then we cannot easily enforce this.

The difference in disposable gloves is a safety issue in my opinion. There is research that demonstrates that vinyl gloves are not safe, once they are stretched. In other words, they are nonporous, until you actually use them. I think we should require nonporous gloves for all levels of care. Most cheap vinyl gloves will not meet this standard. There are medical-quality nitrile gloves available for latex-intolerant individuals. The gloves sold at Big Lots do not meet this standard.

I also think compliance and enforcement would be easier if these three lists matched. For example, the Choices R & R gives out first aid kits to eligible providers. By these standards, one or two of the three provider types would not receive the correct first aid kit.

The attachment is a listing of the three sets of regulations pertaining to first aid contents. A table also is included with the three types of required items that has the different textual requirements highlighted. I really think Division could clean this range of requirements up by just specifying the same list for all three laws and make everyone's job a little easier.

**CHILD CARE REGULATORY REQUIREMENTS
PUBLIC COMMENT FORM**

Rule Name: Family Child Care Home 78-19 (Care for 4-6 children)

Topic: _____

Concern/Issue ___16.1.a.2 should not be changed to 13 months and younger

_10.1 checking on a child's health every 2 years is useless for this age group. This needs to be annually or take it out completely and we well deal with immunizations only

Suggested Rule Revision: _6.1 or 6.7 should include a statement that if known to the provider, the substitute should have no felony convictions or record of substantiated abuse or neglect.

6.4 needs to include a statement that fingerprinting is required so we will have something to print out on the corrective action plans

Fay L Magner

Print or Type Name

Signature

1027 N Randolph Ave
Elkins WV 26241
Address

304 637 5560
Phone Number

Please mail to:

Attn: Division of Early Care & Education
WV Department of Health and Human Resources
350 Capitol Street, Room B-18
Charleston, WV 25301

From: Joan Skaggs
To: Ann Nutt; Joyce Tucker; Melanie Clark
Date: 07/05/2006 11:52:46 AM
Subject: Re: Comments on Regulations---2nd attempt--corrected mediation to medication!!

Ok, so my computer doesn't know the difference between mediation and medication!!!
I've corrected those errors-- here we go again! It's definitely like a Monday!!!
Below are my comments--hopefully without the errors in spelling!

Here are my comments on the **Informal and Relative Family Child Care Home Regulations:**

6.3 a. A care giver shall complete an initial two (2) hours of approved health or safety training within thirty (30) days of application.

Question---is this 1st aid and CPR?

7.3.a Store cleaning supplies,..... or toxic materials out of the reach of children under six (6) years of age

Seems that this should be older perhaps 8 or 10 years of age.

Question for area under Health, Sanitation and Nutrition

What are the guide lines for medication administration and how is documentation of administration being handled,?

9.2.b the care given and the children shall thoroughly wash their hands with soap and water for a least ten (10) seconds

Please correct to at least twenty (20) seconds for consistency with all other regulations!

11.1.a.4 (page 13) A poison control center--

Please consider adding the UNIVERSAL POISON CONTROL CENTER NUMBER--1-800-222-1222.

11.3.a. A thermometer-

Please consider adding the word 'digital' --again for consistency with other regulations!

Comments for Family Child Care Facility Licensing Requirements:

6. 4. j. A statement of any special needs of the child including allergies

Please add allergies--including medication/s, foods or environmental

10.7. e. Provide soap, clean water, clean individual wash cloths and towels for each child.

Question is - is there a plan for cleaning the tub between each child's bath?

20.12. a . Non-prescription medications.....or upon direction from the child's health care provider; and document on individual child's medication log that medication was given.

20.12. b. Prescription medication only from.... labeled with the child's name, date, dosage to be given, time and method, following the health care provider's directions. Document on individual child's medication log that medication was given.

Replace page 34 --Appendix 78-18-A Disinfectant Solutions with page 6 from **Healthy Young Children**.

Page 36 Equipment and Materials for Infants-- --type of supplies and equipment-- add the word unbreakable secured infant mirrors...

Comments for Family Child Care Home Requirements

7.3.a.2. Store cleaning supplies.....out of the reach of children under six (6) years of age;

Seems that this should be older perhaps 8 or 10 years of age.

10.1 Health

Question--where is notation listed regarding--listing of allergies--medication/s, food and or environmental?

10.1.b. Question--who is providing the basic medication administration training for these folks?

10.1.b.1 Non-prescription medication shall be administered according to a written schedule, with information about dosage, how to administer the medication, including the method (or route) and times provided by the parents. Document on individual child's mediation log that medication was given.

10.1.b.2. Prescription medication shall be stored in original containers clearly labeled with the child's name, date, dosage to be given, as well as the time and *method (or route to be used)*. Document on individual child's mediation log that medication was given.

17.2.a.5. Provide soap, clean water, clean individual wash cloths and towels for each child.
Question --is there a plan for cleaning tub between each child's bath?

Appendix 78-19-A Disinfectant Solution *REPLACE* with page 6 from Healthy Young Children.

Please share comments that hours and hours of work have gone into these revisions . I am most pleased to see consistency with wordage 'health care provider, back to sleep, hand washing , safety issues being proactively addressed--plugs for outlets,, etc, non smoking environments, pet and animal details, etc. etc.

Thanks,
Joan

Joan D. Skaggs, RN, MSN
Health Consultant
Division of Early Care and Education, Quality Initiatives
WVDHHR, Bureau for Children and Families
350 Capitol Street Room B-18
Charleston, WV 25301-3704
Phone: 304-558-8080
Fax: 304-558-8800
joanskaggs@wvdhhr.org

>>> Melanie Clark 07/05 10:03 AM >>>

Here are my comments on the Family Child Care Home Regulations:

6.3.d. remove "Components of Quality - Developmentally Appropriate Care", and replace with *Components of Quality Care & Education Modules*

Appendix 78-19-A remove table and replace with Healthy Young Children page 6.

Here are my comments on the Family Child Care Facility Requirements:

14.1.d remove "Components of Quality - Developmentally Appropriate Care", and replace with *Components of Quality Care & Education Modules*

15.2 remove "Components of Quality - Developmentally Appropriate Care", and replace with *Components of Quality Care & Education Modules*

Appendix 78-18-A remove table and replace with *Healthy Young Children page 6*.

Appendix 78-18-C Table A infant mirror should be unbreakable.

Melanie

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES

LEGISLATIVE RULES

TITLE 78, SERIES 19

**Public Comment Received and Department of Health and Human Resources'
Response**

FAMILY CHILD CARE HOME REGISTRATION REQUIREMENTS

July 28, 2006

**TITLE 78
LEGISLATIVE RULES
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
SERIES 19**

**Public Comment on Family Child Care Home Registration Requirements and
Response**

A thirty day public comment regarding the proposed rule, Family Child Care Home Registration Requirements, 78 CSR 19, was held beginning June 17, 2006 and ended July 25, 2006. Seventeen comments were received. The Department of Health and Human Resources has elected to make a few changes based on these comments to clarify the intent of this rule. The DHHR has listed responses to each comment and has specifically listed the details of any changes to the rule.

Comment 1: "New Ruling. Very pleased with "child care!" I like it much better than day care. Thank you for the pool and water changes. No complaints to voice - just thanking you for the opportunity to share them. God bless you for all your doing for WV children."

Response 1: None

Comment 2: "Wading pool-water testing. I feel that wading pools are not ness you wouldn't know if the children, had pottied in it. There are just too many things that could go wrong. Child might slip, break arm, leg, etc. I don't think our water should be tested if we haven't got sick from it, it is unlikely the children in our care would either. I don't think we should have to go to another county for child care classes. We don't get paid, then we have to find someone else to watch the ones in our care. The classes should be held on Saturdays not a week day."

Response 2:

1. Wading Pools: Comments with regard to wading pools were both negative and positive. Complaints from providers with regard to the prior ban on wading pools resulted in this change in this regulation. Wading pools are allowed only if the child care provider maintains constant supervision, if children who are not yet toilet trained wear swim diapers, and if the wading pools are emptied when they become soiled and after use. While drowning is a leading cause of death for children under 5, there are no reports of injuries or drowning deaths regarding wading pools.
2. The intent of the rule is to eliminate the well water testing requirement if the provider has another source of water from a municipally approved source or from commercially available bottled water. Well water will only need to be tested if the provider wishes to use it for drinking.

3. The location and time of training attendance is not something that can be addressed as part of this rule, but training is offered on some weekends through the child care resource and referral agencies.

Comment 3: "Water Safety. Well water should be tested. Fences around pools. Wading pools should be allowed with some adult in attendance. Well water should be tested above all for anything."

Response 3:

1. The intent of the rule is to insure safe drinking water is available, which can be achieved through well water testing or use of bottled water if there is no municipally approved source of water. If well water were used for drinking water, it would still need to be tested.
2. Fences are required in this rule for all pools deeper than twenty four inches that cannot be emptied after use. Wading pools less than 24" are not required to be fenced since children in a wading pool must be constantly supervised and the pool emptied after each use. These requirements eliminate the need for fencing.
3. This rule does allow wading pools provided that the caregiver provides constant supervision of all children.

Comment 4: "Number of Children we may care for. I would like to be able to care for seven children as an "in-home provider" as long as the children were ages 3-5 years. I am a certified teacher. I have operated "Tiny Tots Nursery School" as an in-home provider for the last 24 years. I take only children ages 3-5 years old who are toilet trained. I propose that providers be allowed to care for 7 children in this age bracket. It would allow us to earn a bit more money – something which is desperately needed!"

Response 4: The number and ages of children permitted in a family child care home is set in WV Code, Chapter 49, and cannot be changed by amending this rule. In addition, the National Association for the Education of Young Children, which sets national best practice in the field of early care and education recommends that states define a family child care home as care of no more than 6 children by a single caregiver in her home, including the caregiver's children age 12 or younger. Caregivers do have the option to become a licensed child care facility and care for seven to twelve children in a home-based setting, but it does require a second staff member.

Comment 5: "Infant and Toddler. Infants and Toddlers are "top heavy" they fall off-causing injuries to the head area or even death. 16.1.a.2 Shall not allow "under 13 months" No! No! No! Should be at least 24 months, even this is to young. Cots are available. Grants are needed for this. Providers cannot afford. Infants and toddlers should be confined to a sleeping area "safe" playpen or cribs." "16.1.a.2 should not be changed to 13 months and younger"

Response 5: This section was revised to match the language used in child care center regulations, which states that no child shall be allowed to sleep in a crib if they are over 35" tall. Prescribing that the active/taller toddler must sleep in a crib ignores the possibility that the child may incur greater injury climbing out or falling over the railing of the crib. Providers needing funds for cribs or playpens may contact the child care resource and referral agency about grant funding.

Comment 6: Approved Training. As a journey person for the ACDS I approve of the over hours of training to be transferred to the next year. 6.3.d. As a provider it is difficult to schedule trainings to attend that do not interfere with providing care for my children. I cannot afford a substitute so when I go for trainings lasting over 8 hours I want them to apply to next year. All providers should receive the trainings from the ACDS program!!

Response 6: None needed.

Comment 7: "I noticed that the first aid lists in each of the three CC laws are not consistent. For example, two of the three lists call for a digital thermometer while the third does not. Another example is that two of the three lists call for bandage tape while the other just specifies "tape." Hopefully, the provider would include the appropriate tape, but in case they do not, then we cannot easily enforce this. The difference in disposable gloves is a safety issue in my opinion. There is research that demonstrates that vinyl gloves are not safe, once they are stretched. In other words, they are nonporous, until you actually use them. I think we should require nonporous gloves for all levels of care. Most cheap vinyl gloves will not meet this standard. There are medical-quality nitrile gloves available for latex-intolerant individuals. The gloves sold at Big Lots do not meet this standard. I also think compliance and enforcement would be easier if these three lists matched. For example, the Choices R & R gives out first aid kits to eligible providers. By these standards, one or two of the three provider types would not receive the correct first aid kit."

Response 7: No changes to this rule were necessary based on this comment.

Comment 8: "Suggested Rule Revision: 6.1 or 6.7 should include a statement that if known to the provider, the substitute should have no felony convictions or record of substantiated abuse or neglect.

Response 8: A rule is being added to indicate that the provider shall not knowingly utilize an individual as a substitute if the individual has committed a felony or other crime listed in section 6.4.b.

Comment 9: "6.4 needs to include a statement that fingerprinting is required so we will have something to print out on the corrective action plans."

Response 9: Statement added to clarify that fingerprinting is required.

Comment 10: "10.1 checking on a child's health every 2 years is useless for this age group. This needs to be annually or take it out completely and I deal with immunizations only."

Response 10: The frequency of health examinations has come up as an issue in all sets of child care rules. While it is important that children receive necessary preventive health checks, child care providers are not responsible for making that happen and the cost of physical examinations is an issue for many families. All child care regulations will therefore be changed to require an original physical examination form on all children. After that, they are to be updated every two years until the child turns 6 years of age. The provider will be required to provide parents with the WV Health Check's recommendations on timing of check-ups and guidelines for obtaining immunizations.

Comment 11: "7.3.2.a. Store cleaning supplies or toxic materials out of the reach of children under six (6) years of age. Seems that this should be older, perhaps 8 or 10 years of age."

Response 11: The age limit will be left at 6 for consistency with other ages in the rules. Family child care rules have been in effect for 3 years that contain the age 6 guidelines with no major problems occurring.

Comment 12: "10.1. Health-where is the notation listed regarding listing of allergies as allergies to medications, food and/or environment?"

Response 12: Rather than putting this information here, the listing of various types of allergies will be included on the child medical form developed by the Department.

Comment 13: "Question- Who is providing the basic medication administration training?"

Response 13: Medication administration training is not being required until resources are available to provide the training.

Comment 14: "10.1.b.1.Prescription medication shall be stored in original containers clearly labeled with the child's name, date, dosage to be given, how to administer the medication, including the method or route and times provided by the parents. Document on individual child's medication log that medication was given."

Response 14: The statement on how to administer the medication was added to the rules. Prior to adding a requirement to the rules that a medication log be maintained, the Department would like to address the requirement with family child care providers and achieve some consensus on the benefits prior to adding additional paperwork. This should be addressed in future revisions of the rules.

Comment 15: "17.2.a.5. Provide soap, clean water, clean individual wash cloths and towels for each child. Is there a plan for cleaning tub between each child's bath?"

Response 15: A requirement will be added.

Comment 16: “Appendix 78-19-a. Replace with an easier to understand format from page 6 or Healthy Young Child.”

Response 16: The appendix has been changed to a format that is easier to understand.

Comment 17: “6.3.d. Revise from Components of Quality Care- Developmentally Appropriate Care to Components of Quality Care and Education Modules.”

Response 17: Correction made.

Family Child Care Rules Changed as a Result of Public Comment

6.3.d. Changed to correct title of training module.

6.4.a. Statements added to clarify that fingerprinting is required.

6.7.f. Inserted statement regarding substitutes' backgrounds.

10.1.b.1. Inserted statement clarifying instructions on medication administration.

10.1.c Replaced the word "schedules" with "guidelines for immunizations and the periodicity schedule for Health Check Exams recommended by the West Virginia Early and Periodic Screening, Diagnosis and Treatment Program."

10.1.-ed.1. Added language to the rule to clarify time frames for acceptable health assessments.

10.1.-ed.2. Added language to the rule to clarify the required update frequency of children's health assessments.

12.1.a.4. Added poison control center telephone number.

12.2.a.1. Added the qualifier "digital" to indicate the type of thermometer required.

16.1.a.1. and 16.1.a.2. These sections were revised to match the language used in child care center regulations.

17.2.a.6. Added a tub cleaning requirement.

Appendix A - The appendix has been changed to a format that is easier to understand